



Small Business, Enterprise and Employment Act 2015

2015 CHAPTER 26

PART 2

REGULATORY REFORM

Home businesses

36 Section 35: supplementary and consequential provision

(1) In section 41 of the Landlord and Tenant Act 1954 (trusts), after subsection (2) insert—

“(3) Where a tenancy is held on trust, section 43ZA(2) has effect as if—

- (a) paragraph (b) were omitted, and
- (b) the condition in paragraph (c)(i) were a condition that the terms of the tenancy require at least one individual who is a trustee or a beneficiary under the trust to occupy the dwelling-house as a home (whether or not as that individual’s only or principal home).”

(2) A dwelling-house which is let under a home business tenancy is to be regarded as being “let as a separate dwelling” for the purposes of—

- (a) section 1 of the Rent Act 1977 (protected tenancies),
- (b) section 79 of the Housing Act 1985 (secure tenancies),
- (c) section 1 of the Housing Act 1988 (assured tenancies), and
- (d) any other England and Wales enactment relating to protected, secure or assured tenancies.

(3) Subsections (1) and (2) do not apply to the tenancies mentioned in section 35(3)(5).

(4) Subsections (2) and (3) do not limit the circumstances in which a dwelling-house which is let under a home business tenancy is to be regarded as “let as a separate dwelling”.

Status: This is the original version (as it was originally enacted).

(5) In this section—

“enactment” includes provision made—

(a) under an Act, or

(b) by or under a Measure or Act of the National Assembly for Wales,

“England and Wales enactment” means any enactment so far as it forms part of the law of England and Wales,

“home business tenancy” has the same meaning as in section 43ZA of the Landlord and Tenant Act 1954.