



Housing Act 1988

1988 CHAPTER 50

PART I

RENTED ACCOMMODATION

CHAPTER II

ASSURED SHORTHOLD TENANCIES

20 Assured shorthold tenancies

- (1) Subject to subsection (3) below, an assured shorthold tenancy is an assured tenancy—
 - (a) which is a fixed term tenancy granted for a term certain of not less than six months; and
 - (b) in respect of which there is no power for the landlord to determine the tenancy at any time earlier than six months from the beginning of the tenancy; and
 - (c) in respect of which a notice is served as mentioned in subsection (2) below.
- (2) The notice referred to in subsection (1)(c) above is one which—
 - (a) is in such form as may be prescribed;
 - (b) is served before the assured tenancy is entered into;
 - (c) is served by the person who is to be the landlord under the assured tenancy on the person who is to be the tenant under that tenancy; and
 - (d) states that the assured tenancy to which it relates is to be a shorthold tenancy.
- (3) Notwithstanding anything in subsection (1) above, where—
 - (a) immediately before a tenancy (in this subsection referred to as “the new tenancy”) is granted, the person to whom it is granted or, as the case may be, at least one of the persons to whom it is granted was a tenant under an assured tenancy which was not a shorthold tenancy, and

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- (b) the new tenancy is granted by the person who, immediately before the beginning of the tenancy, was the landlord under the assured tenancy referred to in paragraph (a) above,
the new tenancy cannot be an assured shorthold tenancy.
- (4) Subject to subsection (5) below, if, on the coming to an end of an assured shorthold tenancy (including a tenancy which was an assured shorthold but ceased to be assured before it came to an end), a new tenancy of the same or substantially the same premises comes into being under which the landlord and the tenant are the same as at the coming to an end of the earlier tenancy, then, if and so long as the new tenancy is an assured tenancy, it shall be an assured shorthold tenancy, whether or not it fulfils the conditions in paragraphs (a) to (c) of subsection (1) above.
- (5) Subsection (4) above does not apply if, before the new tenancy is entered into (or, in the case of a statutory periodic tenancy, takes effect in possession), the landlord serves notice on the tenant that the new tenancy is not to be a shorthold tenancy.
- (6) In the case of joint landlords—
- (a) the reference in subsection (2)(c) above to the person who is to be the landlord is a reference to at least one of the persons who are to be joint landlords; and
 - (b) the reference in subsection (5) above to the landlord is a reference to at least one of the joint landlords.
- (7) Section 14 above shall apply in relation to an assured shorthold tenancy as if in subsection (1) of that section the reference to an assured tenancy were a reference to an assured shorthold tenancy.

21 Recovery of possession on expiry or termination of assured shorthold tenancy

- (1) Without prejudice to any right of the landlord under an assured shorthold tenancy to recover possession of the dwelling-house let on the tenancy in accordance with Chapter I above, on or after the coming to an end of an assured shorthold tenancy which was a fixed term tenancy, a court shall make an order for possession of the dwelling-house if it is satisfied—
- (a) that the assured shorthold tenancy has come to an end and no further assured tenancy (whether shorthold or not) is for the time being in existence, other than a statutory periodic tenancy; and
 - (b) the landlord or, in the case of joint landlords, at least one of them has given to the tenant not less than two months' notice stating that he requires possession of the dwelling-house.
- (2) A notice under paragraph (b) of subsection (1) above may be given before or on the day on which the tenancy comes to an end; and that subsection shall have effect notwithstanding that on the coming to an end of the fixed term tenancy a statutory periodic tenancy arises.
- (3) Where a court makes an order for possession of a dwelling-house by virtue of subsection (1) above, any statutory periodic tenancy which has arisen on the coming to an end of the assured shorthold tenancy shall end (without further notice and regardless of the period) on the day on which the order takes effect.
- (4) Without prejudice to any such right as is referred to in subsection (1) above, a court shall make an order for possession of a dwelling-house let on an assured shorthold tenancy which is a periodic tenancy if the court is satisfied—

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- (a) that the landlord or, in the case of joint landlords, at least one of them has given to the tenant a notice stating that, after a date specified in the notice, being the last day of a period of the tenancy and not earlier than two months after the date the notice was given, possession of the dwelling-house is required by virtue of this section; and
- (b) that the date specified in the notice under paragraph (a) above is not earlier than the earliest day on which, apart from section 5(1) above, the tenancy could be brought to an end by a notice to quit given by the landlord on the same date as the notice under paragraph (a) above.

22 Reference of excessive rents to rent assessment committee

- (1) Subject to section 23 and subsection (2) below, the tenant under an assured shorthold tenancy in respect of which a notice was served as mentioned in section 20(2) above may make an application in the prescribed form to a rent assessment committee for a determination of the rent which, in the committee's opinion, the landlord might reasonably be expected to obtain under the assured shorthold tenancy.
- (2) No application may be made under this section if—
 - (a) the rent payable under the tenancy is a rent previously determined under this section; or
 - (b) the tenancy is an assured shorthold tenancy falling within subsection (4) of section 20 above (and, accordingly, is one in respect of which notice need not have been served as mentioned in subsection (2) of that section).
- (3) Where an application is made to a rent assessment committee under subsection (1) above with respect to the rent under an assured shorthold tenancy, the committee shall not make such a determination as is referred to in that subsection unless they consider—
 - (a) that there is a sufficient number of similar dwelling-houses in the locality let on assured tenancies (whether shorthold or not); and
 - (b) that the rent payable under the assured shorthold tenancy in question is significantly higher than the rent which the landlord might reasonably be expected to be able to obtain under the tenancy, having regard to the level of rents payable under the tenancies referred to in paragraph (a) above.
- (4) Where, on an application under this section, a rent assessment committee make a determination of a rent for an assured shorthold tenancy—
 - (a) the determination shall have effect from such date as the committee may direct, not being earlier than the date of the application;
 - (b) if, at any time on or after the determination takes effect, the rent which, apart from this paragraph, would be payable under the tenancy exceeds the rent so determined, the excess shall be irrecoverable from the tenant; and
 - (c) no notice may be served under section 13(2) above with respect to a tenancy of the dwelling-house in question until after the first anniversary of the date on which the determination takes effect.
- (5) Subsections (4), (5) and (8) of section 14 above apply in relation to a determination of rent under this section as they apply in relation to a determination under that section and, accordingly, where subsection (5) of that section applies, any reference in subsection (4)(b) above to rent is a reference to rent exclusive of the amount attributable to rates.

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23 Termination of rent assessment committee's functions

- (1) If the Secretary of State by order made by statutory instrument so provides, section 22 above shall not apply in such cases or to tenancies of dwelling-houses in such areas or in such other circumstances as may be specified in the order.
- (2) An order under this section may contain such transitional, incidental and supplementary provisions as appear to the Secretary of State to be desirable.
- (3) No order shall be made under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.