



Housing Act 1996

1996 CHAPTER 52

PART V

CONDUCT OF TENANTS

CHAPTER II

REPOSSESSION, &C.: SECURE AND ASSURED TENANCIES

Secure tenancies

144 Extension of ground of nuisance or annoyance to neighbours, &c

For Ground 2 in Schedule 2 to the Housing Act 1985 (nuisance or annoyance to neighbours, &c.) substitute—

“Ground 2

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 arrestable offence committed in, or in the locality of, the dwelling-house.”

145 New ground of domestic violence: secure tenancies

After Ground 2 in Schedule 2 to the Housing Act 1985 (as substituted by section 144) insert—

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“Ground 2A

The dwelling-house was occupied (whether alone or with others) by a married couple or a couple living together as husband and wife and—

- (a) one or both of the partners is a tenant of the dwelling-house,
- (b) one partner has left 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
- (c) the court is satisfied that the partner who has left is unlikely to return.”

146 Extension of ground that grant of tenancy induced by false statement

In Ground 5 in Schedule 2 to the Housing Act 1985 (grant of tenancy induced by false statement) for “by the tenant” substitute “by—

- (a) the tenant, or
- (b) a person acting at the tenant’s instigation”

147 Proceedings for possession or termination

- (1) For section 83 of the Housing Act 1985 (notice of proceedings for possession or termination) substitute—

“83 Proceedings for possession or termination: notice requirements

- (1) The court shall not entertain proceedings for the possession of a dwelling-house let under a secure tenancy or proceedings for the termination of a secure tenancy unless—
 - (a) the landlord has served a notice on the tenant complying with the provisions of this section, or
 - (b) the court considers it just and equitable to dispense with the requirement of such a notice.
- (2) A notice under this section shall—
 - (a) be in a form prescribed by regulations made by the Secretary of State,
 - (b) specify the ground on which the court will be asked to make an order for the possession of the dwelling-house or for the termination of the tenancy, and
 - (c) give particulars of that ground.
- (3) Where the tenancy is a periodic tenancy and the ground or one of the grounds specified in the notice is Ground 2 in Schedule 2 (nuisance or other anti-social behaviour), the notice—
 - (a) shall also—
 - (i) state that proceedings for the possession of the dwelling-house may be begun immediately, and
 - (ii) specify the date sought by the landlord as the date on which the tenant is to give up possession of the dwelling-house, and

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- (b) ceases to be in force twelve months after the date so specified.
- (4) Where the tenancy is a periodic tenancy and Ground 2 in Schedule 2 is not specified in the notice, the notice—
 - (a) shall also specify the date after which proceedings for the possession of the dwelling-house may be begun, and
 - (b) ceases to be in force twelve months after the date so specified.
- (5) The date specified in accordance with subsection (3) or (4) must not be earlier than the date on which the tenancy could, apart from this Part, be brought to an end by notice to quit given by the landlord on the same date as the notice under this section.
- (6) Where a notice under this section is served with respect to a secure tenancy for a term certain, it has effect also with respect to any periodic tenancy arising on the termination of that tenancy by virtue of section 86; and subsections (3) to (5) of this section do not apply to the notice.
- (7) Regulations under this section 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.

83A Additional requirements in relation to certain proceedings for possession

- (1) Where a notice under section 83 has been served on a tenant containing the information mentioned in subsection (3)(a) of that section, the court shall not entertain proceedings for the possession of the dwelling-house unless they are begun at a time when the notice is still in force.
- (2) Where—
 - (a) a notice under section 83 has been served on a tenant, and
 - (b) a date after which proceedings may be begun has been specified in the notice in accordance with subsection (4)(a) of that section,the court shall not entertain proceedings for the possession of the dwelling-house unless they are begun after the date so specified and at a time when the notice is still in force.
- (3) Where—
 - (a) the ground or one of the grounds specified in a notice under section 83 is Ground 2A in Schedule 2 (domestic violence), and
 - (b) the partner who has left the dwelling-house as mentioned in that ground is not a tenant of the dwelling-house,the court shall not entertain proceedings for the possession of the dwelling-house unless it is satisfied that the landlord has served a copy of the notice on the partner who has left or has taken all reasonable steps to serve a copy of the notice on that partner.

This subsection has effect subject to subsection (5).
- (4) Where—
 - (a) Ground 2A in Schedule 2 is added to a notice under section 83 with the leave of the court after proceedings for possession are begun, and

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- (b) the partner who has left the dwelling-house as mentioned in that ground is not a party to the proceedings,

the court shall not continue to entertain the proceedings unless it is satisfied that the landlord has served a notice under subsection (6) on the partner who has left or has taken all reasonable steps to serve such a notice on that partner.

This subsection has effect subject to subsection (5).

- (5) Where subsection (3) or (4) applies and Ground 2 in Schedule 2 (nuisance or other anti-social behaviour) is also specified in the notice under section 83, the court may dispense with the requirements as to service in relation to the partner who has left the dwelling-house if it considers it just and equitable to do so.

- (6) A notice under this subsection shall—

- (a) state that proceedings for the possession of the dwelling-house have begun,
 (b) specify the ground or grounds on which possession is being sought, and
 (c) give particulars of the ground or grounds.”

- (2) In section 84 of that Act (grounds and orders for possession), for subsection (3) substitute—

“(3) Where a notice under section 83 has been served on the tenant, the court shall not make such an order on any of those grounds above unless the ground is specified in the notice; but the grounds so specified may be altered or added to with the leave of the court.

- (4) Where a date is specified in a notice under section 83 in accordance with subsection (3) of that section, the court shall not make an order which requires the tenant to give up possession of the dwelling-house in question before the date so specified.”

- (3) In Schedule 2 to that Act, in Ground 16, after “notice of the proceedings for possession was served under section 83” insert “(or, where no such notice was served, the proceedings for possession were begun)”.

Assured tenancies

148 Extension of ground of nuisance or annoyance to adjoining occupiers &c

For Ground 14 in Schedule 2 to the Housing Act 1988 (nuisance or annoyance to adjoining occupiers etc.) substitute—

“Ground 14

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—

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- (i) using the dwelling-house or allowing it to be used for immoral or illegal purposes, or
- (ii) an arrestable offence committed in, or in the locality of, the dwelling-house.”

149 New ground of domestic violence: assured tenancies

After Ground 14 in Schedule 2 to the Housing Act 1988 (as substituted by section 148) insert—

“Ground 14A

The dwelling-house was occupied (whether alone or with others) by a married couple or a couple living together as husband and wife and—

- (a) one or both of the partners is a tenant of the dwelling-house,
- (b) the landlord who is seeking possession is a registered social landlord or a charitable housing trust,
- (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
- (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 Housing Act 1996 and “charitable housing trust” means a housing trust, within the meaning of the Housing Associations Act 1985, which is a charity within the meaning of the Charities Act 1993.”

150 Additional notice requirements: domestic violence

After section 8 of the Housing Act 1988 insert—

“8A Additional notice requirements: ground of domestic violence

- (1) Where the ground specified in a notice under section 8 (whether with or without other grounds) is Ground 14A in Schedule 2 to this Act and the partner who has left the dwelling-house as mentioned in that ground is not a tenant of the dwelling-house, the court shall not entertain proceedings for possession of the dwelling-house unless—
 - (a) the landlord or, in the case of joint landlords, at least one of them has served on the partner who has left a copy of the notice or has taken all reasonable steps to serve a copy of the notice on that partner, or
 - (b) the court considers it just and equitable to dispense with such requirements as to service.
- (2) Where Ground 14A in Schedule 2 to this Act is added to a notice under section 8 with the leave of the court after proceedings for possession are begun and the partner who has left the dwelling-house as mentioned in that ground is

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not a party to the proceedings, the court shall not continue to entertain the proceedings unless—

- (a) the landlord or, in the case of joint landlords, at least one of them has served a notice under subsection (3) below on the partner who has left or has taken all reasonable steps to serve such a notice on that partner, or
- (b) the court considers it just and equitable to dispense with the requirement of such a notice.

(3) A notice under this subsection shall—

- (a) state that proceedings for the possession of the dwelling-house have begun,
- (b) specify the ground or grounds on which possession is being sought, and
- (c) give particulars of the ground or grounds.”

151 Early commencement of certain proceedings for possession

(1) Section 8 of the Housing Act 1988 (notice of proceedings for possession) is amended as follows.

(2) In subsection (1)(a) for the words “subsections (3) and (4)” substitute “subsections (3) to (4B)”.

(3) In subsection (3)(b) for the words from “which,” to “of the notice” substitute “in accordance with subsections (4) to (4B) below”.

(4) For subsection (4) substitute—

“(4) If a notice under this section specifies in accordance with subsection (3)(a) above Ground 14 in Schedule 2 to this Act (whether with or without other grounds), the date specified in the notice as mentioned in subsection (3)(b) above shall not be earlier than the date of the service of the notice.

(4A) If a notice under this section specifies in accordance with subsection (3)(a) above, any of Grounds 1, 2, 5 to 7, 9 and 16 in Schedule 2 to this Act (whether without other grounds or with any ground other than Ground 14), the date specified in the notice as mentioned in subsection (3)(b) above shall not be earlier than—

- (a) two months from the date of service of the notice; and
- (b) if the tenancy is a periodic tenancy, the earliest date on which, apart from section 5(1) above, the tenancy could be brought to an end by a notice to quit given by the landlord on the same date as the date of service of the notice under this section.

(4B) In any other case, the date specified in the notice as mentioned in subsection (3)(b) above shall not be earlier than the expiry of the period of two weeks from the date of the service of the notice.”