



# Housing Act 1996

## 1996 CHAPTER 52

### PART III

#### LANDLORD AND TENANT

### CHAPTER II

#### ASSURED TENANCIES

#### *Assured shorthold tenancies*

#### **96 Tenancies which are assured shorthold tenancies**

- (1) In Chapter II of Part I of the Housing Act 1988 (assured shorthold tenancies) there shall be inserted at the beginning—

**“19A Assured shorthold tenancies: post-Housing Act 1996 tenancies**

An assured tenancy which—

- (a) is entered into on or after the day on which section 96 of the Housing Act 1996 comes into force (otherwise than pursuant to a contract made before that day), or
- (b) comes into being by virtue of section 5 above on the coming to an end of an assured tenancy within paragraph (a) above,

is an assured shorthold tenancy unless it falls within any paragraph in Schedule 2A to this Act.”

- (2) After Schedule 2 to that Act there shall be inserted the Schedule set out in Schedule 7 to this Act.

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## 97 **Duty of landlord to provide statement of terms of assured shorthold tenancy**

After section 20 of the Housing Act 1988 there shall be inserted—

### **“20A Post-Housing Act 1996 tenancies: duty of landlord to provide statement as to terms of tenancy**

- (1) Subject to subsection (3) below, a tenant under an assured shorthold tenancy to which section 19A above applies may, by notice in writing, require the landlord under that tenancy to provide him with a written statement of any term of the tenancy which—
  - (a) falls within subsection (2) below, and
  - (b) is not evidenced in writing.
- (2) The following terms of a tenancy fall within this subsection, namely—
  - (a) the date on which the tenancy began or, if it is a statutory periodic tenancy or a tenancy to which section 39(7) below applies, the date on which the tenancy came into being,
  - (b) the rent payable under the tenancy and the dates on which that rent is payable,
  - (c) any term providing for a review of the rent payable under the tenancy, and
  - (d) in the case of a fixed term tenancy, the length of the fixed term.
- (3) No notice may be given under subsection (1) above in relation to a term of the tenancy if—
  - (a) the landlord under the tenancy has provided a statement of that term in response to an earlier notice under that subsection given by the tenant under the tenancy, and
  - (b) the term has not been varied since the provision of the statement referred to in paragraph (a) above.
- (4) A landlord who fails, without reasonable excuse, to comply with a notice under subsection (1) above within the period of 28 days beginning with the date on which he received the notice is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (5) A statement provided for the purposes of subsection (1) above shall not be regarded as conclusive evidence of what was agreed by the parties to the tenancy in question.
- (6) Where—
  - (a) a term of a statutory periodic tenancy is one which has effect by virtue of section 5(3)(e) above, or
  - (b) a term of a tenancy to which subsection (7) of section 39 below applies is one which has effect by virtue of subsection (6)(e) of that section,
 subsection (1) above shall have effect in relation to it as if paragraph (b) related to the term of the tenancy from which it derives.
- (7) In subsections (1) and (3) above—
  - (a) references to the tenant under the tenancy shall, in the case of joint tenants, be taken to be references to any of the tenants, and

- (b) references to the landlord under the tenancy shall, in the case of joint landlords, be taken to be references to any of the landlords.”

## **98 Form of notices under s. 21 of the Housing Act 1988**

- (1) Section 21 of the Housing Act 1988 (recovery of possession on expiry or termination of assured shorthold tenancy) shall be amended as follows.
- (2) In subsection (1)(b) (which requires the landlord under a fixed term tenancy to give two months' notice to recover possession), after “notice” there shall be inserted “in writing”.
- (3) In subsection (4)(a) (corresponding provision for periodic tenancies), after “notice”, where it first occurs, there shall be inserted “in writing”.

## **99 Restriction on recovery of possession on expiry or termination**

In section 21 of the Housing Act 1988 there shall be inserted at the end—

“(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.

(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.”

## **100 Applications for determination of rent: time limit**

- (1) Section 22 of the Housing Act 1988 (reference of excessive rents to rent assessment committee) shall be amended as follows.
- (2) In subsection (2) (circumstances in which no application under the section may be made) after paragraph (a) there shall be inserted—
  - “(aa) the tenancy is one to which section 19A above applies and more than six months have elapsed since the beginning of the tenancy or, in

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the case of a replacement tenancy, since the beginning of the original tenancy; or”

(3) At the end there shall be inserted—

“(6) In subsection (2)(aa) above, the references to the original tenancy and to a replacement tenancy shall be construed in accordance with subsections (6) and (7) respectively of section 21 above.”

#### *Grounds for possession*

### **101 Mandatory possession for non-payment of rent: reduction in arrears required**

In Part I of Schedule 2 to the Housing Act 1988 (grounds on which court must order possession) in Ground 8 (rent unpaid for certain periods)—

- (a) in paragraph (a) (rent payable weekly or fortnightly) for “thirteen weeks” there shall be substituted “eight weeks”, and
- (b) in paragraph (b) (rent payable monthly) for “three months” there shall be substituted “two months”.

### **102 Recovery of possession where grant induced by false statement**

In Part II of Schedule 2 to the Housing Act 1988 (grounds on which court may order possession) there shall be inserted at the end—

#### *“Ground 17*

The tenant is the person, or one of the persons, to whom the tenancy was granted and the landlord was induced to grant the tenancy by a false statement made knowingly or recklessly by—

- (a) the tenant, or
- (b) a person acting at the tenant’s instigation.”

#### *Assured agricultural occupancies*

### **103 Assured agricultural occupancies: exclusion of tenancies of agricultural holdings and farm business tenancies**

(1) Section 24 of the Housing Act 1988 (assured agricultural occupancies) shall be amended as follows.

(2) In subsection (2)(b) (under which a tenancy is an assured agricultural occupancy if it would be an assured tenancy, but for paragraph 7 of Schedule 1 to that Act) there shall be inserted at the end “and is not an excepted tenancy”.

(3) After subsection (2) there shall be inserted—

“(2A) For the purposes of subsection (2)(b) above, a tenancy is an excepted tenancy if it is—

- (a) a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1986 in relation to which that Act applies, or

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- (b) a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995.”

*Consequential amendments*

**104 Consequential amendments: assured tenancies**

The enactments mentioned in Schedule 8 have effect with the amendments specified there which are consequential on the provisions of this Chapter.