



# Housing Act 1985

## 1985 CHAPTER 68

### PART IV

#### SECURE TENANCIES AND RIGHTS OF SECURE TENANTS

##### *Security of tenure*

#### **85 Extended discretion of court in certain proceedings for possession.**

- (1) Where proceedings are brought for possession of a dwelling-house let under a secure tenancy on any of the grounds set out in Part I or Part III of Schedule 2 (grounds 1 to 8 and 12 to 16: cases in which the court must be satisfied that it is reasonable to make a possession order), the court may adjourn the proceedings for such period or periods as it thinks fit.
- (2) On the making of an order for possession of such a dwelling-house on any of those grounds, or at any time before the execution of the order, the court may—
  - (a) stay or suspend the execution of the order, or
  - (b) postpone the date of possession,for such period or periods as the court thinks fit.
- (3) On such an adjournment, stay, suspension or postponement the court—
  - (a) shall impose conditions with respect to the payment by the tenant of arrears of rent (if any) and rent <sup>F1</sup> . . . unless it considers that to do so would cause exceptional hardship to the tenant or would otherwise be unreasonable, and
  - (b) may impose such other conditions as it thinks fit.
- [<sup>F2</sup>(4) The court may discharge or rescind the order for possession if it thinks it appropriate to do so having had regard to—
  - (a) any conditions imposed under subsection (3), and
  - (b) the conduct of the tenant in connection with those conditions.]
  - (5) <sup>F3</sup> .....

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*Changes to legislation: Housing Act 1985, Section 85 is up to date with all changes known to be in force on or before 20 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*

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(5A) <sup>F4</sup> .....

#### Textual Amendments

- F1** Words in s. 85(3)(a) omitted (20.5.2009) and repealed (prosp.) by virtue of [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 299, 321(1), 325, [Sch. 11 para. 3\(2\)](#), [Sch. 16](#) (with [Sch. 11 para. 14](#)); S.I. 2009/1261, [arts. 2, 3](#)
- F2** S. 85(4) substituted (20.5.2009) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 299, 321(1), 325, [Sch. 11 para. 3\(3\)](#) (with [Sch. 11 para. 14](#)); S.I. 2009/1261, [art. 2](#)
- F3** S. 85(5) omitted (20.5.2009) and repealed (prosp.) by virtue of [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 299, 321(1), 325, [Sch. 11 para. 3\(4\)](#), [Sch. 16](#) (with [Sch. 11 para. 14](#)); S.I. 2009/1261, [arts. 2, 3](#)
- F4** S. 85(5A) omitted (20.5.2009) and repealed (prosp.) by virtue of [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 299, 321(1), 325, [Sch. 11 para. 3\(4\)](#), [Sch. 16](#) (with [Sch. 11 para. 14](#)); S.I. 2009/1261, [arts. 2, 3](#)

**Changes to legislation:**

Housing Act 1985, Section 85 is up to date with all changes known to be in force on or before 20 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.

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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\(3\)\(d\)](#)