

Changes to legislation: Housing Act 1988, Cross Heading: Local authority tenancies etc. is up to date with all changes known to be in force on or before 12 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

TENANCIES WHICH CANNOT BE ASSURED TENANCIES

Modifications etc. (not altering text)

- C1** Sch. 1 modified by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 186, Sch. 10 paras. 1(2), 21, **22**

PART I

THE TENANCIES

Local authority tenancies etc.

- 12 (1) A tenancy under which the interest of the landlord belongs to—
- (a) a local authority, as defined in sub-paragraph (2) below;
 - ^{F1}(b) the Homes and Communities Agency but only if the tenancy falls within subsections (2A) to (2E) of section 80 of the Housing Act 1985;
 - (ba) the Welsh Ministers but only if the tenancy falls within subsections (2A) to (2E) of section 80 of the Housing Act 1985;
 - ^{F2}(c)
 - (d) an urban development corporation established by an order under section 135 of the ^{M1}Local Government, Planning and Land Act 1980;
 - ^{F3}(da) a Mayoral development corporation;
 - ^{F4}(da) a National Park authority;
 - (e) a development corporation, within the meaning of the ^{M2}New Towns Act 1981;
 - (f) an authority established under section 10 of the ^{M3}Local Government Act 1985 (waste disposal authorities);
 - ^{F5}(fa)
 - (g) a residuary body, within the meaning of the Local Government Act 1985;
 - ^{F6}(gg) The Residuary Body for Wales (Corff Gweddilliol Cymru);
 - (h) a fully mutual housing association^{F7},^{F8} ...
 - (i) a housing action trust established under Part III of this Act.
- (2) The following are local authorities for the purposes of sub-paragraph (1)(a) above—
- (a) the council of a county, ^{F9}county borough,] district or London borough;
 - (b) the Common Council of the City of London;
 - (c) the Council of the Isles of Scilly;

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- (d) the Broads Authority;
- (e) the Inner London Education Authority; and
- [^{F10}(ea) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;]
- [^{F11}(ee) the London Fire Commissioner;]
- (f) a joint authority, within the meaning of the Local Government Act 1985;
- [^{F12}(fa) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;
- (fb) a combined authority established under section 103 of that Act;]
- [^{F13}(fc) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;] and
- [^{F14}(g) a police and crime commissioner.]

^{F15}(3)

Textual Amendments

- F1** Sch. 1 para. 12(b)(ba) substituted (1.12.2008) for Sch. 1 para. 12(b) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2008 \(S.I. 2008/3002\)](#), arts. 1(2), 4, **Sch. 1 para. 40** (with Sch. 2); S.I. 2008/3038, **art. 2(1)(b)** (with arts. 6-13)
- F2** Sch. 1 para. 12(1)(c) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**
- F3** Sch. 1 para. 12(1)(da) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), **Sch. 22 para. 29**
- F4** Sch. 1 para. 12(1)(da) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 28** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, art. 2(1)
- F5** Sch. 1 para. 12(1)(fa) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 13 para. 6(22)**; S.I. 2015/994, art. 6(g)
- F6** Sch. 1 para. 12(1)(gg) inserted (5.7.1994) by 1994 c. 19, ss. 22(2), 66(2)(b), **Sch. 13 para. 31** (with ss. 54(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- F7** Words in Sch. 1 para. 12(1)(h) inserted (1.12.2014) by [Housing \(Wales\) Act 2014 \(anaw 7\)](#), **ss. 137(2), 145(3)**; S.I. 2014/3127, art. 2(a), Sch. Pt. 1
- F8** Words in Sch. 1 para. 12(1)(h) omitted (1.12.2022) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **16(18)(a)(i)** (with savings and transitional provisions in S.I. 2022/1172, regs. 3, 10, 19)
- F9** Words in Sch. 1 para. 12(2)(a) inserted (1.4.1996) by 1994 c. 19, s. 22(2), **Sch. 8 para. 9(2)** (with ss. 54(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F10** Sch. 1 para. 12(2)(ea) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 1 para. 58**; S.I. 2017/399, reg. 2, Sch. para. 38
- F11** Sch. 1 para. 12(2)(ee) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 2 para. 83**; S.I. 2018/227, reg. 4(c)
- F12** Sch. 1 para. 12(2)(fa)(fb) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 119, 148(8), 149, **Sch. 6 para. 79(3)**; S.I. 2009/3318, **art. 2**
- F13** Sch. 1 para. 12(2)(fc) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), **Sch. 4 para. 99** (with s. 247)
- F14** Sch. 1 para. 12(2)(g) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 178**; S.I. 2012/2892, art. 2(i)
- F15** Sch. 1 para. 12(3) omitted (1.12.2022) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **16(18)(a)(ii)** (with savings and transitional provisions in S.I. 2022/1172, regs. 3, 10, 19)

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Modifications etc. (not altering text)

- C1** Sch.1 Pt.1 para.12 excluded (6.4.2006 for E.and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\), ss.132,270, {Sch. 7 para.18\(6\)\(b\)}](#); [S.I.2006/1060, {art.2\(1\)\(a\)}](#) (with Sch.); [S.I. 2006/1535, art.2\(a\)](#) (with Sch.)
- C2** Sch.1 Pt.1 para.12 excluded (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\), ss.132,270, {Sch.7 para.12\(5\)\(b\)\(9\)}](#); [S.I.2006/1060, art.2\(1\)\(a\)](#) (with Sch.); [S.I.2006/1535, art. 2\(a\)](#) (with Sch.)
- C3** Sch. 1 Pt. 1 para.12 excluded (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\), ss.132,270, {Sch. 7 para.4\(5\)\(b\)}](#); [S.I.2006/1060, {art.2\(1\)\(a\)}](#) (with Sch.); [S.I.2006/1535, {art. 2\(a\)}](#) (with Sch.)
- C4** Sch.1 Pt. 1 para. 12 excluded (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\), s. 124\(8\)](#) (with s. 124(9)(10)); [S.I.2006/1060, {art. 2\(1\)\(a\)}](#) (with Sch.); [S.I. 2006/1535, art. 2\(a\)](#) (with Sch.)
- C5** Sch. 1 para. 12(2)(g) excluded (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\), art. 1\(2\), Sch. 2 para. 13](#)

Marginal Citations

- M1** 1980 c. 65.
M2 1981 c. 64.
M3 1985 c. 51.

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)