



# Housing Act 1988

## 1988 CHAPTER 50

### PART I

#### RENTED ACCOMMODATION

#### CHAPTER I

#### ASSURED TENANCIES

#### *Security of tenure*

### **8 Notice of proceedings for possession.**

- (1) The court shall not entertain proceedings for possession of a dwelling-house let on an assured tenancy unless—
  - (a) the landlord or, in the case of joint landlords, at least one of them has served on the tenant a notice in accordance with this section and the proceedings are begun within the time limits stated in the notice in accordance with [<sup>F1</sup>subsections (3) to (4B)] below; or
  - (b) the court considers it just and equitable to dispense with the requirement of such a notice.
- (2) The court shall not make an order for possession on any of the grounds in Schedule 2 to this Act unless that ground and particulars of it are specified in the notice under this section; but the grounds specified in such a notice may be altered or added to with the leave of the court.
- (3) A notice under this section is one in the prescribed form informing the tenant that—
  - (a) the landlord intends to begin proceedings for possession of the dwelling-house on one or more of the grounds specified in the notice; and
  - (b) those proceedings will not begin earlier than a date specified in the notice [<sup>F2</sup>in accordance with [<sup>F3</sup>subsections (3A)] to (4B) below]; and

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- (c) those proceedings will not begin later than twelve months from the date of service of the notice.

[<sup>F4</sup>(3A) If a notice under this section specifies in accordance with subsection (3)(a) Ground 7A in Schedule 2 to this Act (whether with or without other grounds), the date specified in the notice as mentioned in subsection (3)(b) is not to be earlier than—

- (a) in the case of a [<sup>F5</sup>periodic tenancy,]<sup>F5</sup>periodic tenancy—
- (i) three months after the date on which the notice was served, and
  - (ii) the earliest date on which, apart from section 5(1), 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;
- (b) in the case of a fixed term tenancy, [<sup>F6</sup>one month]<sup>F6</sup>three months] after the date on which the notice was served.]

[<sup>F7</sup>(4) If a notice under this section specifies in accordance with subsection (3)(a) above Ground 14 in Schedule 2 to this Act [<sup>F8</sup>(whether without other grounds or with any ground other than Ground 7A)], the date specified in the notice as mentioned in subsection (3)(b) above shall not be earlier than [<sup>F9</sup>three months after] 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 [<sup>F10</sup>7A or] 14), the date specified in the notice as mentioned in subsection (3)(b) above shall not be earlier than—

- (a) [<sup>F11</sup>two months]<sup>F11</sup>three months in relation to a dwelling-house in England and six months in relation to a dwelling-house in Wales] 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 [<sup>F12</sup>two weeks]<sup>F12</sup>three months in relation to a dwelling-house in England and six months in relation to a dwelling-house in Wales] from the date of the service of the notice.]

[<sup>F13</sup>(4C) A notice under this section that specifies in accordance with subsection (3)(a) Ground 7A in Schedule 2 to this Act (whether with or without other grounds) must be served on the tenant within the time period specified in subsection (4D), (4E) or (4F).

(4D) Where the landlord proposes to rely on condition 1, 3 or 5 in Ground 7A, the notice must be served on the tenant within—

- (a) the period of 12 months beginning with the day of the conviction, or
- (b) if there is an appeal against the conviction, the period of 12 months beginning with the day on which the appeal is finally determined or abandoned.

(4E) Where the landlord proposes to rely on condition 2 in Ground 7A, the notice must be served on the tenant within—

- (a) the period of 12 months beginning with the day on which the court has made the finding, or

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- (b) if there is an appeal against the finding, the period of 12 months beginning with the day on which the appeal is finally determined, abandoned or withdrawn.
- (4F) Where the landlord proposes to rely on condition 4 in Ground 7A, the notice must be served on the tenant within—
- (a) the period of 3 months beginning with the day on which the closure order was made, or
- (b) if there is an appeal against the making of the order, the period of 3 months beginning with the day on which the appeal is finally determined, abandoned or withdrawn.]
- (5) The court may not exercise the power conferred by subsection (1)(b) above if the landlord seeks to recover possession on Ground [F14]7A [F15, 7B ] or] 8 in Schedule 2 to this Act.
- (6) Where a notice under this section—
- (a) is served at a time when the dwelling-house is let on a fixed term tenancy, or
- (b) is served after a fixed term tenancy has come to an end but relates (in whole or in part) to events occurring during that tenancy,
- the notice shall have effect notwithstanding that the tenant becomes or has become tenant under a statutory periodic tenancy arising on the coming to an end of the fixed term tenancy.

#### Textual Amendments

- F1** Words in s. 8(1)(a) substituted (28.2.1997) by 1996 c. 52, s. 151(2); S.I. 1997/225, art. 1 (with Sch.)
- F2** Words in s. 8(3)(b) substituted (28.2.1997) by 1996 c. 52, s. 151(3); S.I. 1997/225, art. 1 (with Sch.)
- F3** Words in s. 8(3)(b) substituted (20.10.2014 for E., 21.10.2014 for W.) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), ss. 97(2)(a), 185(1), (2)(c), (3)(a) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 2(d) (with art. 5); S.I. 2014/2830, art. 2(d) (with art. 3)
- F4** S. 8(3A) inserted (20.10.2014 for E., 21.10.2014 for W.) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), ss. 97(2)(b), 185(1), (2)(c), (3)(a) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 2(d) (with art. 5); S.I. 2014/2830, art. 2(d) (with art. 3)
- F5** Words in s. 8(3A)(a) substituted (temp.) (26.3.2020) by virtue of Coronavirus Act 2020 (c. 7), s. 87(1), Sch. 29 paras. 1, 6(a)(i) (with ss. 88-90)
- F6** Words in s. 8(3A)(b) substituted (temp.) (26.3.2020) by virtue of Coronavirus Act 2020 (c. 7), s. 87(1), Sch. 29 paras. 1, 6(a)(ii) (with ss. 88-90)
- F7** S. 8(4)-(4B) substituted for s. 8(4) (28.2.1997) by 1996 c. 52, s. 151(4); S.I. 1997/225, art. 2 (with Sch.)
- F8** Words in s. 8(4) substituted (20.10.2014 for E., 21.10.2014 for W.) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), ss. 97(2)(c), 185(1), (2)(c), (3)(a) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 2(d) (with art. 5); S.I. 2014/2830, art. 2(d) (with art. 3)
- F9** Words in s. 8(4) inserted (temp.) (26.3.2020) by virtue of Coronavirus Act 2020 (c. 7), s. 87(1), Sch. 29 paras. 1, 6(b) (with ss. 88-90)
- F10** Words in s. 8(4A) inserted (20.10.2014 for E., 21.10.2014 for W.) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), ss. 97(2)(d), 185(1), (2)(c), (3)(a) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 2(d) (with art. 5); S.I. 2014/2830, art. 2(d) (with art. 3)
- F11** Words in s. 8(4A)(a) substituted (temp.) (26.3.2020) by virtue of Coronavirus Act 2020 (c. 7), s. 87(1), Sch. 29 paras. 1, 6(c) (with ss. 88-90) (as amended (W.) (24.7.2020) by The Coronavirus Act 2020 (Assured Tenancies and Assured Shorthold Tenancies, Extension of Notice Periods) (Amendment) (Wales) Regulations 2020 (S.I. 2020/778), regs. 1(2), 2(2))

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- F12** Words in s. 8(4B) substituted (temp.) (26.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), Sch. 29 paras. 1, **6(d)** (with ss. 88-90) (as amended (W.) (24.7.2020) by [The Coronavirus Act 2020 \(Assured Tenancies and Assured Shorthold Tenancies, Extension of Notice Periods\) \(Amendment\) \(Wales\) Regulations 2020 \(S.I. 2020/778\)](#), regs. 1(2), **2(2)**)
- F13** S. 8(4C)-(4F) inserted (20.10.2014 for E., 21.10.2014 for W.) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 97(2)(e)**, 185(1), (2)(c), (3)(a) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 2(d) (with art. 5); S.I. 2014/2830, art. 2(d) (with art. 3)
- F14** Words in s. 8(5) inserted (20.10.2014 for E., 21.10.2014 for W.) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 97(2)(f)**, 185(1), (2)(c), (3)(a) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 2(d) (with art. 5); S.I. 2014/2830, art. 2(d) (with art. 3)
- F15** Word in s. 8(5) inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 41(4)**, 94(1) (with s. 41(7)); S.I. 2016/1037, reg. 5(e)

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