



Housing Act 1985

1985 CHAPTER 68

PART IV

SECURE TENANCIES AND RIGHTS OF SECURE TENANTS

Security of tenure

[^{F2}83 Proceedings for possession or termination: [^{F1}general] notice requirements.

- (1) The court shall not entertain [^{F3}proceedings to which this section applies] unless—
- the landlord has served a notice on the tenant complying with the provisions of this section, or
 - the court considers it just and equitable to dispense with the requirement of such a notice.

[This section applies in relation to proceedings for an order mentioned in ^{F4}(A1) section 82(1A) other than—

- proceedings for possession of a dwelling-house under section 84A (absolute ground for possession for anti-social behaviour), including proceedings where possession is also sought on one or more of the grounds set out in Schedule 2, or
 - proceedings for possession of a dwelling-house under section 107D (recovery of possession on expiry of flexible tenancy).]
- (2) A notice under this section shall—
- be in a form prescribed by regulations made by the Secretary of State,
 - specify the ground on which the court will be asked to make [^{F5}the order] and
 - 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—
- shall also—

Status: Point in time view as at 25/03/2022.

Changes to legislation: Housing Act 1985, Section 83 is up to date with all changes known to be in force on or before 29 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. (See end of Document for details)

- (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
 - (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.
- [If the proceedings are for a demotion order under section 82A the notice—
- ^{F6}(4A) (a) must specify the date after which the proceedings may be begun;
- (b) ceases to be in force twelve months after the date so specified.]
- (5) The date specified in accordance with subsection (3) [^{F7}(4) or (4A)] 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.]

Textual Amendments

- F1** Word in s. 83 heading inserted (20.10.2014 for E., 21.10.2014 for W.) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1)(2)(c)(3)(c), [Sch. 11 para. 7\(2\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, [art. 2\(h\)](#); S.I. 2014/2830, [art. 2\(g\)\(ii\)](#)
- F2** Ss. 83, 83A substituted for s. 83 (1.10.1996 for specified purposes and 4.2.1997 otherwise) by 1996 c. 52, [s. 147\(1\)](#); S.I. 1996/2402, [art. 4](#); S.I. 1997/66, [art. 2](#) (subject to savings in Sch.)
- F3** Words in s. 83(1) substituted (20.10.2014 for E., 21.10.2014 for W.) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1)(2)(c)(3)(c), [Sch. 11 para. 7\(4\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, [art. 2\(h\)](#); S.I. 2014/2830, [art. 2\(g\)\(ii\)](#)
- F4** S. 83(A1) inserted (20.10.2014 for E., 21.10.2014 for W.) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1)(2)(c)(3)(c), [Sch. 11 para. 7\(3\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, [art. 2\(h\)](#); S.I. 2014/2830, [art. 2\(g\)\(ii\)](#)
- F5** Words in s. 83(2)(b) substituted (30.6.2004 for E. and 30.9.2004 for specified purposes for W. and otherwise 30.4.2005 for W.) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), [ss. 14\(1\)](#), 93; S.I. 2004/1502, [art. 2\(a\)\(iii\)](#) (subject to Sch.); S.I. 2004/2557, [art. 2\(a\)\(ii\)](#) (subject to Sch.); S.I. 2005/1225, [art. 2\(b\)](#)
- F6** S. 83(4A) substituted (30.6.2004 for E. and 30.9.2004 for specified purposes for W. and otherwise 30.4.2005 for W.) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), [ss. 14\(1\)](#), 93; S.I. 2004/1502, [art. 2\(a\)\(iii\)](#) (subject to Sch.); S.I. 2004/2557, [art. 2\(a\)\(ii\)](#) (subject to Sch.); S.I. 2005/1225, [art. 2\(b\)](#)
- F7** Words in s. 83(5) substituted (30.6.2004 for E. and 30.9.2004 for specified purposes for W. and otherwise 30.4.2005 for W.) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), [ss. 14\(1\)](#), 93; S.I. 2004/1502, [art. 2\(a\)\(iii\)](#) (subject to Sch.); S.I. 2004/2557, [art. 2\(a\)\(ii\)](#) (subject to Sch.); S.I. 2005/1225, [art. 2\(b\)](#)

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