

Status: Point in time view as at 01/07/2013.

Changes to legislation: There are currently no known outstanding effects for the Agricultural Holdings Act 1986, Cross Heading: Provisions applicable to Case A. (See end of Document for details)

SCHEDULES

SCHEDULE 3

CASES WHERE CONSENT OF TRIBUNAL TO OPERATION OF NOTICE TO QUIT IS NOT REQUIRED

PART II

SUPPLEMENTARY PROVISIONS APPLICABLE TO CASES A, B, C, D, E AND G

Provisions applicable to Case A

- 1 Paragraphs 2 to 7 below have effect for determining whether, for the purposes of paragraph (b) of Case A, suitable alternative accommodation is or will be available for the tenant.
- 2 For the purposes of paragraph (b) of Case A, a certificate of the housing authority for the district in which the living accommodation in question is situated, certifying that the authority will provide suitable alternative accommodation for the tenant by a date specified in the certificate, shall be conclusive evidence that suitable alternative accommodation will be available for him by that date.
- 3 Where no such certificate as is mentioned in paragraph 2 above has been issued, accommodation shall be deemed to be suitable for the purposes of paragraph (b) of Case A if it consists of either—
- (a) premises which are to be let as a separate dwelling such that they will then be let on a protected tenancy (within the meaning of the ^{M1}Rent Act 1977),
or
 - (b) premises to be let as a separate dwelling on terms which will afford to the tenant security of tenure reasonably equivalent to the security afforded by Part VII of that Act in the case of a protected tenancy, [^{F1}or
 - (c) premises which are to be let as a separate dwelling such that they will then be let on an assured tenancy which is not an assured shorthold tenancy (construing those terms in accordance with Part I of the Housing Act 1988),
or
 - (d) premises to be let as a separate dwelling on terms which will afford to the tenant security of tenure reasonably equivalent to the security afforded by Chapter I of Part I of that Act in the case of an assured tenancy which is not an assured shorthold tenancy.]
- and the accommodation fulfils the conditions in paragraph 4 below.
- [^{F2}(2) Any reference in sub-paragraph (1) above to an assured tenancy does not include a reference to a tenancy in respect of which possession might be recovered on any of Grounds 1 to 5 in Schedule 2 to the Housing Act 1988.]

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Textual Amendments

- F1** Sch. 3 Pt. II para. 3(c)(d) and the word “or” preceding inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140, **Sch. 17 para. 69(1)**
- F2** Sch. 3 Pt.II para.3(2) added by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140, **Sch. 17 para. 69(2)**

Marginal Citations

- M1** 1977 c. 42.

- 4 (1) The accommodation must be reasonably suitable to the needs of the tenant’s family as regards proximity to place of work and either—
- (a) similar as regards rental and extent to the accommodation afforded by dwelling-houses provided in the neighbourhood by any housing authority for persons whose needs as regards extent are similar to those of the tenant and his family, or
 - (b) reasonably suitable to the means of the tenant and to the needs of the tenant and his family as regards extent and character.
- (2) For the purposes of sub-paragraph (1)(a) above, a certificate of a housing authority stating—
- (a) the extent of the accommodation afforded by dwelling-houses provided by the authority to meet the needs of tenants with families of such number as may be specified in the certificate, and
 - (b) the amount of the rent charged by the authority for dwelling-houses affording accommodation of that extent,
- shall be conclusive evidence of the facts so stated.
- (3) If any furniture was provided by the landlord for use under the tenancy in question, furniture must be provided for use in the alternative accommodation which is either—
- (a) similar to that so provided, or
 - (b) reasonably suitable to the needs of the tenant and his family.
- 5 Accommodation shall not be deemed to be suitable to the needs of the tenant and his family if the result of their occupation of the accommodation would be that it would be an overcrowded dwelling-house for the purposes of Part X of the ^{M2}Housing Act 1985.

Marginal Citations

- M2** 1985 c. 68.

- 6 Any document purporting—
- (a) to be a certificate of a housing authority named in it issued for the purposes of this Schedule, and
 - (b) to be signed by the proper officer of the authority,
- shall be received in evidence and, unless the contrary is shown, shall be deemed to be such a certificate without further proof.

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- 7 (1) In paragraphs 2, 4 and 6 above “housing authority”, and “district” in relation to such an authority, mean a local housing authority and their district within the meaning of the Housing Act 1985.
- (2) For the purposes of paragraphs 4 and 5 a dwelling-house may be a house or part of a house.

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