



# Anti-social Behaviour, Crime and Policing Act 2014

## 2014 CHAPTER 12

### PART 5

#### RECOVERY OF POSSESSION OF DWELLING-HOUSES: ANTI-SOCIAL BEHAVIOUR GROUNDS

##### *Absolute ground for possession: secure tenancies*

#### 95 Notice requirements for new ground

After section 83 of the Housing Act 1985 (proceedings for possession or termination: notice requirements) there is inserted—

##### **“83ZA Notice requirements in relation to proceedings for possession on absolute ground for anti-social behaviour**

- (1) This section applies in relation to proceedings for possession of a dwelling-house under section 84A (absolute ground for possession for anti-social behaviour), including proceedings where possession is also sought on one or more of the grounds set out in Schedule 2.
- (2) The court must not entertain the proceedings unless the landlord has served on the tenant a notice under this section.
- (3) The notice must—
  - (a) state that the court will be asked to make an order under section 84A for the possession of the dwelling-house,
  - (b) set out the reasons for the landlord's decision to apply for the order (including the condition or conditions in section 84A on which the landlord proposes to rely), and

*Status: Point in time view as at 21/10/2014.*

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- (c) inform the tenant of any right that the tenant may have under section 85ZA to request a review of the landlord's decision and of the time within which the request must be made.
- (4) In a case where possession is also sought on one or more of the grounds set out in Schedule 2, the notice must also—
  - (a) specify the ground on which the court will be asked to make the order, and
  - (b) give particulars of that ground.
- (5) A notice which states that the landlord proposes to rely upon condition 1, 3 or 5 in section 84A—
  - (a) must also state the conviction on which the landlord proposes to rely, and
  - (b) must be served on the tenant within—
    - (i) the period of 12 months beginning with the day of the conviction, or
    - (ii) 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.
- (6) A notice which states that the landlord proposes to rely upon condition 2 in section 84A—
  - (a) must also state the finding on which the landlord proposes to rely, and
  - (b) must be served on the tenant within—
    - (i) the period of 12 months beginning with the day on which the court has made the finding, or
    - (ii) 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.
- (7) A notice which states that the landlord proposes to rely upon condition 4 in section 84A—
  - (a) must also state the closure order concerned, and
  - (b) must be served on the tenant within—
    - (i) the period of 3 months beginning with the day on which the closure order was made, or
    - (ii) 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.
- (8) A notice under this section must also inform the tenant that, if the tenant needs help or advice about the notice and what to do about it, the tenant should take it immediately to a Citizens' Advice Bureau, a housing aid centre, a law centre or a solicitor.
- (9) The notice—
  - (a) must also specify the date after which proceedings for the possession of the dwelling-house may be begun, and
  - (b) ceases to be in force 12 months after the date so specified.

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- (10) The date specified in accordance with subsection (9)(a) must not be earlier than—
- (a) in the case of a periodic tenancy, the date on which the tenancy could, apart from this Part, be brought to an end by notice to quit given by the landlord on the same day as the notice under this section;
  - (b) in the case of a secure tenancy for a term certain, one month after the date of the service of the notice.
- (11) Where a notice under this section is served with respect to a secure tenancy for a term certain, it has effect also with respect to any periodic tenancy arising on the termination of that tenancy by virtue of section 86; and subsection (10)(a) does not apply to the notice.”

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**Commencement Information**

**I1** S. 95 in force at 20.10.2014 for E. by S.I. 2014/2590, art. 2(b)

**I2** S. 95 in force at 21.10.2014 for W. by S.I. 2014/2830, art. 2(b)

**Status:**

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