

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 23: Legislation no longer of practical use

Part 10: Housing

Housing Act 1988

991. Sections 56 to 58 of the Housing Act 1980 provided for a new form of tenancy known as the “assured tenancy”. This new form of tenancy was short-lived, as these tenancies were replaced by assured tenancies under the Housing Act 1988.
992. Section 37(1) of the Housing Act 1988 provided that no assured tenancy under the Housing Act 1980 could be entered into on or after 15 January 1989. Under section 1(3) of the Housing Act 1988, any assured tenancy that existed on that date under the provisions of the Housing Act 1980, became an assured tenancy under the Housing Act 1988.
993. Sections 56 to 58 of the Housing Act 1980 were, therefore, repealed by the Housing Act 1988. However, there was a saving provision in paragraph 3 of Schedule 18 to the Housing Act 1988 for those assured tenancies to which section 1(3) of the Housing Act 1988 did not apply.
994. Section 37(2) of the Housing Act 1988 provided that section 1(3) of that Act did not apply to an assured tenant under the Housing Act 1980 who, before 15 January 1989, had made an application to the court under section 24 of the Landlord and Tenant Act 1954, for the grant of a new tenancy, and who, on that date, was still waiting for the court’s decision.
995. In any case where the court decided not to grant a new tenancy, the assured tenancy under the Housing Act 1980 would have ceased. In any case where the court did grant a new tenancy, section 37(2) of the Housing Act 1988 provided that the new tenancy would be an assured tenancy under the Housing Act 1988. This means that the saving provision in paragraph 3 of Schedule 18 to the Housing Act 1988 is no longer required (no relevant court decisions are still awaited).
996. *Paragraph 46* provides that the saving provision in paragraph 3 of Schedule 18 to the Housing Act 1988 ceases to have effect in relation to tenancies of dwelling-houses in England (and so will continue only for Wales).
997. The paragraph forms part of the law of England and Wales, but the changes will only affect England. It comes into force at the end of the period of 2 months beginning with the day on which the Act is passed.