



# Housing Act 1988

## 1988 CHAPTER 50

### PART I

#### RENTED ACCOMMODATION

### CHAPTER II

#### ASSURED SHORTHOLD TENANCIES

- 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 [<sup>F1</sup>an assured shorthold periodic tenancy (whether statutory or not)]; 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 [<sup>F2</sup>in writing] 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.

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*Status: Point in time view as at 30/06/2004. This version of this provision has been superseded.*

*Changes to legislation: Housing Act 1988, Section 21 is up to date with all changes known to be in force on or before 24 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)*

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- (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—
- (a) that the landlord or, in the case of joint landlords, at least one of them has given to the tenant a notice [<sup>F3</sup>in writing] 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.
- [<sup>F4</sup>(5) Where an order for possession under subsection (1) or (4) above is made in relation to a dwelling-house let on a tenancy to which section 19A above applies, the order may not be made so as to take effect earlier than—
- (a) in the case of a tenancy which is not a replacement tenancy, six months after the beginning of the tenancy, and
  - (b) in the case of a replacement tenancy, six months after the beginning of the original tenancy.
- [ Subsection (5) above does not apply to an assured shorthold tenancy to which <sup>F5</sup>(5A) section 20B (demoted assured shorthold tenancies) applies.]
- (6) In subsection (5)(b) above, the reference to the original tenancy is—
- (a) where the replacement tenancy came into being on the coming to an end of a tenancy which was not a replacement tenancy, to the immediately preceding tenancy, and
  - (b) where there have been successive replacement tenancies, to the tenancy immediately preceding the first in the succession of replacement tenancies.
- (7) For the purposes of this section, a replacement tenancy is a tenancy—
- (a) which comes into being on the coming to an end of an assured shorthold tenancy, and
  - (b) under which, on its coming into being—
    - (i) the landlord and tenant are the same as under the earlier tenancy as at its coming to an end, and
    - (ii) the premises let are the same or substantially the same as those let under the earlier tenancy as at that time.]

#### Textual Amendments

- F1** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194, **Sch. 11 para. 103**
- F2** Words in s. 21(1)(b) inserted (28.2.1997) by 1996 c. 52, s. 98(2); S.I. 1997/225, **art. 2** (subject to saving in [Sch. para. 2](#))
- F3** Words in s. 21(4)(a) inserted (28.2.1997) by 1996 c. 52, s. 98(3); S.I. 1997/225, **art. 2** (subject to saving [Sch. para. 2](#))
- F4** S. 21(5)-(7) inserted (28.2.1997) by 1996 c. 52, s. 99; S.I. 1997/225, **art. 2** (with [Sch.](#))
- F5** S. 21(5A) inserted (30.6.2004 for E. and 30.4.2005 for W.) by [Anti-Social Behaviour Act 2003 \(c. 38\)](#), **ss. 15(2), 93**; S.I. 2004/1502, **art. 2(a)(iv)** (with savings in [Sch.](#)); S.I. 2005/1225, **art. 2(c)**

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