



Housing Act 1996

1996 CHAPTER 52

PART V

CONDUCT OF TENANTS

CHAPTER I

INTRODUCTORY TENANCIES

Proceedings for possession

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.

[^{F1}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.]

- [^{F2}(4A) The date specified in accordance with subsection (4)—
- (a) must not be earlier than the end of the period of—

Status: Point in time view as at 30/06/2021. This version of this provision has been superseded.

Changes to legislation: Housing Act 1996, Section 128 is up to date with all changes known to be in force on or before 31 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) 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.

[^{F3}(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,
- (aa) where paragraph (a) does not apply and the landlord has specified in the notice of proceedings a reason for applying for a possession order which corresponds to Ground 5 of Schedule 2 to the Housing Act 1985 (whether or not the landlord has any other reason), four weeks,
- (b) where paragraphs (a) and (aa) do not apply and the landlord has specified in the notice of proceedings only a reason for applying for a possession order which corresponds to Ground 1 of Schedule 2 to the Housing Act 1985 and at the time the notice is served—
 - (i) at least four months’ rent is unpaid, four weeks,
 - (ii) less than four months’ rent is unpaid, and the notice is served on or after 1 August 2021, two months, and
- (c) in any other case, four 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.]

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Textual Amendments

- F1** 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 [S.I. 2020/1044, regs. 1\(2\), 3](#) (with [reg. 17](#)); (31.3.2021) by [S.I. 2021/284, regs. 1\(2\), 2](#) and [S.I. 2021/377, regs. 1\(2\), 2](#); (E.) (1.6.2021) by [S.I. 2021/564, regs. 1\(2\), 2\(2\)](#); and (W.) (30.6.2021) by [S.I. 2021/708, regs. 1\(2\), 2](#))
- F2** 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 [S.I. 2020/914, regs. 1\(2\), 3\(2\)\(8\)\(b\)](#) (with [reg. 4](#)); (W.) (29.9.2020) by [S.I. 2020/1044, regs. 1\(2\), 3, 11\(2\)](#) (with [reg. 17](#)); (31.3.2021) by [S.I. 2021/284, regs. 1\(2\), 2](#) and [S.I. 2021/377, regs. 1\(2\), 2](#); (E.) (1.6.2021) by [S.I. 2021/564, regs. 1\(2\), 2\(2\)](#); and (W.) (30.6.2021) by [S.I. 2021/708, regs. 1\(2\), 2](#))
- F3** 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 [S.I. 2020/914, regs. 1\(2\), 3\(2\)\(8\)\(c\)](#) (with [reg. 4](#)) and as amended: (W.) (29.9.2020) by [S.I. 2020/1044, regs. 1\(2\), 3, 11\(3\)](#) (with [reg. 17](#)); (31.3.2021) by [S.I. 2021/284, regs. 1\(2\), 2](#) and [S.I. 2021/377, regs. 1\(2\), 2](#); (E.) (1.6.2021) by [S.I. 2021/564, regs. 1\(2\)\(3\), 2\(2\)\(9\)](#) (with [reg. 3](#)); and (W.) (30.6.2021) by [S.I. 2021/708, regs. 1\(2\), 2](#))

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Changes to legislation:

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