



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 subsections (3) and (4) 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 which, without prejudice to any additional limitation under subsection (4)

Status: This is the original version (as it was originally enacted).

- below, shall not be earlier than the expiry of the period of two weeks from the date of service of the notice; and
- (c) those proceedings will not begin later than twelve months from the date of service of the notice.
- (4) 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 with or without other grounds), 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.
- (5) The court may not exercise the power conferred by subsection (1)(b) above if the landlord seeks to recover possession on Ground 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.