



Housing Act 1996

1996 CHAPTER 52

PART V

CONDUCT OF TENANTS

[^{F1}CHAPTER 1A]

[^{F1}Proceedings for possession

Textual Amendments

- F1** Pt. 5 Ch. 1A inserted (30.6.2004 for E., 30.9.2004 for W. for specified purposes, 30.4.2005 for W. so far as not already in force) by [Anti Social Behaviour Act 2003 \(c. 38\), s. 93, Sch. 1 para. 1](#); S.I. 2004/1502, [art. 2\(a\)\(iii\)](#); S.I. 2004/2557, [art. 2\(a\)\(ii\)](#); S.I. 2005/1225, [art. 2\(b\)](#)

Proceedings for possession

143D Proceedings for possession

- (1) The landlord may only bring a demoted tenancy to an end by obtaining [^{F2}—
(a) an order of the court for the possession of the dwelling-house, and
(b) the execution of the order.]

[In such a case, the tenancy ends when the order is executed.]
^{F3}(1A)

- (2) The court must make an order for possession unless it thinks that the procedure under sections 143E and 143F has not been followed.

^{F4}(3)

Status: Point in time view as at 26/01/2019.

Changes to legislation: Housing Act 1996, Cross Heading: Proceedings for possession is up to date with all changes known to be in force on or before 03 August 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)

Textual Amendments

- F2** Words in s. 143D(1) substituted (20.5.2009) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 11 para. 13\(2\)](#) (with [Sch. 11 para. 14](#)); S.I. 2009/1261, arts. 2, 3
- F3** S. 143D(1A) inserted (20.5.2009) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 11 para. 13\(3\)](#) (with [Sch. 11 para. 14](#)); S.I. 2009/1261, arts. 2, 3
- F4** S. 143D(3) repealed (20.5.2009) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 11 para. 13\(4\)](#), [Sch. 16](#) (with [Sch. 11 para. 14](#)); S.I. 2009/1261, arts. 2, 3

Notice of proceedings for possession

143E Notice of proceedings for possession

- (1) Proceedings for possession of a dwelling-house let under a demoted tenancy must not be brought unless the landlord has served on the tenant a notice of proceedings under this section.
- (2) The notice must—
 - (a) state that the court will be asked to make an order for the possession of the dwelling-house;
 - (b) set out the reasons for the landlord’s decision to apply for the order;
 - (c) specify the date after which proceedings for the possession of the dwelling-house may be begun;
 - (d) inform the tenant of his right to request a review of the landlord’s decision and of the time within which the request must be made.
- (3) The date specified under subsection (2)(c) 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.
- (4) The court must not entertain proceedings begun on or before the date specified under subsection (2)(c).
- (5) The notice must also inform the tenant that if he needs help or advice—
 - (a) about the notice, or
 - (b) about what to do about the notice,
 he must take the notice immediately to a Citizen’s Advice Bureau, a housing aid centre, a law centre or a solicitor.

Review of decision to seek possession

143F Review of decision to seek possession

- (1) Before the end of the period of 14 days beginning with the date of service of a notice for possession of a dwelling-house let under a demoted tenancy the tenant may request the landlord to review its decision to seek an order for possession.
- (2) If a request is made in accordance with subsection (1) the landlord must review the decision.

Status: Point in time view as at 26/01/2019.

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- (3) The Secretary of State may by regulations make provision as to the procedure to be followed in connection with a review under this section.
- (4) The regulations may include provision—
 - (a) requiring the decision on review to be made by a person of appropriate seniority who was not involved in the original decision;
 - (b) as to the circumstances in which the tenant is entitled to an oral hearing, and whether and by whom he may be represented at the hearing.
- (5) The landlord must notify the tenant—
 - (a) of the decision on the review;
 - (b) of the reasons for the decision.
- (6) The review must be carried out and notice given under subsection (5) before the date specified in the notice of proceedings as the date after which proceedings for possession of the dwelling-house may be begun.

Effect of proceedings for possession

143G Effect of proceedings for possession

- (1) This section applies if the landlord has begun proceedings for the possession of a dwelling-house let under a demoted tenancy and—
 - (a) the demotion period ends, or
 - (b) any of paragraphs (a) to (c) of section 143B(2) applies (circumstances in which a tenancy ceases to be a demoted tenancy).
- (2) If any of paragraphs (a) to (c) of section 143B(2) applies the tenancy ceases to be a demoted tenancy but the landlord (or the new landlord as the case may be) may continue the proceedings.
- (3) Subsection (4) applies if in accordance with subsection (2) a tenancy ceases to be a demoted tenancy and becomes a secure tenancy.
- (4) The tenant is not entitled to exercise the right to buy unless—
 - (a) the proceedings are finally determined, and
 - (b) he is not required to give up possession of the dwelling-house.
- (5) The proceedings must be treated as finally determined if—
 - (a) they are withdrawn;
 - (b) any appeal is abandoned;
 - (c) the time for appealing expires without an appeal being brought.]

Status:

Point in time view as at 26/01/2019.

Changes to legislation:

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