

**Changes to legislation:** Housing Act 1985, SCHEDULE 3 is up to date with all changes known to be in force on or before 17 April 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) View outstanding changes

## SCHEDULES

### SCHEDULE 3

Section 92.

#### GROUND FOR WITHHOLDING CONSENT TO ASSIGNMENT BY WAY OF EXCHANGE

##### Modifications etc. (not altering text)

- C1** Sch. 3 excluded (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\)](#), art. 1(2), **Sch. 2 para. 9**

#### *[<sup>F1</sup>Ground 1]*

##### Textual Amendments

- F1** Sch. 3 Ground 1 substituted (20.5.2009) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 299, 325, **Sch. 11 para. 4** (with [Sch. 11 para. 14](#)); S.I. 2009/1261, **arts. 2, 3**

[<sup>F2</sup>The tenant or the proposed assignee is subject to an order of the court for the possession of the dwelling-house of which he is the secure tenant.]

##### Textual Amendments

- F2** Sch. 3 Ground 1 substituted (20.5.2009) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 299, 325, **Sch. 11 para. 4** (with [Sch. 11 para. 14](#)); S.I. 2009/1261, **arts. 2, 3**

##### Textual Amendments

- F2** Sch. 3 Ground 1 substituted (20.5.2009) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 299, 325, **Sch. 11 para. 4** (with [Sch. 11 para. 14](#)); S.I. 2009/1261, **arts. 2, 3**

#### *Ground 2*

Proceedings have been begun for possession of the dwelling-house of which the tenant or the proposed assignee is the secure tenant on one or more of grounds 1 to 6 in Part I of Schedule 2 (grounds on which possession may be ordered despite absence of suitable alternative accommodation), or there has been served on the tenant or the proposed assignee a notice under section 83 [<sup>F3</sup>or 83ZA ] (notice of proceedings for possession) which specifies one or more of those grounds and is still in force.

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#### Textual Amendments

- F3** Words in Sch. 3 Ground 2 inserted (20.10.2014 for E., 21.10.2014 for W.) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1)(2)(c)(3)(c), **Sch. 11 para. 14** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, **art. 2(h)**; S.I. 2014/2830, **art. 2(g)(vii)**

#### Textual Amendments

- F3** Words in Sch. 3 Ground 2 inserted (20.10.2014 for E., 21.10.2014 for W.) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1)(2)(c)(3)(c), **Sch. 11 para. 14** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, **art. 2(h)**; S.I. 2014/2830, **art. 2(g)(vii)**

### *[<sup>F4</sup>Ground 2ZA*

#### Textual Amendments

- F4** Sch. 3 Ground 2ZA inserted (20.10.2014 for E., 21.10.2014 for W.) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 100(2)**, 185(1)(2)(c)(3)(b) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, **art. 2(e)**; S.I. 2014/2830, **art. 2(e)**

Proceedings have been begun for possession of the dwelling-house, of which the tenant or the proposed assignee is the secure tenant, under section 84A (absolute ground for possession for anti-social behaviour), or there has been served on the tenant or the proposed assignee a notice under section 83ZA (notice requirements in relation to proceedings for possession on absolute ground for anti-social behaviour) which is still in force.]

### *[<sup>F5</sup>Ground 2A*

#### Textual Amendments

- F5** Sch. 3 Ground 2A inserted (6.6.2005 for E. and 14.7.2005 for W.) by [Housing Act 2004 \(c. 34\)](#), **ss. 191**, 270(4)(5); S.I. 2005/1451, **art. 2(b)**; S.I. 2005/1814, **art. 2(a)**

Either—

- (a) a relevant order [<sup>F6</sup>, a suspended anti-social behaviour possession order or a suspended riot-related possession order] is in force, or
- (b) an application is pending before any court for a relevant order, a demotion order [<sup>F7</sup>, an anti-social behaviour possession order or a riot-related possession order] to be made,

in respect of the tenant or the proposed assignee or a person who is residing with either of them.

A “relevant order” means—

- an injunction under section 152 of the Housing Act 1996 (injunctions against anti-social behaviour);
- an injunction to which a power of arrest is attached by virtue of section 153 of that Act (other injunctions against anti-social behaviour);

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an injunction under section 153A, 153B or 153D of that Act (injunctions against anti-social behaviour on application of certain social landlords);  
an anti-social behaviour order under section 1 of the Crime and Disorder Act 1998;  
F8  
...  
an injunction to which a power of arrest is attached by virtue of section 91 of the Anti-social Behaviour Act 2003 [F9 or section 27 of the Police and Justice Act 2006].  
[F10 an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014;  
[F11 a criminal behaviour order within the meaning given by section 330 of the Sentencing Code].]

[F12 An “anti-social behaviour possession order” means an order for possession under Ground 2 in Schedule 2 to this Act or Ground 14 in Schedule 2 to the Housing Act 1988. ]  
A “demotion order” means a demotion order under section 82A of this Act or section 6A of the Housing Act 1988.

[F13 A “riot-related possession order” means an order for possession under Ground 2ZA in Schedule 2 to this Act or Ground 14ZA in Schedule 2 to the Housing Act 1988. ]

F14  
...

Where the tenancy of the tenant or the proposed assignee is a joint tenancy, any reference to that person includes (where the context permits) a reference to any of the joint tenants.]

#### Textual Amendments

- F6** Words in Sch. 3 substituted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), s. 185\(1\), Sch. 11 para. 15\(2\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(a)
- F7** Words in Sch. 3 substituted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), s. 185\(1\), Sch. 11 para. 15\(3\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(a)
- F8** Word in Sch. 3 Ground 2A omitted (20.10.2014 for E., 21.10.2014 for W.) by virtue of [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), s. 185\(1\)\(2\)\(c\)\(3\)\(c\), Sch. 11 para. 15\(4\)\(a\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 2(h); S.I. 2014/2830, art. 2(g)(viii)
- F9** Words in Sch. 3 Ground 2A inserted (20.10.2014 for E.) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), s. 185\(1\)\(2\)\(c\)\(3\)\(c\), Sch. 11 para. 15\(4\)\(b\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 2(h)
- F10** Words in Sch. 3 inserted (20.10.2014 for E., 21.10.2014 for W.) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), s. 185\(1\)\(2\)\(c\)\(3\)\(c\), Sch. 11 para. 15\(4\)\(c\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 2(h); S.I. 2014/2830, art. 2(g)(viii)
- F11** Words in Sch. 3 substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 85](#) (with Sch. 27); S.I. 2020/1236, reg. 2
- F12** Words in Sch. 3 inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), s. 185\(1\), Sch. 11 para. 15\(5\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(a)
- F13** Words in Sch. 3 inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), s. 185\(1\), Sch. 11 para. 15\(6\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(a)
- F14** Words in Sch. 3 omitted (13.5.2014) by virtue of [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), s. 185\(1\), Sch. 11 para. 15\(7\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(a)

#### Textual Amendments

- F6** Words in Sch. 3 substituted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), s. 185\(1\), Sch. 11 para. 15\(2\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(a)

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- F7** Words in Sch. 3 substituted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 15(3)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(a)
- F8** Word in Sch. 3 Ground 2A omitted (20.10.2014 for E., 21.10.2014 for W.) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1)(2)(c)(3)(c), **Sch. 11 para. 15(4)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, **art. 2(h)**; S.I. 2014/2830, **art. 2(g)(viii)**
- F9** Words in Sch. 3 Ground 2A inserted (20.10.2014 for E.) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1)(2)(c)(3)(c), **Sch. 11 para. 15(4)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, **art. 2(h)**
- F10** Words in Sch. 3 inserted (20.10.2014 for E., 21.10.2014 for W.) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1)(2)(c)(3)(c), **Sch. 11 para. 15(4)(c)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, **art. 2(h)**; S.I. 2014/2830, **art. 2(g)(viii)**
- F11** Words in Sch. 3 substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 85** (with Sch. 27); S.I. 2020/1236, reg. 2
- F12** Words in Sch. 3 inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 15(5)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(a)
- F13** Words in Sch. 3 inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 15(6)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(a)
- F14** Words in Sch. 3 omitted (13.5.2014) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 15(7)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(a)

### *F<sup>15</sup>Ground 2B*

#### **Textual Amendments**

- F15** Sch. 3 Ground 2B inserted (20.10.2014 for E., 21.10.2014 for W.) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1)(2)(c)(3)(c), **Sch. 11 para. 16** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, **art. 2(h)**; S.I. 2014/2830, **art. 2(g)(ix)**

The dwelling-house is subject to a closure notice or closure order under Chapter 3 of Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.]

#### *Ground 3*

The accommodation afforded by the dwelling-house is substantially more extensive than is reasonably required by the proposed assignee.

#### *Ground 4*

The extent of the accommodation afforded by the dwelling-house is not reasonably suitable to the needs of the proposed assignee and his family.

#### *Ground 5*

The dwelling-house—

- (a) forms part of or is within the curtilage of a building which, or so much of it as is held by the landlord, is held mainly for purposes other than housing purposes and consists mainly of accommodation other than housing accommodation, or is situated in a cemetery, and

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- (b) was let to the tenant or a predecessor in title of his in consequence of the tenant or predecessor being in the employment of—
- the landlord,
  - a local authority,
  - a [<sup>F16</sup>development] corporation,
  - [<sup>F17</sup>a housing action trust]
  - <sup>F18</sup>  
...
  - [<sup>F19</sup>a Mayoral development corporation,]
  - an urban development corporation, or
  - the governors of an aided school.

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#### Textual Amendments

- F16** Words in Sch. 3 Ground 5(b) substituted (1.12.2008) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2008 \(S.I. 2008/3002\)](#), art. 4, **Sch. 1 para. 30** (with Sch. 2); S.I. 2008/3068, arts. 1(2), **2(1)(b)** (with arts. 6-13)
- F17** Entry in Sch. 3 Ground 5(b) inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. **83(6)(c)**
- F18** Entry in Sch. 3 Ground 5(b) repealed (1.10.1998) by [1998 c. 38, s. 152](#), **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**
- F19** Entry in Sch. 3 Ground 5(b) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), **Sch. 22 para. 18**

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#### Textual Amendments

- F16** Words in Sch. 3 Ground 5(b) substituted (1.12.2008) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2008 \(S.I. 2008/3002\)](#), art. 4, **Sch. 1 para. 30** (with Sch. 2); S.I. 2008/3068, arts. 1(2), **2(1)(b)** (with arts. 6-13)
- F17** Entry in Sch. 3 Ground 5(b) inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. **83(6)(c)**
- F18** Entry in Sch. 3 Ground 5(b) repealed (1.10.1998) by [1998 c. 38, s. 152](#), **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**
- F19** Entry in Sch. 3 Ground 5(b) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), **Sch. 22 para. 18**

#### Ground 6

The landlord is a charity and the proposed assignee's occupation of the dwelling-house would conflict with the objects of the charity.

#### Ground 7

The dwelling-house has features which are substantially different from those of ordinary dwelling-houses and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of the kind provided by the dwelling-house and if the assignment were made there would no longer be such a person residing in the dwelling-house.

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### *Ground 8*

The landlord is a housing association or housing trust which lets dwelling-houses only for occupation (alone or with others) by persons whose circumstances (other than merely financial circumstances) make it especially difficult for them to satisfy their need for housing and if the assignment were made there would no longer be such a person residing in the dwelling-house.

### *Ground 9*

The dwelling-house is one of a group of dwelling-houses which it is the practice of the landlord to let for occupation by persons with special needs and a social service or special facility is provided in close proximity to the group of dwelling-houses in order to assist persons with those special needs and if the assignment were made there would no longer be a person with those special needs residing in the dwelling-house.

### *<sup>F20</sup> Ground 10*

#### **Textual Amendments**

**F20** Sch. 3 Ground 10 added by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 24(1), **Sch. 5 Pt. I para. 7**

The dwelling-house is the subject of a management agreement under which the manager is a housing association of which at least half the members are tenants of dwelling-houses subject to the agreement, at least half the tenants of the dwelling-houses are members of the association and the proposed assignee is not, and is not willing to become, a member of the association.]

[<sup>F21</sup>Reference to a management agreement includes a section 247 or 249 arrangement, as defined by section 250A(6) of the Housing and Regeneration Act 2008.]

#### **Textual Amendments**

**F21** Words in Sch. 3 Ground 10 inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 19**

#### **Textual Amendments**

**F21** Words in Sch. 3 Ground 10 inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 19**

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**Changes and effects yet to be applied to :**

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by [S.I. 2022/1166](#) by [S.I. 2022/1172](#) Regulations

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 81A-81D and cross-heading inserted by [2016 c. 22 Sch. 7 para. 4](#) (This provision is amended by [2021 c. 7, ss. 79\(3\), 90\(6\)](#); [S.I. 2021/1038, reg. 3\(c\)](#))
- s. 81B(1)(b) words inserted by [2018 c. 11 s. 1\(3\)](#)
- s. 81B(2A)-(2C) inserted by [2018 c. 11 s. 1\(2\)](#)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(i\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2D) inserted by [2021 c. 17 s. 79\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 82(A1)(A2) inserted by [2016 c. 22 s. 119\(2\)\(a\)](#)
- s. 82A(4A)(4B) inserted by [2016 c. 22 Sch. 7 para. 7\(2\)](#)
- s. 86(1A)(1B) inserted by [2016 c. 22 Sch. 7 para. 10\(3\)](#)
- s. 86(1C) inserted by [2016 c. 22 Sch. 8 para. 2](#)
- s. 86A-86F and cross-headings inserted by [2016 c. 22 Sch. 7 para. 11](#)
- s. 86G s. 86A renumbered as s. 86G by [2016 c. 22 Sch. 8 para. 3\(1\)\(a\)](#)
- s. 86G(8) inserted by [2016 c. 22 Sch. 8 para. 3\(2\)](#)
- s. 88(1)(ba) inserted by [2016 c. 22 Sch. 8 para. 4](#)
- s. 89(2A)-(2D) inserted by [2016 c. 22 Sch. 8 para. 5\(3\)](#)
- s. 97(1A) inserted by [2016 c. 22 Sch. 7 para. 12\(3\)](#)
- s. 99A(1A) inserted by [2016 c. 22 Sch. 7 para. 13\(3\)](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 305(1A) inserted by [2023 asc 3 Sch. 13 para. 68\(b\)](#)
- s. 306(1A) inserted by [2023 asc 3 Sch. 13 para. 69\(b\)](#)
- s. 353A inserted by [1996 c. 52 s. 73\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 73 repealed (6.4.2006 for E., 16.6.2006 for W.) by [2004 c. 34, Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\), Sch.](#); [S.I. 2006/1535, art. 2\(c\), Sch.](#))
- s. 582(6)(aa)-(ac) substituted for s. 582(6)(a) by [2023 c. 55 Sch. 18 para. 4\(2\)\(b\)](#)
- Sch. 1 para. 1ZA and cross-heading inserted by [2016 c. 22 Sch. 7 para. 17\(2\)](#)
- Sch. 5A para. 3(3)(aa) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(b\)\(ii\)](#)
- Sch. 5A para. 3(6A) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(d\)](#)