

*Status: Point in time view as at 14/03/2012.*

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## SCHEDULES

### SCHEDULE 2

#### GROUND FOR POSSESSION OF DWELLING-HOUSES LET ON ASSURED TENANCIES

#### PART II

#### GROUND ON WHICH COURT MAY ORDER POSSESSION

**Modifications etc. (not altering text)**

**C1** Pt. II (*Grounds 9–15*) applied with modifications by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 186, Sch. 10 paras. 5, 21, 22

#### *Ground 9*

Suitable alternative accommodation is available for the tenant or will be available for him when the order for possession takes effect.

#### *Ground 10*

Some rent lawfully due from the tenant—

- (a) is unpaid on the date on which the proceedings for possession are begun; and
- (b) except where subsection (1)(b) of section 8 of this Act applies, was in arrears at the date of the service of the notice under that section relating to those proceedings.

#### *Ground 11*

Whether or not any rent is in arrears on the date on which proceedings for possession are begun, the tenant has persistently delayed paying rent which has become lawfully due.

#### *Ground 12*

Any obligation of the tenancy (other than one related to the payment of rent) has been broken or not performed.

#### *Ground 13*

The condition of the dwelling-house or any of the common parts has deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any other person residing in the dwelling-house and, in the case of an act of waste by, or the neglect or default of, a person lodging with the tenant or a sub-tenant of his, the tenant has not taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.

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For the purposes of this ground, “common parts” means any part of a building comprising the dwelling-house and any other premises which the tenant is entitled under the terms of the tenancy to use in common with the occupiers of other dwelling-houses in which the landlord has an estate or interest.

#### Ground 14

- [<sup>F1</sup>The tenant or a person residing in or visiting the dwelling-house—
- (a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or
  - (b) has been convicted of—
    - (i) using the dwelling-house or allowing it to be used for immoral or illegal purposes, or
    - (ii) an [<sup>F2</sup>indictable] offence committed in, or in the locality of, the dwelling-house.]

#### Textual Amendments

- F1** Sch. 2 Pt. II Ground 14 substituted (28.2.1997) by 1996 c. 52, s. 148; S.I. 1997/225, art. 2 (with Sch.)
- F2** Word in Sch. 2 Pt. 2 Ground 14 para.(b)(ii) substituted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 178 {Sch. 7 para. 46}; S.I.2005/3495, art. 2(1)(m)

#### Textual Amendments

- F1** Sch. 2 Pt. II Ground 14 substituted (28.2.1997) by 1996 c. 52, s. 148; S.I. 1997/225, art. 2 (with Sch.)
- F2** Word in Sch. 2 Pt. 2 Ground 14 para.(b)(ii) substituted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 178 {Sch. 7 para. 46}; S.I.2005/3495, art. 2(1)(m)

#### [<sup>F3</sup>Ground 14A

#### Textual Amendments

- F3** Sch. 2 Pt. II Ground 14A and cross-heading inserted (28.2.1997) by 1996 c. 52, s. 149; S.I. 1997/225, art. 2 (with Sch.)

<sup>F4</sup> The dwelling-house was occupied (whether alone or with others) by [<sup>F5</sup> a married couple, a couple who are civil partners of each other, ] a couple living together as husband and wife [<sup>F6</sup> or a couple living together as if they were civil partners ] and—

- (a) one or both of the partners is a tenant of the dwelling-house,
- (b) the landlord who is seeking possession is [<sup>F7</sup>a non-profit registered provider of social housing,] a registered social landlord or a charitable housing trust [<sup>F8</sup>or, where the dwelling-house is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, a profit-making registered provider of social housing],
- (c) one partner has left the dwelling-house because of violence or threats of violence by the other towards—
  - (i) that partner, or
  - (ii) a member of the family of that partner who was residing with that partner immediately before the partner left, and

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- (d) the court is satisfied that the partner who has left is unlikely to return.

For the purposes of this ground “registered social landlord” and “member of the family” have the same meaning as in Part I of the <sup>M1</sup> Housing Act 1996 and “charitable housing trust” means a housing trust, within the meaning of the <sup>M2</sup> Housing Associations Act 1985, which is a charity <sup>F9</sup>.... ]

#### Textual Amendments

- F4** Sch. 2 Pt. II Ground 14A and cross-heading inserted (28.2.1997) by 1996 c. 52, s. 149; S.I. 1997/225, art. 2 (with Sch.)
- F5** Words in Sch. 2 Pt. 2 Ground 14A substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 81, 263, Sch. 8 para. 43(3)(a); S.I. 2005/3175, art. 2(1), Sch. 1
- F6** Words in Sch. 2 Pt. 2 Ground 14A inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 81, 263, Sch. 8 para. 43(3)(b); S.I. 2005/3175, art. 2(1), Sch. 1
- F7** Words in Sch. 2 Ground 14A(b) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 74(3)(a) (with art. 6, Sch. 3)
- F8** Words in Sch. 2 Ground 14A(b) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 74(3)(b) (with art. 6, Sch. 3)
- F9** Words in Sch. 2 omitted (Ground 14A) (14.3.2012 immediately before the Charities Act 2011 (c. 25) comes into force) by virtue of The Charities (Pre-consolidation Amendments) Order 2011 (S.I. 2011/1396), art. 1, Sch. paras. 37(1), (2)(d)

#### Marginal Citations

- M1** 1985 c. 69.
- M2** 1993 c. 10.

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- F4** Sch. 2 Pt. II Ground 14A and cross-heading inserted (28.2.1997) by 1996 c. 52, s. 149; S.I. 1997/225, art. 2 (with Sch.)
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- F8** Words in Sch. 2 Ground 14A(b) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 74(3)(b) (with art. 6, Sch. 3)
- F9** Words in Sch. 2 omitted (Ground 14A) (14.3.2012 immediately before the Charities Act 2011 (c. 25) comes into force) by virtue of The Charities (Pre-consolidation Amendments) Order 2011 (S.I. 2011/1396), art. 1, Sch. paras. 37(1), (2)(d)

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### Ground 15

The condition of any furniture provided for use under the tenancy has, in the opinion of the court, deteriorated owing to ill-treatment by the tenant or any other person residing in the dwelling-house and, in the case of ill-treatment by a person lodging with the tenant or by a sub-tenant of his, the tenant has not taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.

### Ground 16

The dwelling-house was let to the tenant in consequence of his employment by the landlord seeking possession or a previous landlord under the tenancy and the tenant has ceased to be in that employment.

#### Modifications etc. (not altering text)

- C2** Pt. II Ground 16 applied with modifications by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 186, Sch. 10 paras. 5, 21, **22**

[<sup>F10</sup>For the purposes of this ground, at a time when the landlord is or was the Secretary of State, employment by a health service body, as defined in section 60(7) of the National Health Service and Community Care Act 1990, [<sup>F11</sup>or by a Local Health Board,] shall be regarded as employment by the Secretary of State.]

#### Textual Amendments

- F10** Words added by [National Health and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 60(2), **Sch. 8 para. 10**
- F11** Sch. 2 Pt. II Ground 16: words inserted (10.10.2002 for W. and otherwise prosp.) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 6(2), 42(3), **Sch. 5 para. 28**; S.I. 2002/2532, **art. 2**, Sch.

#### Textual Amendments

- F10** Words added by [National Health and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 60(2), **Sch. 8 para. 10**
- F11** Sch. 2 Pt. II Ground 16: words inserted (10.10.2002 for W. and otherwise prosp.) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 6(2), 42(3), **Sch. 5 para. 28**; S.I. 2002/2532, **art. 2**, Sch.

#### Modifications etc. (not altering text)

- C2** Pt. II Ground 16 applied with modifications by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 186, Sch. 10 paras. 5, 21, **22**

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[<sup>F12</sup>Ground 17]

**Textual Amendments**

**F12** Sch. 2 Pt. II Ground 17 and cross-heading inserted (28.2.1997) by 1996 c. 52, s. 102; S.I. 1997/225, art. 2 (with Sch.)

[<sup>F13</sup>The tenant is the person, or one of the persons, to whom the tenancy was granted and the landlord was induced to grant the tenancy by a false statement made knowingly or recklessly by—

- (a) the tenant, or
- (b) a person acting at the tenant's instigation.]

**Textual Amendments**

**F13** Sch. 2 Pt. II Ground 17 and cross-heading inserted (28.2.1997) by 1996 c. 52, s. 102; S.I. 1997/225, art. 2 (with Sch.)

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