
Changes to legislation: Housing Act 1996, SCHEDULE 8 is up to date with all changes known to be in force on or before 11 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 8

Section 104.

ASSURED TENANCIES: CONSEQUENTIAL AMENDMENTS

Housing Act 1985 (c.68)

1 In section 553(2) of the Housing Act 1985, for paragraph (c) there shall be substituted—

“(c) the tenancy is not by virtue of any provision of Part I of the Housing Act 1988 an assured shorthold tenancy;”.

Housing Act 1988 (c.50)

2 (1) The Housing Act 1988 shall be amended as follows.

(2) In section 14, there shall be inserted at the end—

“(9) This section shall apply in relation to an assured shorthold tenancy as if in subsection (1) the reference to an assured tenancy were a reference to an assured shorthold tenancy.”.

(3) In section 20, for the side-note and subsection (1) there shall be substituted—

“20 Assured shorthold tenancies: pre-Housing Act 1996 tenancies.

(1) Subject to subsection (3) below, an assured tenancy which is not one to which section 19A above applies is an assured shorthold tenancy if—

- (a) it is a fixed term tenancy granted for a term certain of not less than six months,
- (b) there is no power for the landlord to determine the tenancy at any time earlier than six months from the beginning of the tenancy, and
- (c) a notice in respect of it is served as mentioned in subsection (2) below.”.

(4) In that section, after subsection (5) there shall be inserted—

“(5A) Subsections (3) and (4) above do not apply where the new tenancy is one to which section 19A above applies.”.

(5) In section 22, in subsection (1), the words from “in respect of” to “above” shall be omitted.

(6) In that section, after subsection (5) there shall be inserted—

“(5A) Where—

- (a) an assured tenancy ceases to be an assured shorthold tenancy by virtue of falling within paragraph 2 of Schedule 2A to this Act, and

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- (b) at the time when it so ceases to be an assured shorthold tenancy there is pending before a rent assessment committee an application in relation to it under this section,
the fact that it so ceases to be an assured shorthold tenancy shall, in relation to that application, be disregarded for the purposes of this section.”
- (7) In section 34(3), after “whether or not” there shall be inserted “ , in the case of a tenancy to which the provision applies, ”.
- (8) In section 39(7), after “whether or not” there shall be inserted “ , in the case of a tenancy to which the provision applies, ”.

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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](#)

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

- s. 124(1A) inserted by [2016 c. 22 Sch. 7 para. 20\(2\)](#)
- s. 124(6) inserted by [2016 c. 22 Sch. 7 para. 20\(6\)](#)
- s. 124A124B inserted by [2016 c. 22 Sch. 7 para. 21](#)
- s. 125A(3A)(3B) inserted by [2016 c. 22 Sch. 7 para. 22\(3\)](#)
- s. 130A inserted by [2016 c. 22 Sch. 8 para. 7](#)
- s. 133(1A) inserted by [2016 c. 22 Sch. 8 para. 9\(2\)](#)
- s. 143J(3A) inserted by [2016 c. 22 Sch. 8 para. 13\(2\)](#)
- s. 143J(7)(a) words omitted by [S.I. 2022/1166 reg. 25\(11\)\(b\)](#) (This amendment comes into force immediately after 2016 c. 22, s. 120 and Sch. 8 para. 13(3) come into force)
- s. 143GA143GB inserted by [2016 c. 22 Sch. 8 para. 10](#)
- s. 143MA(3A)-(3D) inserted by [2016 c. 22 Sch. 7 para. 27\(3\)](#)
- s. 143MB inserted by [2016 c. 22 Sch. 7 para. 28](#)