

SCHEDULE 2

EXCEPTIONS TO SECTION 7

PART 2

TENANCIES AND LICENCES WITHIN SECTION 7 THAT ARE NOT OCCUPATION CONTRACTS UNLESS NOTICE IS GIVEN

Meaning of “shared accommodation”

- 6 (1) The shared accommodation exception applies if—
- (a) the terms of the tenancy or licence provide for the tenant or licensee to share any accommodation with the landlord, and
 - (b) immediately before the tenancy or licence is made the landlord occupies as the landlord’s only or principal home a dwelling which includes all or part of the shared accommodation.
- (2) But the exception applies under sub-paragraph (1) only while the person who is from time to time the landlord in relation to the tenancy or licence continues to occupy such a dwelling as that person’s only or principal home.
- (3) The shared accommodation exception also applies if—
- (a) the terms of the tenancy or licence provide for the tenant or licensee to share any accommodation with another person (“the beneficiary”),
 - (b) immediately before the tenancy or licence is made the beneficiary occupies as his or her only or principal home a dwelling which includes all or part of the shared accommodation,
 - (c) that dwelling is subject to a trust, and
 - (d) under the trust the beneficiary—
 - (i) is entitled to an interest in the dwelling, and
 - (ii) by reason of that interest, is entitled to occupy the dwelling.
- (4) But the exception applies under sub-paragraph (3) only while the beneficiary continues to occupy such a dwelling as the beneficiary’s only or principal home.
- (5) A tenant or licensee shares accommodation with the landlord or beneficiary if the tenant or licensee has the use of it in common with the landlord or beneficiary (whether or not in common with others).
- (6) “Accommodation” does not include an area used for storage, or a staircase, passage, corridor or other means of access.
- (7) If two or more persons are the landlord in relation to a tenancy or licence, references to the landlord are references to any one of them.