

**1980 No. 1339****HOUSING, ENGLAND AND WALES****The Secure Tenancies (Notices) Regulations 1980***Made - - - - 4th September 1980**Coming into Operation 5th September 1980*

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 33(2) and 151 of the Housing Act 1980(a), and of all other powers enabling them in that behalf, hereby make the following regulations:—

1. These regulations may be cited as the Secure Tenancies (Notices) Regulations 1980 and shall come into operation on 5th September 1980.

2.—(1) The notice to be served on a secure tenant under section 33 of the Housing Act 1980 before the court can entertain proceedings for possession of a dwelling house let under a secure tenancy which is a periodic tenancy, shall be in the form specified in Part I of the Schedule to these regulations, or in a form substantially to the same effect.

(2) The notice to be served on a secure tenant under section 33 of the Housing Act 1980 before the court can entertain proceedings for the termination of a secure tenancy which is a tenancy for a term certain, and for possession of the dwelling house let under that tenancy, shall be in the form specified in Part II of the Schedule to these regulations, or in a form substantially to the same effect.

SCHEDULE

PART I

THIS NOTICE IS THE FIRST STEP TOWARDS REQUIRING YOU TO GIVE UP POSSESSION OF YOUR DWELLING. YOU SHOULD READ IT, AND ALL THE NOTES, VERY CAREFULLY.

HOUSING ACT 1980, section 33.

NOTICE OF SEEKING POSSESSION

1. To: .....(name(s) of secure tenant(s))
.....

2. The [name of landlord] intends to apply to the Court for an order requiring you to give up possession of—
.....(address of property)
.....
.....

3. Possession will be sought on Ground(s) .....of Schedule 4 to the Housing Act 1980 which read(s):—
[give text of Ground(s) in full ]

4. The reasons for taking this action are:—

5. The Court proceedings will not be begun until after
.....

Signed .....
On behalf of .....
Address .....
.....
.....
Tel. No. ....
Date .....

NOTES

Grounds for possession

1. If you have a secure tenancy under the Housing Act 1980, you can only be required to leave your dwelling following an order of the Court on one or more of the Grounds set out in the Act. Paragraph 3 of this Notice tells you on what Grounds an order is sought against you and paragraph 4 gives the landlord's reasons for believing those Grounds apply. If you do not agree that they apply, you will be able to argue your case at a hearing in Court.

*Does the Court have to grant the landlord possession?*

2. Before the Court grants an order on any of the Grounds 1 to 6 or 10 to 13 it must be satisfied that it is reasonable to require you to leave. This means that, if one of these Grounds is set out in paragraph 3 of this Notice, you will be able to argue to the Court that it is not reasonable you should have to leave, even if you accept the Grounds do apply.

*Suitable alternative accommodation*

3. Before the Court grants an order on any of the Grounds 7 to 13 it must be satisfied that there will be suitable alternative accommodation for you when you have to leave. This means that the Court will have to decide that, in their opinion, there will be other accommodation which is reasonably suitable for the needs of you and your family, taking into particular account various factors such as the nearness of your place of work, and the sort of housing that other people with similar needs are offered. Your new home will have to be let to you on another secure tenancy or a private tenancy under the Rent Act of a kind that will give you similar security. There is no requirement for suitable alternative accommodation where Grounds 1 to 6 apply.

4. If your landlord is not a local authority, and the local authority gives a certificate that they will provide you with suitable accommodation, the Court has to accept the certificate.

5. Whatever Grounds for possession are set out in paragraph 3 of this Notice, the Court may allow any of the other Grounds to be added at a later stage. If this is done, you will be told about it so you can argue about the new Ground if you want to.

*Time limits*

6. Court proceedings cannot be begun until after the date given in paragraph 5 of this Notice. This date cannot be earlier than the date when your tenancy or licence could have been brought to an end. This means that if you have a weekly or fortnightly tenancy, there should be at least 4 weeks between the date this Notice is given and the date in paragraph 5.

7. After the date in paragraph 5, court proceedings may be begun at once or at any time during the following twelve months. Once the twelve months is up the notice will lapse and it will be necessary for a new notice to be served before possession can be sought.

*Leaving without a Court order*

8. If you are willing to give up possession without a Court order, you should notify the person who signed the notice as soon as possible and say when you would leave.

*Further advice*

9. If you need advice about this Notice, and what you should do about it, take it as quickly as possible to a Citizens' Advice Bureau, a Housing Aid Centre, or a Law Centre, or to a Solicitor. You may be able to receive Legal Aid but this will depend on your personal circumstances.

PART II

THIS NOTICE MAY LEAD TO YOUR BEING REQUIRED TO LEAVE YOUR DWELLING. YOU SHOULD READ IT, AND ALL THE NOTES, VERY CAREFULLY

HOUSING ACT 1980, section 33.

NOTICE OF SEEKING TERMINATION OF TENANCY AND RECOVERY OF POSSESSION

1. To: .....(Name(s) of Secure Tenant(s))
.....

2. The [name of landlord] intends to apply to the Court for an order terminating your tenancy and requiring you to give up possession of—

.....(address of property)

3. Termination of your tenancy and possession will be sought on Ground(s) .....of Schedule 4 to the Housing Act 1980 which read(s):— [give text of Ground(s) in full ]

4. The reasons for taking this action are:—

Signed .....

On behalf of .....

Address .....

Tel. No. ....

Date .....

NOTES

Cases to which this notice applies

1. This Notice applies if you have a secure tenancy under the Housing Act 1980 which is also a tenancy for a term certain and which contains a provision enabling the landlord to bring it to an end before the end of the fixed term if you get into arrears with your rent or break some other condition of the tenancy. Such a provision is called a provision for re-entry or forfeiture. The Act does not remove the need for the landlord to bring an action under such a provision and it does not affect your right to seek relief against re-entry or forfeiture, in other words to ask the Court not to bring the tenancy to an end. The Act confers additional rights on tenants which are described in the following notes.

Grounds for termination of tenancy and for possession

2. If you have a secure tenancy which is a tenancy for a term certain, it can only be terminated and you can only be evicted following an order of the Court on one or more of the Grounds set out in the Act. Paragraph 3 of this Notice tells you on what Grounds

an order is sought against you and paragraph 4 gives the landlord's reasons for believing these Grounds apply. If you do not agree that they apply, you will be able to argue your case at the hearing in court.

*Does the Court have to grant the landlord possession?*

3. Before the court grants an order on any of the Grounds 1 to 6 or 10 to 13 it must be satisfied that it is reasonable to require you to leave. This means that if one of these Grounds is set out in paragraph 3 of the notice you will be able to argue to the Court that it is not reasonable that you should have to leave, even if you accept that the Grounds do apply.

*Suitable alternative accommodation*

4. Before the Court grants an order on any of the Grounds 7 to 13 it must be satisfied that there will be suitable alternative accommodation for you when you have to leave. This means that the Court will have to decide that, in their opinion, there will be other accommodation which is reasonably suitable for the needs of you and your family, taking into particular account various factors such as the nearness of your place of work, and the sort of housing that other people with similar needs are offered. Your new home will have to be let to you on another secure tenancy or a private tenancy under the Rent Act of a kind that will give you similar security. There is no requirement for suitable alternative accommodation where Grounds 1 to 6 apply.

5. If your landlord is not a local authority, and the local authority gives a certificate that they will provide you with suitable accommodation, the Court has to accept the certificate.

6. Whatever Grounds for possession are set out in paragraph 3 of this Notice, the Court may allow any of the other Grounds to be added at a later stage. If this is done, you will be told about it so you can argue about the new Ground if you want to.

*Leaving without a Court order*

7. If you are willing to give up possession without a Court order, you should notify the person who signed the notice as soon as possible and say when you would leave.

*Further advice*

8. If you need advice about this Notice, and what you should do about it, take it as quickly as possible to a Citizens' Advice Bureau, a Housing Aid Centre, or a Law Centre, or to a Solicitor. You may be able to receive Legal Aid but this will depend on your personal circumstances.

2nd September 1980.

*Michael R. D. Heseltine,*  
Secretary of State for the Environment.

Signed by authority of the  
Secretary of State for Wales.  
4th September 1980.

*Wyn Roberts,*  
Parliamentary Under Secretary of State,  
Welsh Office.

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations.)*

These Regulations prescribe the form of the notices which have to be served on a secure tenant under the Housing Act 1980 before the court can entertain proceedings for possession of a dwelling house let under a secure tenancy or for the termination of a secure tenancy.

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