

SCHEDULE 2

EXCEPTIONS TO SECTION 7

PART 3

TENANCIES AND LICENCES THAT ARE NEVER OCCUPATION CONTRACTS

Meaning of “long tenancy”

- 8 (1) “Long tenancy” means—
- (a) a tenancy for a fixed term of more than 21 years (whether or not it is or may become terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture),
 - (b) a tenancy for a term fixed by law because of a covenant or obligation for perpetual renewal, other than a tenancy by sub-demise from one which is not a long tenancy, or
 - (c) a tenancy made in pursuance of Part 5 of the [Housing Act 1985 \(c. 68\)](#) (the right to buy), including a tenancy made in pursuance of that Part as it has effect because of section 17 of the [Housing Act 1996 \(c. 52\)](#) (the right to acquire).
- (2) But a tenancy terminable by notice after a death is not a long tenancy unless it is a shared ownership tenancy.
- (3) A shared ownership tenancy is a tenancy which—
- (a) was made with a housing association which was a registered social landlord or a private registered provider of social housing,
 - (b) was made for a premium calculated by reference to a percentage of the value of the dwelling or of the cost of providing it, and
 - (c) when made complied with the requirements of the shared ownership regulations then in force.
- (4) A tenancy made before any shared ownership regulations were in force is to be treated as within sub-paragraph (3)(c) if, when the tenancy was made, it complied with the requirements of the first such regulations to come into force after it was made.
- (5) “Shared ownership regulations” means regulations under—
- (a) section 140(4)(b) of the [Housing Act 1980 \(c. 51\)](#), or
 - (b) paragraph 5 of Schedule 4A to the [Leasehold Reform Act 1967 \(c. 88\)](#) made for the purposes of paragraph 4(2)(b) of that Schedule.