



Housing Act 1980

1980 CHAPTER 51

PART II

PRIVATE SECTOR TENANTS

Protected shorthold tenancies

51 Preliminary.

Sections 53 to 55 below modify the operation of the 1977 Act in relation to protected shorthold tenancies as defined in section 52 below.

52

F1

Textual Amendments

F1 S. 52 repealed with saving by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140, [Sch. 18](#) Note 2

53 Right of tenant to terminate protected shorthold tenancy.

- (1) A protected shorthold tenancy may be brought to an end (by virtue of this section and notwithstanding anything in the terms of the tenancy) before the expiry of the term certain by notice in writing of the appropriate length given by the tenant to the landlord; and the appropriate length of the notice is—
 - (a) one month if the term certain is two years or less; and
 - (b) three months if it is more than two years.
- (2) Any agreement relating to a protected shorthold tenancy (whether or not contained in the instrument creating the tenancy) shall be void in so far as it purports to impose any penalty or disability on the tenant in the event of his giving a notice under this section.

Changes to legislation: There are currently no known outstanding effects for the Housing Act 1980, Cross Heading: Protected shorthold tenancies. (See end of Document for details)

54 Subletting or assignment.

- (1) Where the whole or part of a dwelling-house let under a protected shorthold tenancy has been sublet at any time during the continuous period specified in subsection (3) below, and, during that period, the landlord becomes entitled, as against the tenant, to possession of the dwelling-house, he shall also be entitled to possession against the sub-tenant and section 137 of the 1977 Act shall not apply.
- (2) A protected shorthold tenancy of a dwelling-house and any protected tenancy of the same dwelling-house granted during the continuous period specified in subsection (3) below shall not be capable of being assigned, [^{F2}except in pursuance of an order under —
 - (a) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),
 - (b) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), ^{F3}...
 - (c) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents)]^{F4}, or
 - (d) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).]
- (3) The continuous period mentioned in subsections (1) and (2) above is the period beginning with the grant of the protected shorthold tenancy and continuing until either—
 - (a) no person is in possession of the dwelling-house as a protected or statutory tenant; or
 - (b) a protected tenancy of the dwelling-house is granted to a person who is not, immediately before the grant, in possession of the dwelling-house as a protected or statutory tenant.

Textual Amendments

- F2** Words in s. 54(2) substituted (1.10.1996) by 1996 c. 52, s. 222, **Sch. 18 Pt. III para. 7**; S.I. 1996/2402, **art. 3**
- F3** Word in s. 54(2)(b) repealed (5.12.2005) by **Civil Partnership Act 2004 (c. 33)**, s. 263(10)(b)(d), **Sch. 30**; S.I. 2005/3175, **art. 2(6)**
- F4** S. 54(2)(d) and word inserted (5.12.2005) by **Civil Partnership Act 2004 (c. 33)**, s. 263(2), **Sch. 8 para. 16**; S.I. 2005/3175, **art. 2(1)**, **Sch. 1**

55 Orders for possession.

- (1) The following Case shall be added to the Cases in Part II of Schedule 15 to the 1977 Act (mandatory orders for possession) :
Case 19

Where the dwelling-house was let under a protected shorthold tenancy (or is treated under section 55 of the Housing Act 1980 as having been so let) and—

- (a) there either has been no grant of a further tenancy of the dwelling-house since the end of the protected shorthold tenancy or, if there was such a grant, it

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was to a person who immediately before the grant was in possession of the dwelling-house as a protected or statutory tenant ; and

- (b) the proceedings for possession were commenced after appropriate notice by the landlord to the tenant and not later than 3 months after the expiry of the notice.

A notice is appropriate for this Case if—

- (i) it is in writing and states that proceedings for possession, under this Case may be brought after its expiry ; and
- (ii) it expires not earlier than 3 months after it is served nor, if, when it is served, the tenancy is a periodic tenancy, before that periodic tenancy could be brought to an end by a notice to quit served by the landlord on the same day ;
- (iii) it is served—
 - (a) in the period of 3 months immediately preceding the date on which the protected shorthold tenancy comes to an end ; or
 - (b) if that date has passed, in the period of 3 months immediately preceding any anniversary of that date ; and
 - (iv) in a case where a previous notice has been served by the landlord on the tenant in respect of the dwelling-house, and that notice was an appropriate notice, it is served not earlier than 3 months after the expiry of the previous notice.”

- (2) If, in proceedings for possession under Case 19 set out above, the court is of opinion that, notwithstanding that the condition of paragraph (b) or (c) of section 52(1) above is not satisfied, it is just and equitable to make an order for possession, it may treat the tenancy under which the dwelling-house was let as a protected shorthold tenancy.

Modifications etc. (not altering text)

C1 Case 19 means Case 19 to [Rent Act 1977 \(c. 42, SIF 75:3\)](#), **Sch. 15 Pt. II**

C2 The text of ss. 55(1), 59(2)(3), 61(1)–(7), 62, 63, 65(1)–(5), 66(1)–(4), 67–69, 70(1), 71, 73(1)–(4), 74(1)(2), 75, 76, 78, 79, 138, 141, 143(3), 148, 152(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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