

Changes to legislation: Housing Act 1985, SCHEDULE 1 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

Section 79.

TENANCIES WHICH ARE NOT SECURE TENANCIES

Long leases

1 A tenancy is not a secure tenancy if it is a long tenancy.

[^{F1} Introductory tenancies]

Textual Amendments

F1 Sch. 1 para. 1A and cross-heading inserted (4.2.1997) by 1996 c. 52, s. 141(1), **Sch. 14 para. 5**; S.I. 1997/66, **art. 2** (subject to savings in **Sch.**)

[^{F2}1A A tenancy is not a secure tenancy if it is an introductory tenancy or a tenancy which has ceased to be an introductory tenancy—

- (a) by virtue of section 133(3) of the Housing Act 1996 (disposal on death to non-qualifying person), or
- (b) by virtue of the tenant, or in the case of a joint tenancy every tenant, ceasing to occupy the dwelling-house as his only or principal home.]

Textual Amendments

F2 Sch. 1 para. 1A and cross-heading inserted (4.2.1997) by 1996 c. 52, s. 141(1), **Sch. 14 para. 5**; S.I. 1997/66, **art. 2** (subject to savings in **Sch.**)

[^{F3}1B A tenancy is not a secure tenancy if it is a demoted tenancy within the meaning of section 143A of the Housing Act 1996.]

Textual Amendments

F3 Sch. 1 para. 1B inserted (30.6.2004 for E. and 30.9.2004 for specified purposes for W. and 30.4.2005 otherwise for W.) by Anti-social Behaviour Act 2003 (c. 38), ss. 14, 93(1)(2), **Sch. 1 para. 2(4)**; S.I. 2004/1502, **art. 2(a)(iii)** (subject to **Sch.**); S.I. 2004/2557, **art. 2(a)(ii)** (subject to **Sch.**); S.I. 2005/1225, **art. 2(b)**

Premises occupied in connection with employment

2 (1) [^{F4}Subject to sub-paragraph (4B)] a tenancy is not a secure tenancy if the tenant is an employee of the landlord or of—

- a local authority,
- a [^{F5}development] corporation,

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[^{F6}a housing action trust]
 [^{F7}a Mayoral development corporation,]
 an urban development corporation,
^{F8} . . . , or
 the governors of an aided school,

and his contract of employment requires him to occupy the dwelling-house for the better performance of his duties.

- (2) [^{F4}Subject to sub-paragraph (4B)] a tenancy is not a secure tenancy if the tenant is a member of a police force and the dwelling-house is provided for him free of rent and rates in pursuance of regulations made under [^{F9}section 50 of the Police Act 1996] (general regulations as to government, administration and conditions of service of police forces).
- (3) [^{F4}Subject to sub-paragraph (4B)] a tenancy is not a secure tenancy if the tenant is an employee of a [^{F10}fire and rescue authority] and—
- (a) his contract of employment requires him to live in close proximity to a particular fire station, and
 - (b) the dwelling-house was let to him by the authority in consequence of that requirement.
- (4) [^{F11}Subject to sub-paragraph (4A) and (4B)] a tenancy is not a secure tenancy if—
- (a) within the period of three years immediately preceding the grant the conditions mentioned in sub-paragraph (1), (2) or (3) have been satisfied with respect to a tenancy of the dwelling-house, and
 - (b) before the grant the landlord notified the tenant in writing of the circumstances in which this exception applies and that in its opinion the proposed tenancy would fall within this exception.

^{F12} . . .

[^{F13}(4A) Except where the landlord is a local housing authority, a tenancy under sub-paragraph (4) shall become a secure tenancy when the periods during which the conditions mentioned in sub-paragraph (1), (2) or (3) are not satisfied with respect to the tenancy amount in aggregate to more than three years.

(4B) Where the landlord is a local housing authority, a tenancy under sub-paragraph (1), (2), (3) or (4) shall become a secure tenancy if the authority notify the tenant that the tenancy is to be regarded as a secure tenancy.]

(5) In this paragraph “contract of employment” means a contract of service or apprenticeship, whether express or implied and (if express) whether oral or in writing.

Textual Amendments

- F4** Words in Sch. 1 para. 2(1)-(3) inserted (1.4.1997) by 1996 c. 52, s. 173, **Sch. 16 para. 2(2)**; S.I. 1996/2959, **art. 3** (subject to transitional provision in **Sch. para. 2**)
- F5** Words in Sch. 1 para. 2(1) substituted (1.12.2008) by **The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002)**, art. 4, **Sch. 1 para. 28** (with **Sch. 2**); S.I. 2008/3068, **arts.1(2), 2(1)(b)** (with arts. 6-13)
- F6** Entry inserted by **Housing Act 1988 (c. 50, SIF 61)**, s. **83(6)(a)**

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- F7** Words in Sch. 1 para. 2(1) inserted (15.1.2012) by **Localism Act 2011 (c. 20)**, s. 240(1)(l), **Sch. 22 para. 15**
- F8** Words in Sch. 1 para. 2(1) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**
- F9** Words in Sch. 1 para. 2(2) substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1), **Sch. 7 Pt. II para. 40**
- F10** Words in Sch. 1 para. 2(3) substituted (7.9.2004 for certain purposes for E. and 1.10.2004 insofar as not already in force for E. and 10.11.2004 for W.) by **Fire and Rescue Services Act 2004 (c. 21)**, ss. 53(1), 61, **Sch. 1 para. 62**; S.I. 2004/2304, **art. 2** (subject to art. 3); S.I. 2004/2917, **art. 2**
- F11** Words in Sch. 1 para. 2(4) inserted (1.4.1997) by 1996 c. 52, s. 173, **Sch. 16 para. 2(3)(a)**; S.I. 1996/2959, **art. 3** (subject to transitional provision in **Sch. para. 2**)
- F12** Words in Sch. 1 para. 2(4) repealed (1.4.1997) by 1996 c. 52, ss. 173, 227, **Sch. 16 para. 2(3)(b)**, **Sch. 19 Pt. VII**; S.I. 1996/2959, **art. 3** (subject to transitional provision in **Sch. para. 2**)
- F13** Sch. 1 para. 2(4A)(4B) inserted (1.4.1997) by 1996 c. 52, s. 173, **Sch. 16 para. 2(4)**; S.I. 1996/2959, **art. 3** (subject to transitional provision in **Sch. para. 2**)

Modifications etc. (not altering text)

- C1** Sch. 1 para. 2(1) excluded (8.5.2017) by **The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470)**, art. 1(2), **Sch. 2 para. 9**

Land acquired for development

- 3 (1) A tenancy is not a secure tenancy if the dwelling-house is on land which has been acquired for development and the dwelling-house is used by the landlord, pending development of the land, as temporary housing accommodation.
- (2) In this paragraph “development” has the meaning given by [^{F14}section 55 of the Town and Country Planning Act 1990] (general definition of development for purposes of that Act).

Textual Amendments

- F14** Words substituted by **Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2)**, s. 4, **Sch. 2 para. 71(6)**

[^{F15}Accommodation for homeless persons]

Textual Amendments

- F15** Sch. 1 para. 4 and cross-heading substituted (20.1.1997) by 1996 c. 52, s. 216(3), **Sch. 17 para. 3**; S.I. 1996/2959, **art. 2** (subject to transitional provision in **Sch. para. 2**)

- [^{F164}A tenancy granted in pursuance of any function under Part VII of the Housing Act 1996 (homelessness) ^{F17}... is not a secure tenancy unless the local housing authority concerned have notified the tenant that the tenancy is to be regarded as a secure tenancy.]

Textual Amendments

- F16** Sch. 1 para. 4 and cross-heading substituted (20.1.1997) by 1996 c. 52, s. 216(3), **Sch. 17 para. 3**; S.I. 1996/2959, **art. 2** (subject to transitional provision in **Sch. para. 2**)

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F17 Words in Sch. 1 para. 4 omitted (1.12.2022) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **11(28)(a)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 2, 11, 12, 19)

^{F18}Family intervention tenancies

Textual Amendments

F18 Sch. 1 para. 4ZA and preceding cross-heading inserted (1.1.2009 for E. and otherwise prosp.) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. **297(1)**, 325; [S.I. 2008/3068](#), **art. 4(11)** (with arts. 6-13)

- 4ZA (1) A tenancy is not a secure tenancy if it is a family intervention tenancy.
- (2) But a tenancy mentioned in sub-paragraph (1) becomes a secure tenancy if the landlord notifies the tenant that it is to be regarded as a secure tenancy.
- (3) In this paragraph “ a family intervention tenancy ” means, subject to sub-paragraph (4), a tenancy granted by a local housing authority in respect of a dwelling-house—
- (a) to a person (“ the new tenant ”) against whom a [^{F19} relevant possession order] in respect of another dwelling-house—
- (i) has been made, in relation to a secure tenancy ^{F20} ...;
- (ii) could, in the opinion of the authority, have been so made in relation to such a tenancy; or
- (iii) could, in the opinion of the authority, have been so made if the person had had such a tenancy; and
- (b) for the purposes of the provision of behaviour support services.
- (4) A tenancy is not a family intervention tenancy for the purposes of this paragraph if the local housing authority has failed to serve a notice under sub-paragraph (5) on the new tenant before the new tenant entered into the tenancy.
- (5) A notice under this sub-paragraph is a notice stating—
- (a) the reasons for offering the tenancy to the new tenant;
- (b) the dwelling-house in respect of which the tenancy is to be granted;
- (c) the other main terms of the tenancy (including any requirements on the new tenant in respect of behaviour support services);
- (d) the security of tenure available under the tenancy and any loss of security of tenure which is likely to result from the new tenant agreeing to enter into the tenancy;
- (e) that the new tenant is not obliged to enter into the tenancy or (unless otherwise required to do so) to surrender any existing tenancy or possession of a dwelling-house;
- (f) any likely action by the local housing authority if the new tenant does not enter into the tenancy or surrender any existing tenancy or possession of a dwelling-house.
- (6) The appropriate national authority may by regulations made by statutory instrument amend sub-paragraph (5).

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- (7) A notice under sub-paragraph (5) must contain advice to the new tenant as to how the new tenant may be able to obtain assistance in relation to the notice.
- (8) The appropriate national authority may by regulations made by statutory instrument make provision about the type of advice to be provided in such notices.
- (9) Regulations under this paragraph may contain such transitional, transitory or saving provision as the appropriate national authority considers appropriate.
- (10) A statutory instrument containing (whether alone or with other provision) regulations under this paragraph which amend or repeal any of paragraphs (a) to (f) of sub-paragraph (5) may not be made—
 - (a) by the Secretary of State unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament; ^{F21}...
 - ^{F21}(b)
- (11) Subject to this, a statutory instrument containing regulations made under this paragraph—
 - (a) by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament; ^{F22}...
 - ^{F22}(b)
- (12) In this paragraph—
 - “appropriate national authority”—
 - (a) in relation to England, means the Secretary of State; ^{F23}...
 - (b) ^{F23} ...
 - “behaviour support agreement ” means an agreement in writing about behaviour and the provision of support services made between the new tenant and the local housing authority concerned (or between persons who include those persons);
 - “behaviour support services ” means relevant support services to be provided by any person to—
 - (a) the new tenant; or
 - (b) any person who is to reside with the new tenant;

for the purpose of addressing the kind of behaviour which led to the new tenant falling within sub-paragraph (3)(a);

 - “ family intervention tenancy ” has the meaning given by sub-paragraph (3);
 - “ the new tenant ” has the meaning given by sub-paragraph (3)(a);
 - ^{F24}“ relevant possession order ” means—
 - (a) a possession order under section 84 that is made on ground 2, 2ZA or 2A of Part 1 of Schedule 2, or
 - (b) a possession order under section 84A;]
 - “ relevant support services ” means support services of a kind identified in a behaviour support agreement and designed to meet such needs of the recipient as are identified in the agreement.]

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Textual Amendments

- F19** Words in Sch. 1 para. 4ZA(3)(a) substituted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1)(2)(c)(3)(c), **Sch. 11 para. 12(2)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 2(d)(i) (with art. 11(1)(2)); S.I. 2014/1241, art. 2(d)(i) (with art. 3(1)(2))
- F20** Words in Sch. 1 para. 4ZA(3)(a)(i) omitted (13.5.2014) by virtue of [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1)(2)(c)(3)(c), **Sch. 11 para. 12(2)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 2(d)(i) (with art. 11(1)(2)); S.I. 2014/1241, art. 2(d)(i) (with art. 3(1)(2))
- F21** Sch. 1 para. 4ZA(10)(b) omitted (1.12.2022) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **11(28)(b)(i)** (with savings and transitional provisions in S.I. 2022/1172, regs. 2, 11, 12, 19)
- F22** Sch. 1 para. 4ZA(11)(b) omitted (1.12.2022) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **11(28)(b)(ii)** (with savings and transitional provisions in S.I. 2022/1172, regs. 2, 11, 12, 19)
- F23** Words in Sch. 1 para. 4ZA(12) omitted (1.12.2022) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **11(28)(b)(iii)** (with savings and transitional provisions in S.I. 2022/1172, regs. 2, 11, 12, 19)
- F24** Words in Sch. 1 para. 4ZA(12) inserted (13.5.2014) by [Anti-Social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1)(2)(c)(3)(c), **Sch. 11 para. 12(3)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, **art. 2(d)(i)** (with art. 11(1)(2)); S.I. 2014/1241, **art. 2(d)(i)** (with art. 3(1)(2))

[^{F25} Accommodation for asylum-seekers]

Textual Amendments

- F25** Sch. 1 para. 4A and cross-heading inserted (11.11.1999) by [1999 c. 33, s. 169\(1\)](#), **Sch. 14 para. 81**

- [^{F26}4A (1) A tenancy is not a secure tenancy if it is granted in order to provide accommodation [^{F27}under section 4 or Part VI of the Immigration and Asylum Act 1999] .
- (2) A tenancy mentioned in sub-paragraph (1) becomes a secure tenancy if the landlord notifies the tenant that it is to be regarded as a secure tenancy.]

Textual Amendments

- F26** Sch. 1 para. 4A and cross-heading inserted (11.11.1999) by [1999 c. 33, s. 169\(1\)](#), **Sch. 14 para. 81**
- F27** Words in Sch. 1 para. 4A(1) substituted (16.6.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), **ss. 43(4)(d)**, 62; S.I. 2006/1497, **art. 3**, Sch.

F28 ...

Textual Amendments

- F28** Sch. 1 para. 4B and cross-heading repealed (31.12.2020) by [The Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019 \(S.I. 2019/745\)](#), reg. 1(2), **Sch. 3**; 2020 c. 1, Sch. 5 para. 1(1)

^{F28}4B

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Temporary accommodation for persons taking up employment

- 5 (1) [^{F29}Subject to sub-paragraphs (1A) and (1B), a tenancy is not a secure tenancy] if—
- (a) the person to whom the tenancy was granted was not, immediately before the grant, resident in the district in which the dwelling-house is situated,
 - (b) before the grant of the tenancy, he obtained employment, or an offer of employment, in the district or its surrounding area,
 - (c) the tenancy was granted to him for the purpose of meeting his need for temporary accommodation in the district or its surrounding area in order to work there, and of enabling him to find permanent accommodation there, and
 - (d) the landlord notified him in writing of the circumstances in which this exception applies and that in its opinion the proposed tenancy would fall within this exception;

F30 . . .

[^{F31}(1A) Except where the landlord is a local housing authority, a tenancy under sub-paragraph (1) shall become a secure tenancy on the expiry of one year from the grant or on earlier notification by the landlord to the tenant that the tenancy is to be regarded as a secure tenancy.

(1B) Where the landlord is a local housing authority, a tenancy under sub-paragraph (1) shall become a secure tenancy if at any time the authority notify the tenant that the tenancy is to be regarded as a secure tenancy.]

(2) In this paragraph—

“district” means district of a local housing authority; and

“surrounding area”, in relation to a district, means the area consisting of each district that adjoins it

Textual Amendments

- F29** Words in Sch. 1 para. 5(1) substituted (1.4.1997) by 1996 c. 52, s. 173, **Sch. 16 para. 2(5)(a)**; S.I. 1996/2959, **art. 3** (subject to transitional provision in **Sch. para. 2**)
- F30** Words in Sch. 1 para. 5(1) repealed (1.4.1997) by 1996 c. 52, ss. 173, 227, **Sch. 16 para. 2(5)(b)**, **Sch. 19 Pt. VII**; S.I. 1996/2959, **art. 3** (subject to transitional provision in **Sch. para. 2**)
- F31** Sch. 1 para. 5(1A)(1B) inserted (1.4.1997) by 1996 c. 52, s. 173, **Sch. 16 para. 2(6)**; S.I. 1996/2959, **art. 3** (subject to transitional provision in **Sch. para. 2**)

Short-term arrangements

- 6 A tenancy is not a secure tenancy if—
- (a) the dwelling-house has been leased to the landlord with vacant possession for use as temporary housing accommodation,
 - (b) the terms on which it has been leased include provision for the lessor to obtain vacant possession from the landlord on the expiry of a specified period or when required by the lessor,
 - (c) the lessor is not a body which is capable of granting secure tenancies, and
 - (d) the landlord has no interest in the dwelling-house other than under the lease in question or as a mortgagee.

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Temporary accommodation during works

- 7 A tenancy is not a secure tenancy if—
- (a) the dwelling-house has been made available for occupation by the tenant (or a predecessor in title of his) while works are carried out on the dwelling-house which he previously occupied as his home, and
 - (b) the tenant or predecessor was not a secure tenant of that other dwelling-house at the time when he ceased to occupy it as his home.

[^{F32} *Agricultural holdings etc.*]

Textual Amendments

F32 Sch. 1 para. 8 and cross-heading substituted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 30**

- [^{F33g} (1) A tenancy is not a secure tenancy if—
- (a) the dwelling-house is comprised in an agricultural holding and is occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the farming of the holding, or
 - (b) the dwelling-house is comprised in the holding held under a farm business tenancy and is occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the management of the holding.
- (2) In sub-paragraph (1) above—
- “ agricultural holding ” means any agricultural holding within the meaning of the Agricultural Holdings Act 1986 held under a tenancy in relation to which that Act applies, and
- “ farm business tenancy ”, and “ holding ” in relation to such a tenancy, have the same meaning as in the Agricultural Tenancies Act 1995.]

Textual Amendments

F33 Sch. 1 para. 8 and cross-heading substituted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 30**

Licensed premises

- 9 A tenancy is not a secure tenancy if the dwelling-house consists of or includes premises licensed [^{F34} premises which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of section 14 of that Act)] for consumption on the premises.

Textual Amendments

F34 Words in Sch. 1 para. 9 substituted (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 201(2), **Sch. 6 para. 104**; S.I.2005/3056, **art. 2(2)**

Student lettings

- 10 (1) [^{F35}Subject to sub-paragraphs (2A) and (2B), a tenancy of a dwelling-house is not a secure tenancy] if—

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- (a) it is granted for the purpose of enabling the tenant to attend a designated course at an educational establishment, and
- (b) before the grant of the tenancy the landlord notified him in writing of the circumstances in which this exception applies and that in its opinion the proposed tenancy would fall within this exception;

F36 . . .

- (2) A landlord's notice under sub-paragraph (1)(b) shall specify the educational establishment which the person concerned proposes to attend.

[^{F37}(2A) Except where the landlord is a local housing authority, a tenancy under sub-paragraph (1) shall become a secure tenancy on the expiry of the period specified in sub-paragraph (3) or on earlier notification by the landlord to the tenant that the tenancy is to be regarded as a secure tenancy.

- (2B) Where the landlord is a local housing authority, a tenancy under sub-paragraph (1) shall become a secure tenancy if at any time the authority notify the tenant that the tenancy is to be regarded as a secure tenancy.]

- (3) The period referred to in [^{F38}sub-paragraph (2A)] is—

- (a) in a case where the tenant attends a designated course at the educational establishment specified in the landlord's notice, the period ending six months after the tenant ceases to attend that (or any other) designated course at that establishment;
- (b) in any other case, the period ending six months after the grant of the tenancy.

- (4) In this paragraph—

“designated course” means a course of any kind designated by regulations made by the Secretary of State for the purposes of this paragraph;

“educational establishment” means a university or [^{F39}institution which provides higher education or further education (or both); and for the purposes of this definition “higher education” and “further education” have the same meaning as in [^{F40}the Education Act 1996]].

- (5) Regulations under sub-paragraph (4) shall be made by statutory instrument and may make different provision with respect to different cases or descriptions of case, including different provision for different areas.

Textual Amendments

- F35** Words in Sch. 1 para. 10(1) substituted (1.4.1997) by 1996 c. 52, s. 173, **Sch. 16 para. 2(7)(a)**; S.I. 1996/2959, **art. 3**
- F36** Words in Sch. 1 para. 10(1) repealed (1.4.1997) by 1996 c. 52, ss. 173, 227, Sch. 16 para. 2(7)(b), **Sch. 19 Pt. VII**; S.I. 1996/2959, **art. 3**
- F37** Sch. 1 para. 10(2A)(2B) inserted (1.4.1997) by 1996 c. 52, s. 173, **Sch. 16 para. 2(8)**; S.I. 1996/2959, **art. 3**
- F38** Words in Sch. 1 para. 10(3) substituted (1.4.1997) by 1996 c. 52, s. 173, **Sch. 16 para. 2(9)**; S.I. 1996/2959, **art. 3**
- F39** Words substituted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), **Sch. 12 Pt. III para. 95**
- F40** Words in the definition of “educational establishment” in Sch. 1 para. 10(4) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 62** (with ss. 1(4), 561, 562, Sch. 39)

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1954 Act tenancies

- 11 A tenancy is not a secure tenancy if it is one to which Part II of the ^{M1}Landlord and Tenant Act 1954 applies (tenancies of premises occupied for business purposes).

Marginal Citations

M1 1954 c. 56.

Almshouses

- ^{F41}[12 A licence to occupy a dwelling-house is not a secure tenancy if—
- (a) the dwelling-house is an almshouse, and
 - (b) the licence was granted by or on behalf of a charity which—
 - (i) is authorised under its trusts to maintain the dwelling-house as an almshouse, and
 - (ii) has no power under its trusts to grant a tenancy of the dwelling-house;

and in this paragraph “ almshouse ” means any premises maintained as an almshouse, whether they are called an almshouse or not; and “ trusts ”, in relation to a charity, means the provisions establishing it as a charity and regulating its purposes and administration, whether those provisions take effect by way of trust or not.]

Textual Amendments

F41 Sch. 1 para. 12 substituted (1.9.1992) by Charities Act 1992 (c. 41), s. 78(1), **Sch. 6 para. 12**; S.I. 1992/1900, art. 2, **Sch. 1**

Changes to legislation:

Housing Act 1985, SCHEDULE 1 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. 1 para. 4A(1) words omitted by [2016 c. 19 Sch. 11 para. 2\(b\)\(iv\)](#)
- specified provision(s) savings for amendments by [2018 anaw 1, s. 6, Sch. 6 by S.I. 2019/110 reg. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act savings and transitional provisions for amendments by [S.I. 2022/1166 by S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 81A-81D and cross-heading inserted by [2016 c. 22 Sch. 7 para. 4](#) (This provision is amended by [2021 c. 7, ss. 79\(3\), 90\(6\); S.I. 2021/1038, reg. 3\(c\)](#))
- s. 81B(1)(b) words inserted by [2018 c. 11 s. 1\(3\)](#)
- s. 81B(2A)-(2C) inserted by [2018 c. 11 s. 1\(2\)](#)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(i\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2D) inserted by [2021 c. 17 s. 79\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 82(A1)(A2) inserted by [2016 c. 22 s. 119\(2\)\(a\)](#)
- s. 82A(4A)(4B) inserted by [2016 c. 22 Sch. 7 para. 7\(2\)](#)
- s. 86(1A)(1B) inserted by [2016 c. 22 Sch. 7 para. 10\(3\)](#)
- s. 86(1C) inserted by [2016 c. 22 Sch. 8 para. 2](#)
- s. 86A-86F and cross-headings inserted by [2016 c. 22 Sch. 7 para. 11](#)
- s. 86G s. 86A renumbered as s. 86G by [2016 c. 22 Sch. 8 para. 3\(1\)\(a\)](#)
- s. 86G(8) inserted by [2016 c. 22 Sch. 8 para. 3\(2\)](#)
- s. 88(1)(ba) inserted by [2016 c. 22 Sch. 8 para. 4](#)
- s. 89(2A)-(2D) inserted by [2016 c. 22 Sch. 8 para. 5\(3\)](#)
- s. 97(1A) inserted by [2016 c. 22 Sch. 7 para. 12\(3\)](#)
- s. 99A(1A) inserted by [2016 c. 22 Sch. 7 para. 13\(3\)](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 305(1A) inserted by [2023 asc 3 Sch. 13 para. 68\(b\)](#)
- s. 306(1A) inserted by [2023 asc 3 Sch. 13 para. 69\(b\)](#)
- s. 353A inserted by [1996 c. 52 s. 73\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 73 repealed (6.4.2006 for E., 16.6.2006 for W.) by [2004 c. 34, Sch. 16; S.I. 2006/1060, art. 2\(1\)\(e\), Sch.; S.I. 2006/1535, art. 2\(c\), Sch.](#))
- s. 582(6)(aa)-(ac) substituted for s. 582(6)(a) by [2023 c. 55 Sch. 18 para. 4\(2\)\(b\)](#)
- Sch. 1 para. 1ZA and cross-heading inserted by [2016 c. 22 Sch. 7 para. 17\(2\)](#)
- Sch. 5A para. 3(3)(aa) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(b\)\(ii\)](#)
- Sch. 5A para. 3(6A) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(d\)](#)