



# Housing Act 1996

## 1996 CHAPTER 52

### PART V

#### CONDUCT OF TENANTS

#### CHAPTER II

#### REPOSSESSION, &C.: SECURE AND ASSURED TENANCIES

##### *Assured tenancies*

#### **148 Extension of ground of nuisance or annoyance to adjoining occupiers &c.**

For Ground 14 in Schedule 2 to the <sup>M1</sup>Housing Act 1988 (nuisance or annoyance to adjoining occupiers etc.) substitute—

##### **Ground 14**

The tenant or a person residing in or visiting the dwelling-house—

- (a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or
- (b) has been convicted of—
  - (i) using the dwelling-house or allowing it to be used for immoral or illegal purposes, or
  - (ii) an arrestable offence committed in, or in the locality of, the dwelling-house.”.

#### **Marginal Citations**

**M1** 1988 c. 50.

*Status: Point in time view as at 28/02/1997.*

*Changes to legislation: Housing Act 1996, Cross Heading: Assured tenancies is up to date with all changes known to be in force on or before 13 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)*

## 149 New ground of domestic violence: assured tenancies.

After Ground 14 in Schedule 2 to the Housing Act 1988 (as substituted by section 148) insert—

### Ground 14A

The dwelling-house was occupied (whether alone or with others) by a married couple or a couple living together as husband and wife and—

- (a) one or both of the partners is a tenant of the dwelling-house,
- (b) the landlord who is seeking possession is a registered social landlord or a charitable housing trust,
- (c) one partner has left the dwelling-house because of violence or threats of violence by the other towards—
  - (i) that partner, or
  - (ii) a member of the family of that partner who was residing with that partner immediately before the partner left, and
- (d) the court is satisfied that the partner who has left is unlikely to return.

For the purposes of this ground “registered social landlord” and “member of the family” have the same meaning as in Part I of the <sup>M2</sup>Housing Act 1996 and “charitable housing trust” means a housing trust, within the meaning of the <sup>M3</sup>Housing Associations Act 1985, which is a charity within the meaning of the Charities Act 1993.”.

#### Commencement Information

**II** S. 149 wholly in force at 28.2.1997 by S.I. 1997/225, art. 2 (subject to savings in the Sch. to that S.I.)

#### Marginal Citations

**M2** 1985 c. 69.

**M3** 1993 c. 10.

## 150 Additional notice requirements: domestic violence.

After section 8 of the Housing Act 1988 insert—

### “8A Additional notice requirements: ground of domestic violence.

- (1) Where the ground specified in a notice under section 8 (whether with or without other grounds) is Ground 14A in Schedule 2 to this Act and the partner who has left the dwelling-house as mentioned in that ground is not a tenant of the dwelling-house, the court shall not entertain proceedings for possession of the dwelling-house unless—
  - (a) the landlord or, in the case of joint landlords, at least one of them has served on the partner who has left a copy of the notice or has taken all reasonable steps to serve a copy of the notice on that partner, or
  - (b) the court considers it just and equitable to dispense with such requirements as to service.
- (2) Where Ground 14A in Schedule 2 to this Act is added to a notice under section 8 with the leave of the court after proceedings for possession are begun and the partner who has left the dwelling-house as mentioned in that ground is

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not a party to the proceedings, the court shall not continue to entertain the proceedings unless—

- (a) the landlord or, in the case of joint landlords, at least one of them has served a notice under subsection (3) below on the partner who has left or has taken all reasonable steps to serve such a notice on that partner, or
- (b) the court considers it just and equitable to dispense with the requirement of such a notice.

(3) A notice under this subsection shall—

- (a) state that proceedings for the possession of the dwelling-house have begun,
- (b) specify the ground or grounds on which possession is being sought, and
- (c) give particulars of the ground or grounds.”.

#### Commencement Information

**I2** S. 150 wholly in force at 28.2.1997 by S.I. 1997/225, art. 2 (subject to savings in the Sch. to that S.I.)

### 151 Early commencement of certain proceedings for possession.

(1) Section 8 of the <sup>M4</sup>Housing Act 1988 (notice of proceedings for possession) is amended as follows.

(2) In subsection (1)(a) for the words “subsections (3) and (4)” substitute “ subsections (3) to (4B) ”.

(3) In subsection (3)(b) for the words from “which,” to “of the notice” substitute “ in accordance with subsections (4) to (4B) below ”.

(4) For subsection (4) substitute—

“(4) If a notice under this section specifies in accordance with subsection (3)(a) above Ground 14 in Schedule 2 to this Act (whether with or without other grounds), the date specified in the notice as mentioned in subsection (3)(b) above shall not be earlier than the date of the service of the notice.

(4A) If a notice under this section specifies in accordance with subsection (3)(a) above, any of Grounds 1, 2, 5 to 7, 9 and 16 in Schedule 2 to this Act (whether without other grounds or with any ground other than Ground 14), the date specified in the notice as mentioned in subsection (3)(b) above shall not be earlier than—

- (a) two months from the date of service of the notice; and
- (b) if the tenancy is a periodic tenancy, the earliest date 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 date of service of the notice under this section.

(4B) In any other case, the date specified in the notice as mentioned in subsection (3)(b) above shall not be earlier than the expiry of the period of two weeks from the date of the service of the notice.”.

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**Commencement Information**

**I3** S. 151 wholly in force at 28.2.1997 by S.I. 1997/225, **art. 2** (subject to savings in the Sch. to that S.I.)

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**Marginal Citations**

**M4** 1988 c. 50.

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