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## 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)

#### *Interim rent*

- 6 (1) On the date of service of a landlord's notice proposing an assured tenancy [<sup>F1</sup>or a periodic standard contract], or at any time between that date and the date of termination, the landlord may serve a notice on the tenant in the prescribed form proposing an interim monthly rent to take effect from a date specified in the notice, being not earlier than the specified date of termination, and to continue while the tenancy is continued by virtue of the preceding provisions of this Schedule.
- (2) Where a notice has been served under sub-paragraph (1) above,—
- (a) within the period of two months beginning on the date of service, the tenant may refer the interim monthly rent proposed in the notice to [<sup>F2</sup>the appropriate tribunal]; and
  - (b) if the notice is not so referred, then, with effect from the date specified in the notice or, if it is later, the expiry of the period mentioned in paragraph (a) above, the interim monthly rent proposed in the notice shall be the rent under the tenancy.
- (3) Where, under sub-paragraph (2) above, the rent specified in a landlord's notice is referred to [<sup>F3</sup>the appropriate tribunal], the [<sup>F4</sup>tribunal] shall determine the monthly rent at which, subject to sub-paragraph (4) below, the [<sup>F4</sup>tribunal] consider that the premises let under the tenancy might reasonably be expected to be let on the open market by a willing landlord under a monthly periodic tenancy—
- (a) which begins on the day following the specified date of termination;
  - (b) under which the other terms are the same as those of the existing tenancy at the date on which was given the landlord's notice proposing an assured tenancy [<sup>F5</sup>or a periodic standard occupation contract]; <sup>F6</sup>...
  - (c) [<sup>F7</sup>in relation to a dwelling-house in England,] which affords the tenant security of tenure equivalent to that afforded by Chapter I of Part I of the 1988 Act in the case of an assured tenancy (other than an assured shorthold tenancy) in respect of which possession may not be recovered under any of Grounds 1 to 5 in Part I of Schedule 2 to that Act<sup>F8</sup>; and]
  - [<sup>F8</sup>(d) in relation to a dwelling-house in Wales, which affords the tenant security of tenure equivalent to that afforded by Part 9 of the 2016 Act to periodic standard occupation contracts and in respect of which possession may not be recovered under section 173 (landlord's notice) of the 2016 Act.]

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- (4) Subsections (2), [F9(3A)],(4) and (5) of section 14 of the 1988 Act shall apply in relation to a determination of rent under sub-paragraph (3) above as they apply in relation to a determination under that section subject to the modifications in sub-paragraph (5) below; and in this paragraph “rent” shall be construed in accordance with subsection (4) of that section.
- (5) The modifications of section 14 of the 1988 Act referred to in sub-paragraph (4) 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.
- (6) Where a reference has been made to [F10an appropriate tribunal] under sub-paragraph (2) above, then, the rent determined by the [F11tribunal] (subject, in a case where section 14(5) of the 1988 Act applies, to the addition of the appropriate amount in respect of rates) shall be the rent under the tenancy with effect from the date specified in the notice served under sub-paragraph(1) above or, if it is later, the expiry of the period mentioned in paragraph(a) of sub-paragraph (2) above.

#### Textual Amendments

- F1** Words in Sch. 10 para. 6(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)(e)(i)**
- F2** Words in Sch. 10 para. 6(2)(a) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 95(4)(a)** (with Sch. 3)
- F3** Words in Sch. 10 para. 6(3) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 95(4)(b)(i)** (with Sch. 3)
- F4** Word in Sch. 10 para. 6(3) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 95(4)(b)(ii)** (with Sch. 3)
- F5** Words in Sch. 10 para. 6(3)(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)(e)(ii)**
- F6** Word in Sch. 10 para. 6(3)(b) omitted (1.12.2022) by virtue of The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **18(5)(e)(iii)**
- F7** Words in Sch. 10 para. 6(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)(e)(iv)**
- F8** Sch. 10 para. 6(3)(d) and preceding word inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **18(5)(e)(v)**
- F9** Word in Sch. 10 para. 6(4) inserted (1.4.1993) by S.I. 1993/651, art. 2(1), **Sch. 1 para.20**
- F10** Words in Sch. 10 para. 6(6) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 95(4)(c)** (with Sch. 3)
- F11** Word in Sch. 10 para. 6(6) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 95(4)(c)** (with Sch. 3)

- 7 (1) Nothing in paragraph 6 above affects the right of the landlord and the tenant to agree the interim monthly rent which is to have effect while the tenancy is continued by virtue of the preceding provisions of this Schedule and the date from which that rent is to take effect; and, in such a case,—
- (a) notwithstanding the provisions of paragraph 6 above, that rent shall be the rent under the tenancy with effect from that date; and
- (b) no steps or, as the case may be, no further steps may be taken by the landlord or the tenant under the provisions of that paragraph.

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- (2) Nothing in paragraph 6 above requires [<sup>F12</sup>the appropriate tribunal] to continue with a determination under sub-paragraph (3) of that paragraph—
- (a) if the tenant gives notice in writing that he no longer requires such a determination; or
  - (b) if the long residential tenancy has come to an end on or before the specified date of termination.
- (3) Notwithstanding that a tenancy in respect of which an interim monthly rent has effect in accordance with paragraph 6 above or this paragraph is no longer at a low rent, it shall continue to be regarded as a tenancy at a low rent and, accordingly, shall continue to be a long residential tenancy.

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**Textual Amendments**

**F12** Words in [Sch. 10 para. 7\(2\)](#) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 95\(5\)](#) (with [Sch. 3](#))

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**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\(5\)](#)