



Housing Act 1988

1988 CHAPTER 50

PART I

RENTED ACCOMMODATION

CHAPTER I

ASSURED TENANCIES

Meaning of assured tenancy etc.

1 Assured tenancies

- (1) A tenancy under which a dwelling-house is let as a separate dwelling is for the purposes of this Act an assured tenancy if and so long as—
 - (a) the tenant or, as the case may be, each of the joint tenants is an individual; and
 - (b) the tenant or, as the case may be, at least one of the joint tenants occupies the dwelling-house as his only or principal home; and
 - (c) the tenancy is not one which, by virtue of subsection (2) or subsection (6) below, cannot be an assured tenancy.
- (2) Subject to subsection (3) below, if and so long as a tenancy falls within any paragraph in Part I of Schedule 1 to this Act, it cannot be an assured tenancy; and in that Schedule—
 - (a) “tenancy” means a tenancy under which a dwelling-house is let as a separate dwelling;
 - (b) Part II has effect for determining the rateable value of a dwelling-house for the purposes of Part I; and
 - (c) Part III has effect for supplementing paragraph 10 in Part I.
- (3) Except as provided in Chapter V below, at the commencement of this Act, a tenancy—
 - (a) under which a dwelling-house was then let as a separate dwelling, and

Status: This is the original version (as it was originally enacted).

- (b) which immediately before that commencement was an assured tenancy for the purposes of sections 56 to 58 of the Housing Act 1980 (tenancies granted by approved bodies),

shall become an assured tenancy for the purposes of this Act.

- (4) In relation to an assured tenancy falling within subsection (3) above—
 - (a) Part I of Schedule 1 to this Act shall have effect, subject to subsection (5) below, as if it consisted only of paragraphs 11 and 12; and
 - (b) sections 56 to 58 of the Housing Act 1980 (and Schedule 5 to that Act) shall not apply after the commencement of this Act.
- (5) In any case where—
 - (a) immediately before the commencement of this Act the landlord under a tenancy is a fully mutual housing association, and
 - (b) at the commencement of this Act the tenancy becomes an assured tenancy by virtue of subsection (3) above,

then, so long as that association remains the landlord under that tenancy (and under any statutory periodic tenancy which arises on the coming to an end of that tenancy), paragraph 12 of Schedule 1 to this Act shall have effect in relation to that tenancy with the omission of sub-paragraph (1)(h).

- (6) If, in pursuance of its duty under—
 - (a) section 63 of the Housing Act 1985 (duty to house pending inquiries in case of apparent priority need),
 - (b) section 65(3) of that Act (duty to house temporarily person found to have priority need but to have become homeless intentionally), or
 - (c) section 68(1) of that Act (duty to house pending determination whether conditions for referral of application are satisfied),

a local housing authority have made arrangements with another person to provide accommodation, a tenancy granted by that other person in pursuance of the arrangements to a person specified by the authority cannot be an assured tenancy before the expiry of the period of twelve months beginning with the date specified in subsection (7) below unless, before the expiry of that period, the tenant is notified by the landlord (or, in the case of joint landlords, at least one of them) that the tenancy is to be regarded as an assured tenancy.

- (7) The date referred to in subsection (6) above is the date on which the tenant received the notification required by section 64(1) of the Housing Act 1985 (notification of decision on question of homelessness or threatened homelessness) or, if he received a notification under section 68(3) of that Act (notification of which authority has duty to house), the date on which he received that notification.