Housing and Regeneration Act 2008 (c. 17)
SCHEDULE 11 – Possession orders relating to certain tenancies
Document Generated: 2024-07-12

1

S C H E D U L E S

SCHEDULE 11

POSSESSION ORDERS RELATING TO CERTAIN TENANCIES

PART 1

AMENDMENTS TO THE HOUSING ACTS OF 1985, 1988 AND 1996

Housing Act 1988 (c. 50)

5   The Housing Act 1988 is amended as follows.

> **Commencement Information**
> **I1**   Sch. 11 para. 5 in force at 20.5.2009 by S.I. 2009/1261, **arts. 2**, 3

6   (1) Section 5 (security of tenure) is amended as follows.

(2) For subsection (1) substitute—

> "(1) An assured tenancy cannot be brought to an end by the landlord except by—
>> (a) obtaining—
>>> (i) an order of the court for possession of the dwelling-house under section 7 or 21, and
>>> (ii) the execution of the order,
>> (b) obtaining an order of the court under section 6A (demotion order), or
>> (c) in the case of a fixed term tenancy which contains power for the landlord to determine the tenancy in certain circumstances, by the exercise of that power,
>
> and, accordingly, the service by the landlord of a notice to quit is of no effect in relation to a periodic assured tenancy.
>
> (1A) Where an order of the court for possession of the dwelling-house is obtained, the tenancy ends when the order is executed."

(3) In subsection (2)(a) after "court" insert " of the kind mentioned in subsection (1)(a) or (b) or any other order of the court ".

> **Commencement Information**
> **I2**   Sch. 11 para. 6 in force at 20.5.2009 by S.I. 2009/1261, **arts. 2**, 3

2

Housing and Regeneration Act 2008 (c. 17)
SCHEDULE 11 – Possession orders relating to certain tenancies
Document Generated: 2024-07-12

7 In section 7(7) (possession orders in cases of fixed term tenancies which have come to an end) for "on the day on which the order takes effect" substitute " in accordance with section 5(1A) ".

Commencement Information

I3 Sch. 11 para. 7 in force at 20.5.2009 by S.I. 2009/1261, **arts. 2**, 3

---

8 (1) Section 9 (extended discretion of court in possession claims) is amended as follows.

(2) In subsection (3) omit the words from "or payments" to "profits)".

(3) For subsection (4) substitute—

> "(4) The court may discharge or rescind any such order as is referred to in subsection (2) if it thinks it appropriate to do so having had regard to—
>> (a) any conditions imposed under subsection (3), and
>> (b) the conduct of the tenant in connection with those conditions."

(4) Omit subsections (5) and (5A).

Commencement Information

I4 Sch. 11 para. 8(1)(2)(4) in force at 20.5.2009 by S.I. 2009/1261, **arts. 2**, 3

---

9 (1) Section 21 (recovery of possession on expiry or termination of assured shorthold tenancies) is amended as follows.

(2) In subsection (3) for "on the day on which the order takes effect" substitute " in accordance with section 5(1A) ".

(3) After subsection (4) insert—

> "(4A) Where a court makes an order for possession of a dwelling-house by virtue of subsection (4) above, the assured shorthold tenancy shall end in accordance with section 5(1A)."

Commencement Information

I5 Sch. 11 para. 9 in force at 20.5.2009 by S.I. 2009/1261, **arts. 2**, 3

Status:
Point in time view as at 10/07/2013.

Changes to legislation:
Housing and Regeneration Act 2008, Cross Heading: Housing Act 1988 (c. 50) is up to date with all changes known to be in force on or before 12 July 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.