



Housing Act 1988

1988 CHAPTER 50

PART I

RENTED ACCOMMODATION

CHAPTER I

ASSURED TENANCIES

Security of tenure

[^{F1}6A Demotion because of anti-social behaviour

- (1) This section applies to an assured tenancy if^{F2}—
 - (a) the landlord is a non-profit registered provider of social housing,
 - (b) the landlord is a profit-making registered provider of social housing and the dwelling-house let on the tenancy is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, or
 - (c)]
the landlord is a registered social landlord.
- (2) The landlord may apply to [^{F3}the county court] for a demotion order.
- (3) A demotion order has the following effect—
 - (a) the assured tenancy is terminated with effect from the date specified in the order;
 - (b) if the tenant remains in occupation of the dwelling-house after that date a demoted tenancy is created with effect from that date;
 - (c) it is a term of the demoted tenancy that any arrears of rent payable at the termination of the assured tenancy become payable under the demoted tenancy;

Changes to legislation: *Housing Act 1988, Section 6A is up to date with all changes known to be in force on or before 19 January 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*

- (d) it is also a term of the demoted tenancy that any rent paid in advance or overpaid at the termination of the assured tenancy is credited to the tenant's liability to pay rent under the demoted tenancy.
- (4) The court must not make a demotion order unless it is satisfied—
- [^{F4}(a) that the tenant or a person residing in or visiting the dwelling-house has engaged or has threatened to engage in—
- (i) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord's housing management functions, or
- (ii) conduct that consists of or involves using housing accommodation owned or managed by the landlord for an unlawful purpose, and]
- (b) that it is reasonable to make the order.
- (5) The court must not entertain proceedings for a demotion order unless—
- (a) the landlord has served on the tenant a notice under subsection (6), or
- (b) the court thinks it is just and equitable to dispense with the requirement of the notice.
- (6) The notice must—
- (a) give particulars of the conduct in respect of which the order is sought;
- (b) state that the proceedings will not begin before the date specified in the notice;
- (c) state that the proceedings will not begin after the end of the period of twelve months beginning with the date of service of the notice.
- (7) The date specified for the purposes of subsection (6)(b) must not be before the end of the period of two weeks beginning with the date of service of the notice.
- (8) Each of the following has effect in respect of a demoted tenancy at the time it is created by virtue of an order under this section as it has effect in relation to the assured tenancy at the time it is terminated by virtue of the order—
- (a) the parties to the tenancy;
- (b) the period of the tenancy;
- (c) the amount of the rent;
- (d) the dates on which the rent is payable.
- (9) Subsection (8)(b) does not apply if the assured tenancy was for a fixed term and in such a case the demoted tenancy is a weekly periodic tenancy.
- (10) If the landlord of the demoted tenancy serves on the tenant a statement of any other express terms of the assured tenancy which are to apply to the demoted tenancy such terms are also terms of the demoted tenancy.
- [In subsection (4)(a)(ii) “housing accommodation” includes—
- ^{F5}(10A) (a) flats, lodging-houses and hostels;
- (b) any yard, garden, outhouses and appurtenances belonging to the accommodation or usually enjoyed with it;
- (c) any common areas used in connection with the accommodation.]
- (11) For the purposes of this section a demoted tenancy is a tenancy to which section 20B of the Housing Act 1988 applies.]

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Textual Amendments

- F1** S. 6A inserted (30.6.2004 for E. and 30.4.2005 for W.) by [Anti-Social Behaviour Act 2003 \(c. 38\)](#), [s. 14\(4\)](#); [S.I. 2004/1502](#), [art. 2\(a\)\(iii\)](#) (with savings in [Sch.](#)); [S.I. 2005/1225](#), [art. 2\(b\)](#)
- F2** Words in s. 6A(1) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), [art. 1\(2\)](#), [Sch. 2 para. 64](#) (with [art. 6](#), [Sch. 3](#))
- F3** Words in s. 6A(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), [s. 61\(3\)](#), [Sch. 9 para. 52](#); [S.I. 2014/954](#), [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), [arts. 3-11](#))
- F4** S. 6A(4)(a) substituted (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [s. 185\(1\)](#), [Sch. 11 para. 17\(2\)](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2015/373](#), [art. 4\(f\)\(iv\)](#)
- F5** S. 6A(10A) inserted (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [s. 185\(1\)](#), [Sch. 11 para. 17\(3\)](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2015/373](#), [art. 4\(f\)\(iv\)](#)

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Changes and effects yet to be applied to :

- s. 6A(4)(a) words substituted by [2006 c. 48 Sch. 14 para. 15\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 14 para. 15 repealed without ever being in force by 2014 c. 12, Sch. 11 para. 50)
- s. 6A(10A) inserted by [2006 c. 48 Sch. 14 para. 15\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 14 para. 15 repealed without ever being in force by 2014 c. 12, Sch. 11 para. 50)
- 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](#)