



Housing Act 1988

1988 CHAPTER 50

PART III

HOUSING ACTION TRUST AREAS

Rents

86 Increase of rent where tenancy not secure.

- (1) This section applies where a dwelling-house is let by a housing action trust on a periodic tenancy which is not a secure tenancy^[F1], ^[F2F3]... an introductory tenancy^[F4], or an occupation contract].
- (2) The rent payable under the tenancy may, without the tenancy being terminated, be increased with effect from the beginning of a rental period by a written notice of increase given by the housing action trust to the tenant.
- (3) A notice under subsection (2) above is not effective unless—
 - (a) it is given at least four weeks before the first day of the rental period, or any earlier day on which the payment of rent in respect of that period falls to be made;
 - (b) it tells the tenant of his right to terminate the tenancy and of the steps to be taken by him if he wishes to do so; and
 - (c) it gives him the, dates by which, if (by virtue of subsection (4) below) the increase is not to be effective, a notice to quit must be received by the trust and the tenancy be made to terminate.
- (4) Where a notice is given under subsection (2) above specifying an increase in rent with effect from the beginning of a rental period and the tenancy continues into that period, the notice shall not have effect if—
 - (a) the tenancy is terminated by notice to quit given by the tenant in accordance with the provisions (express or implied) of the tenancy;
 - (b) the notice to quit is given before the expiry of the period of two weeks beginning on the day following the date on which the notice of increase is

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given, or before the expiry of such longer period as may be allowed by the notice of increase; and

- (c) the date on which the tenancy is made to terminate is not later than the earliest day on which the tenancy could be terminated by a notice to quit given by the tenant on the last day of that rental period.

- (5) In this section “rental period” means a period in respect of which a payment of rent falls to be made.

Textual Amendments

- F1** S. 86(1) comma inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **16(15)(a)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 3, 10, 19)
- F2** Words in s. 86(1) inserted (12.2.1997) by [S.I. 1997/74](#), art. 2, **Sch. para. 6(j)**
- F3** Word in s. 86(1) omitted (1.12.2022) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **16(15)(a)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 3, 10, 19)
- F4** Words in s. 86(1) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **16(15)(b)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 3, 10, 19)

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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](#)