

## Annex b: paragraph 5(d): exempted tenancies or licences<sup>1</sup>

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### Prohibition of occupation by law

1. A tenancy or licence of a house<sup>2</sup> or a dwelling<sup>3</sup> within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the act the operation of which has not been suspended under section 23.

### Certain tenancies which cannot be assured tenancies

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 comprised in part of schedule 1 of the act and which is:
  - a. a business tenancy under part II of the Landlord and Tenant Act 1954
  - b. a tenancy under which the dwelling-house consists of or comprises 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<sup>4</sup>
  - c. a tenancy under which agricultural land, exceeding two acres, is let together with the house<sup>5</sup>
  - d. a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the management of the holding<sup>6</sup>

### Footnotes

1. See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006
2. Section 79 (2) and section 99 of the act
3. For the definition of a dwelling – see section 99 of the Act
4. See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003
5. For the meaning of “agricultural land” section 26 (3) (a) of the General Rate Act 1967
6. See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995
7. For the definition of “person managing” and “person having control” see section 263 of the Act