



Housing Act 1996

1996 CHAPTER 52

PART V

CONDUCT OF TENANTS

CHAPTER I

INTRODUCTORY TENANCIES

Proceedings for possession

127 Proceedings for possession.

- (1) The landlord may only bring an introductory tenancy to an end by obtaining [^{F1}—
- (a) an order of the court for the possession of the dwelling-house, and
 - (b) the execution of the order.]

[^{F2}(1A) In such a case, the tenancy ends when the order is executed.]

- (2) The court shall make [^{F3}an order of the kind mentioned in subsection (1)(a)] unless the provisions of section 128 apply.

^{F4}(3)

Textual Amendments

- F1** Words in s. 127(1) substituted (20.5.2009) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 11 para. 11\(2\)](#) (with [Sch. 11 para. 14](#)); S.I. 2009/1261, arts. 2, 3
- F2** S. 127(1A) inserted (20.5.2009) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 11 para. 11\(3\)](#) (with [Sch. 11 para. 14](#)); S.I. 2009/1261, arts. 2, 3
- F3** Words in s. 127(2) substituted (20.5.2009) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 11 para. 11\(4\)](#) (with [Sch. 11 para. 14](#)); S.I. 2009/1261, arts. 2, 3

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F4 S. 127(3) repealed (20.5.2009) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), Sch. 11 para. 11(5), [Sch. 16](#) (with [Sch. 11 para. 14](#)); [S.I. 2009/1261](#), arts. 2, 3

128 Notice of proceedings for possession.

- (1) The court shall not entertain proceedings for the possession of a dwelling-house let under an introductory tenancy unless the landlord has served on the tenant a notice of proceedings complying with this section.
- (2) The notice shall state that the court will be asked to make an order for the possession of the dwelling-house.
- (3) The notice shall set out the reasons for the landlord's decision to apply for such an order.
- (4) The notice shall specify a date after which proceedings for the possession of the dwelling-house may be begun.

[^{F5}The date so specified must not be earlier than the date on which the tenancy could, apart from this Chapter, be brought to an end by notice to quit given by the landlord on the same date as the notice of proceedings.]

[^{F6}(4A) The date specified in accordance with subsection (4)—

- (a) must not be earlier than the end of the period of—
 - (i) in relation to a dwelling-house in England, the relevant notice period beginning with the date on which the notice of proceedings is served, and
 - (ii) in relation to a dwelling-house in Wales—
 - (aa) four weeks beginning with the date on which the notice of proceedings is served where the landlord has specified in the notice of proceedings an ASB reason for applying for a possession order (whether or not the landlord has any other reason), and
 - (ab) in any other case, six months from the date on which the notice of proceedings is served, and
- (b) must not be earlier than the date on which the tenancy could, apart from this Chapter, be brought to an end by notice to quit given by the landlord on the same date as the notice of proceedings.]

- (5) The court shall not entertain any proceedings for possession of the dwelling-house unless they are begun after the date specified in the notice of proceedings.
- (6) The notice shall inform the tenant of his right to request a review of the landlord's decision to seek an order for possession and of the time within which such a request must be made.
- (7) The notice shall also inform the tenant that if he needs help or advice about the notice, and what to do about it, he should take it immediately to a Citizens' Advice Bureau, a housing aid centre, a law centre or a solicitor.

[^{F7}(8) In this section—

“relevant notice period” means—

- (a) where the landlord has specified in the notice of proceedings an ASB reason for applying for a possession order (whether or not the landlord has any other reason), four weeks, and

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(b) in any other case, six months;

“ASB reason” means , in relation to a dwelling-house in England, a reason which corresponds to any of those set out in section 84A(3) to (7) of the Housing Act 1985 or Grounds 2, 2ZA and 2A of Schedule 2 to that Act and, in relation to a dwelling-house in Wales, a reason which corresponds to any of those set out in section 84A(3) to (7) of the Housing Act 1985 or Grounds 2 and 2A of Schedule 2 to that Act.]

Textual Amendments

- F5** Words in s. 128(4) omitted (temp.) (26.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), Sch. 29 paras. 1, **8(a)** (with ss. 88-90) (as amended (W.) (29.9.2020) by [The Coronavirus Act 2020 \(Residential Tenancies Protection from Eviction\) \(Wales\) Regulations 2020 \(S.I. 2020/1044\)](#), regs. 1(2), **3** (with reg. 17))
- F6** S. 128(4A) inserted (temp.) (26.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), Sch. 29 paras. 1, **8(b)** (with ss. 88-90) (as amended (E.) (28.8.2020) by [The Coronavirus Act 2020 \(Residential Tenancies: Protection from Eviction\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/914\)](#), regs. 1(2), **3(2)(8)(b)** (with reg. 4) and as amended (W.) (29.9.2020) by [The Coronavirus Act 2020 \(Residential Tenancies Protection from Eviction\) \(Wales\) Regulations 2020 \(S.I. 2020/1044\)](#), regs. 1(2), **3, 11(2)** (with reg. 17))
- F7** S. 128(8) inserted (temp.) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), Sch. 29 paras. 1, **8(c)** (as inserted (E.) (28.8.2020) by [The Coronavirus Act 2020 \(Residential Tenancies: Protection from Eviction\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/914\)](#), regs. 1(2), **3(2)(8)(c)** (with reg. 4) and as amended (W.) (29.9.2020) by [The Coronavirus Act 2020 \(Residential Tenancies Protection from Eviction\) \(Wales\) Regulations 2020 \(S.I. 2020/1044\)](#), regs. 1(2), **3, 11(3)** (with reg. 17))

129 Review of decision to seek possession.

- (1) A request for review of the landlord’s decision to seek an order for possession of a dwelling-house let under an introductory tenancy must be made before the end of the period of 14 days beginning with the day on which the notice of proceedings is served.
- (2) On a request being duly made to it, the landlord shall review its decision.
- (3) The Secretary of State may make provision by regulations as to the procedure to be followed in connection with a review under this section.

Nothing in the following provisions affects the generality of this power.

- (4) Provision may be made by regulations—
 - (a) requiring the decision on review to be made by a person of appropriate seniority who was not involved in the original decision, and
 - (b) as to the circumstances in which the person concerned is entitled to an oral hearing, and whether and by whom he may be represented at such a hearing.
- (5) The landlord shall notify the person concerned of the decision on the review.

If the decision is to confirm the original decision, the landlord shall also notify him of the reasons for the decision.

- (6) The review shall be carried out and the tenant notified before the date specified in the notice of proceedings as the date after which proceedings for the possession of the dwelling-house may be begun.

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Commencement Information

- II** S. 129 wholly in force 4.2.1997: s. 129 not in force at Royal Assent, see s. 232(1)-(3); s. 129(3)(4) in force at 1.10.1996 by [S.I. 1996/2402](#), [art. 3](#) (with transitional provisions and savings in the [Sch.](#)); s. 129(1)(2)(5)(6) in force at 4.2.1997 by [S.I. 1997/66](#), [art. 2](#)

130 Effect of beginning proceedings for possession.

- (1) This section applies where the landlord has begun proceedings for the possession of a dwelling-house let under an introductory tenancy and—
 - (a) the trial period ends, or
 - (b) any of the events specified in section 125(5) occurs (events on which a tenancy ceases to be an introductory tenancy).
- (2) Subject to the following provisions, the tenancy remains an introductory tenancy until—
 - (a) the tenancy comes to an end [^{F8}in accordance with section 127(1A)] , or
 - (b) the proceedings are otherwise finally determined.
- (3) If any of the events specified in section 125(5)(b) to (d) occurs, the tenancy shall thereupon cease to be an introductory tenancy but—
 - (a) the landlord (or, as the case may be, the new landlord) may continue the proceedings, and
 - (b) if he does so, section [^{F9}127(1A) and (2)] (termination by landlord) apply as if the tenancy had remained an introductory tenancy.
- (4) Where in accordance with subsection (3) a tenancy ceases to be an introductory tenancy and becomes a secure tenancy, the tenant is not entitled to exercise the right to buy under Part V of the ^{M1}Housing Act 1985 unless and until the proceedings are finally determined on terms such that he is not required to give up possession of the dwelling-house.
- (5) For the purposes of this section proceedings shall be treated as finally determined if they are withdrawn or any appeal is abandoned or the time for appealing expires without an appeal being brought.

Textual Amendments

- F8** Words in s. 130(2)(a) substituted (20.5.2009) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 11 para. 12\(2\)](#) (with [Sch. 11 para. 14](#)); [S.I. 2009/1261](#), arts. 2, 3
- F9** Words in s. 130(3)(b) substituted (20.5.2009) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 11 para. 12\(3\)](#) (with [Sch. 11 para. 14](#)); [S.I. 2009/1261](#), arts. 2, 3

Marginal Citations

- M1** 1985 c. 68.

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