

**Changes to legislation:** Housing Act 1988, SCHEDULE 2A is up to date with all changes known to be in force on or before 13 January 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

[<sup>F1</sup>SCHEDULE 2A

ASSURED TENANCIES: NON-SHORTHOLDS

Textual Amendments

**F1** Sch. 2A inserted (28.2.1997) by 1996 c. 52, s. 96(2), Sch. 7; S.I. 1997/225, art. 2 (subject to savings in Sch.)

*Tenancies excluded by notice*

- <sup>F2</sup>1 (1) An assured tenancy in respect of which a notice is served as mentioned in sub-paragraph (2) below.
- (2) The notice referred to in sub-paragraph (1) above is one which—
- (a) is served before the assured tenancy is entered into,
  - (b) is served by the person who is to be the landlord under the assured tenancy on the person who is to be the tenant under that tenancy, and
  - (c) states that the assured tenancy to which it relates is not to be an assured shorthold tenancy.

Textual Amendments

**F2** Sch. 2A para. 1 inserted (28.2.1997) by 1996 c. 52, s. 96(2), Sch. 7; S.I. 1997/225, art. 2 (subject to savings in Sch.)

- <sup>F3</sup>2 (1) An assured tenancy in respect of which a notice is served as mentioned in sub-paragraph (2) below.
- (2) The notice referred to in sub-paragraph (1) above is one which—
- (a) is served after the assured tenancy has been entered into,
  - (b) is served by the landlord under the assured tenancy on the tenant under that tenancy, and
  - (c) states that the assured tenancy to which it relates is no longer an assured shorthold tenancy.

Textual Amendments

**F3** Sch. 2A para. 2 inserted (28.2.1997) by 1996 c. 52, s. 96(2), Sch. 7; S.I. 1997/225, art. 2 (subject to savings in Sch.)

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*Tenancies containing exclusionary provision*

- <sup>F43</sup> An assured tenancy which contains a provision to the effect that the tenancy is not an assured shorthold tenancy.

**Textual Amendments**

- F4** [Sch. 2A para. 3](#) inserted (28.2.1997) by [1996 c. 52, s. 96\(2\)](#), [Sch. 7](#); S.I. 1997/225, [art. 2](#) (subject to savings in [Sch.](#))

*Tenancies under section 39*

- <sup>F54</sup> An assured tenancy arising by virtue of section 39 above, other than one to which subsection (7) of that section applies.

**Textual Amendments**

- F5** [Sch. 2A para. 4](#) inserted (28.2.1997) by [1996 c. 52, s. 96\(2\)](#), [Sch. 7](#); S.I. 1997/225, [art. 2](#) (subject to savings in [Sch.](#))

*Former secure tenancies*

- <sup>F65</sup> An assured tenancy which became an assured tenancy on ceasing to be a secure tenancy.

**Textual Amendments**

- F6** [Sch. 2A para. 5](#) inserted (28.2.1997) by [1996 c. 52, s. 96\(2\)](#), [Sch. 7](#); S.I. 1997/225, [art. 2](#) (subject to savings in [Sch.](#))

*<sup>F7</sup>Former demoted tenancies*

**Textual Amendments**

- F7** [Sch. 2A para. 5A](#) and cross-heading inserted (30.6.2004 for E. and 30.4.2005 for W.) by Anti-Social Behaviour Act 2003 (c. 38), [ss. 15\(3\)](#), 93; S.I. 2004/1502, [art. 2\(a\)\(iv\)](#); S.I. 2002/1225, [art. 2\(c\)](#)

- 5A An assured tenancy which ceases to be an assured shorthold tenancy by virtue of section 20B(2) or (4).]

*Tenancies under Schedule 10 to the Local Government and Housing Act 1989*

- <sup>F86</sup> An assured tenancy arising by virtue of Schedule 10 to the <sup>M1</sup>Local Government and Housing Act 1989 (security of tenure on ending of long residential tenancies).

**Textual Amendments**

- F8** [Sch. 2A para. 6](#) inserted (28.2.1997) by [1996 c. 52, s. 96\(2\)](#), [Sch. 7](#); S.I. 1997/225, [art. 2](#) (subject to savings in [Sch.](#))

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#### Marginal Citations

**M1** 1989 c. 42.

#### *Tenancies replacing non-shortholds*

- F97** (1) An assured tenancy which—
- (a) is granted to a person (alone or jointly with others) who, immediately before the tenancy was granted, was the tenant (or, in the case of joint tenants, one of the tenants) under an assured tenancy other than a shorthold tenancy (“the old tenancy”),
  - (b) is granted (alone or jointly with others) by a person who was at that time the landlord (or one of the joint landlords) under the old tenancy, and
  - (c) is not one in respect of which a notice is served as mentioned in sub-paragraph (2) below.
- (2) The notice referred to in sub-paragraph (1)(c) above is one which—
- (a) is in such form as may be prescribed,
  - (b) is served before the assured tenancy is entered into,
  - (c) is served by the person who is to be the tenant under the assured tenancy on the person who is to be the landlord under that tenancy (or, in the case of joint landlords, on at least one of the persons who are to be joint landlords), and
  - (d) states that the assured tenancy to which it relates is to be a shorthold tenancy.

#### Textual Amendments

**F9** Sch. 2A para. 7 inserted (23.8.1996 for certain purposes and 28.2.1997 otherwise) by 1996 c. 52, s. 96(2), Sch. 7; S.I. 1996/2212, art. 3 (subject to savings in Sch.); S.I. 1997/225, art. 2 (subject to savings in Sch.)

- F108** An assured tenancy which comes into being by virtue of section 5 above on the coming to an end of an assured tenancy which is not a shorthold tenancy.

#### Textual Amendments

**F10** Sch. 2A para. 8 inserted (28.2.1997) by 1996 c. 52, s. 96(2), Sch. 7; S.I. 1997/225, art. 2 (subject to savings in Sch.)

#### *Assured agricultural occupancies*

- F119** (1) An assured tenancy—
- (a) in the case of which the agricultural worker condition is, by virtue of any provision of Schedule 3 to this Act, for the time being fulfilled with respect to the dwelling-house subject to the tenancy, and
  - (b) which does not fall within sub-paragraph (2) or (4) below.
- (2) An assured tenancy falls within this sub-paragraph if—
- (a) before it is entered into, a notice—
    - (i) in such form as may be prescribed, and
    - (ii) stating that the tenancy is to be a shorthold tenancy,

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- is served by the person who is to be the landlord under the tenancy on the person who is to be the tenant under it, and
- (b) it is not an excepted tenancy.
- (3) For the purposes of sub-paragraph (2)(b) above, an assured tenancy is an excepted tenancy if—
- (a) the person to whom it is granted or, as the case may be, at least one of the persons to whom it is granted was, immediately before it is granted, a tenant or licensee under an assured agricultural occupancy, and
- (b) the person by whom it is granted or, as the case may be, at least one of the persons by whom it is granted was, immediately before it is granted, a landlord or licensor under the assured agricultural occupancy referred to in paragraph (a) above.
- (4) An assured tenancy falls within this sub-paragraph if it comes into being by virtue of section 5 above on the coming to an end of a tenancy falling within sub-paragraph (2) above.]

#### Textual Amendments

- F11** [Sch. 2A para. 9](#) inserted (23.8.1996 for certain purposes and 28.2.1997 otherwise) by [1996 c. 52, s. 96\(2\)](#), [Sch. 7](#); [S.I. 1996/2212](#), [art. 3](#) (subject to savings in [Sch.](#)); [S.I. 1997/225](#), [art. 2](#) (subject to savings in [Sch.](#))

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**Changes and effects yet to be applied to :**

- 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](#)