

## SCHEDULES

### SCHEDULE 10

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

##### *Preliminary*

- 1 (1) This Schedule applies to a long tenancy of a dwelling-house at a low rent as respects which for the time being the following condition (in this Schedule referred to as “the qualifying condition”) is fulfilled, that is to say, that the circumstances (as respects the property let under the tenancy, the use of that property and all other relevant matters) are such that, if the tenancy were not at a low rent, it would at that time be an assured tenancy within the meaning of Part I of the Housing Act 1988.
- (2) For the purpose only of determining whether the qualifying condition is fulfilled with respect to a tenancy, Schedule 1 to the Housing Act 1988 (tenancies which cannot be assured tenancies) shall have effect with the omission of paragraph 1 (which excludes tenancies entered into before, or pursuant to contracts made before, the coming into force of Part I of that Act).
- (3) At any time within the period of twelve months ending on the day preceding the term date, application may be made to the court as respects any long tenancy of a dwelling-house at a low rent, not being at the time of the application a tenancy as respects which the qualifying condition is fulfilled, for an order declaring that the tenancy is not to be treated as a tenancy to which this Schedule applies.
- (4) Where an application is made under sub-paragraph (3) above—
  - (a) the court, if satisfied that the tenancy is not likely immediately before the term date to be a tenancy to which this Schedule applies but not otherwise, shall make the order; and
  - (b) if the court makes the order, then, notwithstanding anything in sub-paragraph (1) above the tenancy shall not thereafter be treated as a tenancy to which this Schedule applies.
- (5) A tenancy to which this Schedule applies is hereinafter referred to as a long residential tenancy.
- (6) Anything authorised or required to be done under the following provisions of this Schedule in relation to a long residential tenancy shall, if done before the term date in relation to a long tenancy of a dwelling-house at a low rent, not be treated as invalid by reason only that at the time at which it was done the qualifying condition was not fulfilled as respects the tenancy.
- (7) In determining for the purposes of any provision of this Schedule whether the property let under a tenancy was let as a separate dwelling, the nature of the property at the time of the creation of the tenancy shall be deemed to have been the same as its nature at the time in relation to which the question arises, and the purpose for which

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it was let under the tenancy shall be deemed to have been the same as the purpose for which it is or was used at the last-mentioned time.

- 2 (1) This paragraph has effect for the interpretation of certain expressions used in this Schedule.
- (2) Except where the context otherwise requires, expressions to which a meaning is assigned for the purposes of the 1988 Act or Part I of that Act have the same meaning in this Schedule.
- (3) “Long tenancy” means a tenancy granted for a term of years certain exceeding 21 years, whether or not subsequently extended by act of the parties or by any enactment, but excluding any tenancy which is, or may become, terminable before the end of the term by notice given to the tenant.
- (4) A tenancy is “at a low rent” if either no rent is payable under the tenancy or the maximum rent payable at any time is less than two-thirds of the rateable value for the time being of the dwelling-house under the tenancy.
- (5) Paragraph 3(2) of Schedule 1 to the 1988 Act applies to determine whether the rent under a tenancy falls within sub-paragraph (4) above and Part II of that Schedule applies to determine the rateable value of a dwelling-house for the purposes of that sub-paragraph.
- (6) “Long residential tenancy” and “qualifying condition” have the meaning assigned by paragraph 1 above and the following expressions shall be construed as follows—
- “the 1954 Act” means the Landlord and Tenant Act 1954;
  - “the 1988 Act” means the Housing Act 1988;
  - “assured periodic tenancy” shall be construed in accordance with paragraph 9(4) below;
  - “the date of termination” has the meaning assigned by paragraph 4(4) below;
  - “disputed terms” shall be construed in accordance with paragraph 11(1) (a) below;
  - “election by the tenant to retain possession” shall be construed in accordance with paragraph 4(7) below;
  - “former 1954 Act tenancy” means a tenancy to which, by virtue of section 186(3) of this Act, this Schedule applies on and after 15th January 1999;
  - “the implied terms” shall be construed in accordance with paragraph 4(5) (a) below;
  - “landlord” shall be construed in accordance with paragraph 19(1) below;
  - “landlord’s notice” means a notice under sub-paragraph (1) of paragraph 4 below and such a notice is—
    - (a) a “landlord’s notice proposing an assured tenancy” if it contains such proposals as are mentioned in sub-paragraph (5)(a) of that paragraph; and
    - (b) a “landlord’s notice to resume possession” if it contains such proposals as are referred to in sub-paragraph (5)(b) of that paragraph;
  - “specified date of termination”, in relation to a tenancy in respect of which a landlord’s notice is served, means the date specified in the notice as mentioned in paragraph 4(1)(a) below;

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“tenant’s notice” shall be construed in accordance with paragraph 10(1) (a) below;

“term date”, in relation to a tenancy granted for a term of years certain, means the date of expiry of that term;

“the terms of the tenancy specified in the landlord’s notice” shall be construed in accordance with paragraph 4(6) below; and

“undisputed terms” shall be construed in accordance with paragraph 11(2) below.