



Housing Act 1980

1980 CHAPTER 51

PART IV

JURISDICTION AND PROCEDURE

86 Jurisdiction of county court and rules of procedure

- (1) Subject to section 11 of this Act, a county court has jurisdiction to determine any question arising under Part I or III of this Act and to entertain any proceedings brought thereunder and any claim (for whatever amount) in connection with a secure tenancy.
- (2) The jurisdiction conferred by this section includes jurisdiction to entertain proceedings on any question arising under Chapter I of Part I and any question—
 - (a) whether any consent required by section 35 or section 81 was withheld or unreasonably withheld ; or
 - (b) whether a statement supplied in pursuance of section 41(3)(b) is accurate; notwithstanding that no other relief is sought than a declaration.
- (3) If a person takes proceedings in the High Court which, by virtue of this section, he could have taken in the county court he is not entitled to recover any costs.
- (4) The Lord Chancellor may make such rules and give such directions as he thinks fit for the purpose of giving effect to this Part of this Act.
- (5) The rules and directions may provide—
 - (a) for the exercise by any registrar of a county court of any jurisdiction exercisable under this section; and
 - (b) for the conduct of any proceedings in private.
- (6) The power to make rules under this section is exercisable by statutory instrument and any such instrument is subject to annulment in pursuance of a resolution of either House of Parliament.

87 Extended discretion of court in certain proceedings for possession

- (1) Where proceedings are brought for possession of a dwelling-house let under a secure tenancy on any of grounds 1 to 6 or 10 to 13 in Part I of Schedule 4 to this Act, the court may adjourn the proceedings for such period or periods as it thinks fit.
- (2) On the making of an order for possession of such a dwelling-house on any of those grounds, or at any time before the execution of the order, the court may—
 - (a) stay or suspend execution of the order, or
 - (b) postpone the date of possession,for such period or periods as the court thinks fit.
- (3) On any such adjournment as is referred to in subsection (1) above or any such stay, suspension or postponement as is referred to in subsection (2) above, the court shall, unless it considers that to do so would cause exceptional hardship to the tenant or would otherwise be unreasonable, impose conditions with regard to payment by the tenant of arrears of rent (if any) and rent or payments in respect of occupation after termination of the tenancy (mesne profits) and may impose such other conditions as it thinks fit.
- (4) If such conditions as are referred to in subsection (3) above are complied with, the court may, if it thinks fit, discharge or rescind the order concerned.
- (5) Subsection (6) below applies in any case where
 - (a) proceedings are brought for possession of a dwelling-house which is let under a secure tenancy ;
 - (b) the tenant's spouse or former spouse, having rights of occupation under the Matrimonial Homes Act 1967, is then in occupation of the dwelling-house; and
 - (c) the tenancy is terminated as a result of those proceedings.
- (6) In any case to which this subsection applies, the spouse or former spouse shall, so long as he or she remains in occupation, have the same rights in relation to, or in connection with, any such adjournment as is referred to in subsection (1) above or any such stay, suspension or postponement as is referred to in subsection (2) above, as he or she would have if those rights of occupation were not affected by the termination of the tenancy.

88 Discretion of court in certain proceedings for possession

- (1) Where, under the terms of a rental purchase agreement, a person has been let into possession of a dwelling-house and, on the termination of the agreement or of his right to possession under it, proceedings are brought for the possession of the dwelling-house, the court may—
 - (a) adjourn the proceedings; or
 - (b) on making an order for the possession of the dwelling-house, stay or suspend execution of the order or postpone the date of possession;for such period or periods as the court thinks fit.
- (2) On any such adjournment, stay, suspension or postponement the court may impose such conditions with regard to payments by the person in possession in respect of his continued occupation of the dwelling-house and such other conditions as the court thinks fit.

- (3) The court may revoke or from time to time vary any condition imposed by virtue of this section.
- (4) In this section "rental purchase agreement" means an agreement for the purchase of a dwelling-house (whether freehold or leasehold property) under which the whole or part of the purchase price is to be paid in three or more instalments and the completion of the purchase is deferred until the whole or a specified part of the purchase price has been paid.
- (5) This section extends to proceedings for the possession of a dwelling-house which were begun before the commencement of this section unless an order for the possession of the dwelling-house was made in the proceedings and executed before the commencement of this section.

89 Restriction on discretion of court in making orders for possession of land

- (1) Where a court makes an order for the possession of any land in a case not falling within the exceptions mentioned in subsection (2) below, the giving up of possession shall not be postponed (whether by the order or any variation, suspension or stay of execution) to a date later than fourteen days after the making of the order, unless it appears to the court that exceptional hardship would be caused by requiring possession to be given up by that date; and shall not in any event be postponed to a date later than six weeks after the making of the order.
- (2) The restrictions in subsection (1) above do not apply if—
 - (a) the order is made in an action by a mortgagee for possession ; or
 - (b) the order is made in an action for forfeiture of a lease; or
 - (c) the court had power to make the order only if it considered it reasonable to make it; or
 - (d) the order relates to a dwelling-house which is the subject of a restricted contract (within the meaning of section 19 of the 1977 Act); or
 - (e) the order is made in proceedings brought as mentioned in section 88(1) above.