

**Changes to legislation:** Local Government and Housing Act 1989, Cross Heading: Initial rent under and terms of assured periodic tenancy or periodic standard contract is up to date with all changes known to be in force on or before 19 April 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 10

#### SECURITY OF TENURE ON ENDING OF LONG RESIDENTIAL TENANCIES

##### Modifications etc. (not altering text)

**C1** Sch. 10 excluded (1.11.1993) by 1993 c. 28, s. 59(2)(b)(i) (with ss. 94(2), 95); S.I. 1993/2134, arts. 2, 5(a)

*Initial rent under and terms of assured periodic tenancy [F1 or periodic standard contract]*

##### Textual Amendments

**F1** Words in Sch. 10 para. 10 heading inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), 18(5)(g)(i)

- 10 (1) Where a landlord's notice proposing an assured tenancy [F2 or periodic standard contract] has been served on the tenant,—
- (a) within the period of two months beginning on the date of service of the notice, the tenant may serve on the landlord a notice in the prescribed form proposing either or both of the following, that is to say,—
- (i) a rent for the assured periodic tenancy [F3 or the periodic standard contract] different from that proposed in the landlord's notice; and
- (ii) terms of the tenancy different from those specified in the landlord's notice,
- and such a notice is in this Schedule referred to as a "tenant's notice"; and
- (b) if a tenant's notice is not so served, then, with effect from the date on which the assured periodic tenancy [F4 or the periodic standard contract] takes effect in possession,—
- (i) the rent proposed in the landlord's notice shall be the rent under the tenancy; and
- (ii) the terms of the tenancy specified in the landlord's notice shall be terms of the tenancy.
- (2) Where a tenant's notice has been served on the landlord under sub-paragraph (1) above—
- (a) within the period of two months beginning on the date of service of the notice, the landlord may by an application in the prescribed form refer the notice to [F5 the appropriate tribunal]; and
- (b) if the notice is not so referred, then, with effect from the date on which the assured periodic tenancy [F6 or the periodic standard contract] takes effect in possession,—

*Changes to legislation: Local Government and Housing Act 1989, Cross Heading: Initial rent under and terms of assured periodic tenancy or periodic standard contract is up to date with all changes known to be in force on or before 19 April 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*

- (i) the rent (if any) proposed in the tenant’s notice, or, if no rent is so proposed, the rent proposed in the landlord’s notice, shall be the rent under the tenancy; and
- (ii) the other terms of the tenancy (if any) proposed in the tenant’s notice and, in so far as they do not conflict with the terms so proposed, the terms specified in the landlord’s notice shall be terms of the tenancy.

#### Textual Amendments

- F2** Words in Sch. 10 para. 10(1) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **18(5)(g)(ii)**
- F3** Words in Sch. 10 para. 10(1)(a)(i) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **18(5)(g)(iii)**
- F4** Words in Sch. 10 para. 10(1)(b) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **18(5)(g)(iv)**
- F5** Words in Sch. 10 para. 10(2)(a) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 95(6)** (with Sch. 3)
- F6** Words in Sch. 10 para. 10(2)(b) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **18(5)(g)(v)**

- 11 (1) Where, under sub-paragraph (2) of paragraph 10 above, a tenant’s notice is referred to [F7 the appropriate tribunal], the [F8 tribunal], having regard only to the contents of the landlord’s notice and the tenant’s notice, shall decide—
- (a) whether there is any dispute as to the terms (other than those relating to the amount of the rent) of the assured periodic tenancy [F9 or the periodic standard contract] (in this Schedule referred to as “disputed terms”) and, if so, what the disputed terms are; and
  - (b) whether there is any dispute as to rent under the tenancy;
- and where the [F8 tribunal] decide that there are disputed terms and that there is a dispute as to the rent under the tenancy, they shall make a determination under sub-paragraph (3) below before they make a determination under sub-paragraph (5) below.
- (2) Where, under paragraph 10(2) above, a tenant’s notice is referred to [F10 the appropriate tribunal], any reference in this Schedule to the undisputed terms is a reference to those terms (if any) which—
- (a) are proposed in the landlord’s notice or the tenant’s notice; and
  - (b) do not relate to the amount of the rent; and
  - (c) are not disputed terms.
- (3) If the [F11 appropriate tribunal] decide that there are disputed terms, they shall determine whether the terms in the landlord’s notice, the terms in the tenant’s notice, or some other terms, dealing with the same subject matter as the disputed terms are such as, in the [F12 tribunal’s] opinion, might reasonably be expected to be found in an assured monthly periodic tenancy of the dwelling-house [F13 in England] (not being an assured shorthold tenancy) [F14, or a periodic standard contract of the dwelling-house in Wales which does not incorporate section 173 (landlord’s notice) of the 2016 Act as a term of the contract] —
- (a) which begins on the day following the date of termination;

---

**Changes to legislation:** Local Government and Housing Act 1989, Cross Heading: Initial rent under and terms of assured periodic tenancy or periodic standard contract is up to date with all changes known to be in force on or before 19 April 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

---

- (b) which is granted by a willing landlord on terms which, except so far as they relate to the subject matter of the disputed terms, are the undisputed terms; and
- (c) in respect of which possession may not be recovered under any of Grounds 1 to 5 in Part I of Schedule 2 to the 1988 Act <sup>[F15]</sup> in relation to the dwelling-house in England or under section 173 (landlord's notice) of the 2016 Act in relation to the dwelling-house in Wales];

and the <sup>[F16]</sup>tribunal shall, if they consider it appropriate, specify an adjustment of the undisputed terms to take account of the terms so determined and shall, if they consider it appropriate, specify an adjustment of the rent to take account of the terms so determined and, if applicable, so adjusted.

- (4) In making a determination under sub-paragraph (3) above, or specifying an adjustment of the rent or undisputed terms under that sub-paragraph, there shall be disregarded any effect on the terms or the amount of rent attributable to the granting of a tenancy to a sitting tenant.
- (5) If the <sup>[F17]</sup>appropriate tribunal decide that there is a dispute as to the rent under the assured periodic tenancy <sup>[F18]</sup> or the periodic standard contract], the <sup>[F19]</sup>tribunal shall determine the monthly rent at which, subject to sub-paragraph (6) below, the <sup>[F19]</sup>tribunal consider that the dwelling-house might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy <sup>[F20]</sup> of the dwelling-house in England] (not being an assured shorthold tenancy) <sup>[F21]</sup> or a periodic standard contract of the dwelling-house in Wales]—
  - (a) which is a monthly periodic tenancy;
  - (b) which begins on the day following the date of termination;
  - (c) in respect of which possession may not be recovered under any of Grounds 1 to 5 in Part I of Schedule 2 to the 1988 Act <sup>[F22]</sup> of the dwelling-house in England or under section 173 (landlord's notice) of the 2016 Act of the dwelling-house in Wales]; and
  - (d) the terms of which (other than those relating to the amount of the rent) are the same as—
    - (i) the undisputed terms; or
    - (ii) if there has been a determination under sub-paragraph (3) above, the terms determined by the <sup>[F19]</sup>tribunal under that sub-paragraph and the undisputed terms (as adjusted, if at all, under that sub-paragraph).
- (6) Subsections (2), <sup>[F23]</sup>(3A), (4) and (5) of section 14 of the 1988 Act shall apply in relation to a determination of rent under sub-paragraph (5) above as they apply in relation to a determination under that section subject to the modifications in sub-paragraph (7) below; and in this paragraph “rent” shall be construed in accordance with subsection (4) of that section.
- (7) The modifications of section 14 of the 1988 Act referred to in sub-paragraph (6) above are that in subsection (2), the reference in paragraph (b) to a relevant improvement being carried out shall be construed as a reference to an improvement being carried out during the long residential tenancy and the reference in paragraph (c) to a failure to comply with any term of the tenancy shall be construed as a reference to a failure to comply with any term of the long residential tenancy.

---

*Changes to legislation: Local Government and Housing Act 1989, Cross Heading: Initial rent under and terms of assured periodic tenancy or periodic standard contract is up to date with all changes known to be in force on or before 19 April 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*

---

- (8) Where a reference has been made to <sup>F24</sup>[the appropriate tribunal] under sub-paragraph (2) of paragraph 10 above, then,—
- (a) if the <sup>F25</sup>[tribunal] decide that there are no disputed terms and that there is no dispute as to the rent, paragraph 10(2)(b) above shall apply as if the notice had not been so referred,
  - (b) where paragraph (a) above does not apply then, so far as concerns the amount of the rent under the tenancy, if there is a dispute as to the rent, the rent determined by the <sup>F25</sup>[tribunal] (subject, in a case where section 14(5) of the 1988 Act applies, to the addition of the appropriate amount in respect of rates) and, if there is no dispute as to the rent, the rent specified in the landlord's notice or, as the case may be, the tenant's notice (subject to any adjustment under sub-paragraph (3) above) shall be the rent under the tenancy, and
  - (c) where paragraph (a) above does not apply and there are disputed terms, then, so far as concerns the subject matter of those terms, the terms determined by the <sup>F25</sup>[tribunal] under sub-paragraph (3) above shall be terms of the tenancy and, so far as concerns any undisputed terms, those terms (subject to any adjustment under sub-paragraph (3) above) shall also be terms of the tenancy,
- with effect from the date on which the assured periodic tenancy <sup>F26</sup>[or the periodic standard contract] takes effect in possession.
- <sup>F27</sup>(8A) Where the tribunal has determined the terms of the occupation (including a term relating to rent) of a dwelling-house in Wales, the tribunal may—
- (i) attach a written statement of the occupation contract to its order, or
  - (ii) order the landlord to give the contract-holder the modified written statement of the contract.]
- (9) Nothing in this Schedule affects the right of the landlord and the tenant under the assured periodic tenancy <sup>F28</sup>[of a dwelling-house in England] to vary by agreement any term of the tenancy (including a term relating to rent).
- <sup>F29</sup>(10) Nothing in this Schedule affects the right of the landlord and the contract-holder under the occupation contract of the dwelling-house in Wales to vary by agreement any term of the occupation contract (including a term relating to rent) subject to section 122 of the 2016 Act.]

#### Textual Amendments

- F7** Words in Sch. 10 para. 11(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 95(7)(a)** (with Sch. 3)
- F8** Word in Sch. 10 para. 11(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 95(7)(a)** (with Sch. 3)
- F9** Words in Sch. 10 para. 11(1)(a) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **18(5)(h)(i)**
- F10** Words in Sch. 10 para. 11(2) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 95(7)(b)** (with Sch. 3)
- F11** Words in Sch. 10 para. 11(3) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 95(7)(c)(i)** (with Sch. 3)
- F12** Word in Sch. 10 para. 11(3) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 95(7)(c)(ii)** (with Sch. 3)

**Changes to legislation:** Local Government and Housing Act 1989, Cross Heading: Initial rent under and terms of assured periodic tenancy or periodic standard contract is up to date with all changes known to be in force on or before 19 April 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

- F13** Words in Sch. 10 para. 11(3) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **18(5)(h)(ii)**
- F14** Words in Sch. 10 para. 11(3) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **18(5)(h)(iii)**
- F15** Words in Sch. 10 para. 11(3)(c) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **18(5)(h)(iv)**
- F16** Word in Sch. 10 para. 11(3) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 95(7)(c)(iii)** (with Sch. 3)
- F17** Words in Sch. 10 para. 11(5) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 95(7)(d)** (with Sch. 3)
- F18** Words in Sch. 10 para. 11(5) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **18(5)(h)(v)**
- F19** Word in Sch. 10 para. 11(5) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 95(7)(d)** (with Sch. 3)
- F20** Words in Sch. 10 para. 11(5) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **18(5)(h)(vi)**
- F21** Words in Sch. 10 para. 11(5) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **18(5)(h)(vii)**
- F22** Words in Sch. 10 para. 11(5)(c) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **18(5)(h)(viii)**
- F23** Word in Sch. 10 para. 11(6) inserted (1.4.1993) by S.I. 1993/651, art. 2(1), **Sch. 1 para. 20**
- F24** Words in Sch. 10 para. 11(8) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 95(7)(e)** (with Sch. 3)
- F25** Word in Sch. 10 para. 11(8) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 95(7)(e)** (with Sch. 3)
- F26** Words in Sch. 10 para. 11(8) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **18(5)(h)(ix)**
- F27** Sch. 10 para. 11(8A) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **18(5)(h)(x)**
- F28** Words in Sch. 10 para. 11(9) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **18(5)(h)(xi)**
- F29** Sch. 10 para. 11(10) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **18(5)(h)(xii)**

- 12 (1) Subsections (2) to (4) of section 41 of the 1988 Act (rent assessment committees: information powers) shall apply where there is a reference to a rent assessment committee under the preceding provisions of this Schedule as they apply where a matter is referred to such a committee under Chapter I or Chapter II of Part I of the 1988 Act.
- (2) Nothing in paragraph 10 or paragraph 11 above affects the right of the landlord and the tenant to agree any terms [F30 (including a term relating to the rent) of the assured periodic tenancy of the dwelling-house in England or of the periodic standard contract of a dwelling-house in Wales subject to section 20 (incorporation and modification of fundamental provisions), section 24 (incorporation and modification of supplementary provisions) and section 28 (additional terms) of the 2016 Act.] before the tenancy takes effect in possession (in this sub-paragraph referred to as “the expressly agreed terms”); and, in such case,—
- (a) the expressly agreed terms shall be terms of the tenancy in substitution for any terms dealing with the same subject matter which would otherwise, by virtue of paragraph 10 or paragraph 11 above, be terms of the tenancy; and

---

**Changes to legislation:** *Local Government and Housing Act 1989, Cross Heading: Initial rent under and terms of assured periodic tenancy or periodic standard contract is up to date with all changes known to be in force on or before 19 April 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*

---

- (b) where a reference has already been made to a rent assessment committee under sub-paragraph (2) of paragraph 10 above but there has been no determination by the committee under paragraph 11 above,—
- (i) the committee shall have regard to the expressly agreed terms, as notified to them by the landlord and the tenant, in deciding, for the purposes of paragraph 11 above, what the disputed terms are and whether there is any dispute as to the rent; and
  - (ii) in making any determination under paragraph 11 above the committee shall not make any adjustment of the expressly agreed terms, as so notified.
- (3) Nothing in paragraph 11 above requires a rent assessment committee to continue with a determination under that paragraph—
- (a) if the long residential tenancy has come to an end; or
  - (b) if the landlord serves notice in writing on the committee that he no longer requires such a determination;

and, where the landlord serves notice as mentioned in paragraph (b) above, then, for the purposes of sub-paragraph (2) of paragraph 10 above, the landlord shall be treated as not having made a reference under paragraph (a) of that sub-paragraph and, accordingly, paragraph (b) of that sub-paragraph shall, subject to sub-paragraph (2) above, have effect for determining rent and other terms of the assured periodic tenancy [<sup>F31</sup>or the periodic standard contract].

#### **Textual Amendments**

- F30** Words in Sch. 10 para. 12(2) substituted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **18(5)(i)(i)**
- F31** Words in Sch. 10 para. 12(3) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **18(5)(i)(ii)**

**Changes to legislation:**

Local Government and Housing Act 1989, Cross Heading: Initial rent under and terms of assured periodic tenancy or periodic standard contract is up to date with all changes known to be in force on or before 19 April 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.

[View outstanding changes](#)

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 65(2)(b)(ii) inserted by [2004 c. 23 Sch. 2 para. 11](#) (Pt. IV repealed (18.11.2003 for E. for the repeal of ss. 45, 53, 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1st April 2004, and 1.4.2004 for E. in so far as not already in force) by Local Government Act 2003 (c. 26), s. 128(6), Sch. 7 para. 29; S.I. 2003/2938, arts. 3(h), 7(b) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I (with Sch. 2 para. 2))
- s. 76A76B inserted by [2014 c. 29 s. 24\(2\)](#)
- s. 87(1A) inserted by [2014 c. 29 s. 24\(5\)](#)