



Housing Act 1980

1980 CHAPTER 51

PART II

PRIVATE SECTOR TENANTS

Protected shorthold tenancies

51 Preliminary

Sections 53 to 55 below modify the operation of the 1977 Act in relation to protected shorthold tenancies as defined in section 52 below.

52 Protected shorthold tenancies

- (1) A protected shorthold tenancy is a protected tenancy granted after the commencement of this section which is granted for a term certain of not less than one year nor more than five years and satisfies the following conditions, that is to say.—
- (a) it cannot be brought to an end by the landlord before the expiry of the term, except in pursuance of a provision for re-entry or forfeiture for non-payment of rent or breach of any other obligation of the tenancy; and
 - (b) before the grant the landlord has given the tenant a valid notice stating that the tenancy is to be a protected shorthold tenancy; and
 - (c) either a rent for the dwelling-house is registered at the time the tenancy is granted or—
 - (i) a certificate of fair rent has, before the grant, been issued under section 69 of the 1977 Act in respect of the dwelling-house and the rent payable under the tenancy, for any period before a rent is registered for the dwelling-house, does not exceed the rent specified in the certificate; and
 - (ii) an application for the registration of a rent for the dwelling-house is made not later than 28 days after the beginning of the term and is not withdrawn.

Status: This is the original version (as it was originally enacted).

- (2) A tenancy of a dwelling-house is not a protected shorthold tenancy if it is granted to a person who, immediately before it was granted, was a protected or statutory tenant of that dwelling-house.
- (3) A notice is not valid for the purposes of subsection (1)(b) above unless it complies with the requirements of regulations made by the Secretary of State.
- (4) The Secretary of State may by order direct that subsection (1) above shall have effect, either generally or in relation to any registration area specified in the order, as if paragraph (c) were omitted.
- (5) If a protected tenancy is granted after the commencement of this section—
 - (a) for such a term certain as is mentioned in subsection (1) above, to be followed, at the option of the tenant, by a further term; or
 - (b) for such a term certain and thereafter from year to year or some other period ; and satisfies the conditions stated in that subsection, the tenancy is a protected shorthold tenancy until the end of the term certain.

53 Right of tenant to terminate protected shorthold tenancy

- (1) A protected shorthold tenancy may be brought to an end (by virtue of this section and notwithstanding anything in the terms of the tenancy) before the expiry of the term certain by notice in writing of the appropriate length given by the tenant to the landlord; and the appropriate length of the notice is—
 - (a) one month if the term certain is two years or less ; and
 - (b) three months if it is more than two years.
- (2) Any agreement relating to a protected shorthold tenancy (whether or not contained in the instrument creating the tenancy) shall be void in so far as it purports to impose any penalty or disability on the tenant in the event of his giving a notice under this section.

54 Subletting or assignment

- (1) Where the whole or part of a dwelling-house let under a protected shorthold tenancy has been sublet at any time during the continuous period specified in subsection (3) below, and, during that period, the landlord becomes entitled, as against the tenant, to possession of the dwelling-house, he shall also be entitled to possession against the sub-tenant and section 137 of the 1977 Act shall not apply.
- (2) A protected shorthold tenancy of a dwelling-house and any protected tenancy of the same dwelling-house granted during the continuous period specified in subsection (3) below shall not be capable of being assigned, except in pursuance of an order under section 24 of the Matrimonial Causes Act 1973.
- (3) The continuous period mentioned in subsections (1) and (2) above is the period beginning with the grant of the protected shorthold tenancy and continuing until either—
 - (a) no person is in possession of the dwelling-house as a protected or statutory tenant; or
 - (b) a protected tenancy of the dwelling-house is granted to a person who is not, immediately before the grant, in possession of the dwelling-house as a protected or statutory tenant.

55 Orders for possession

- (1) The following Case shall be added to the Cases in Part II of Schedule 15 to the 1977 Act (mandatory orders for possession):

“Case 19

Where the dwelling-house was let under a protected short-hold tenancy (or is treated under section 55 of the Housing Act 1980 as having been so let) and—

- (a) there either has been no grant of a further tenancy of the dwelling-house since the end of the protected shorthold tenancy or, if there was such a grant, it was to a person who immediately before the grant was in possession of the dwelling-house as a protected or statutory tenant; and
- (b) the proceedings for possession were commenced after appropriate notice by the landlord to the tenant and not later than 3 months after the expiry of the notice.

A notice is appropriate for this Case if—

- (i) it is in writing and states that proceedings for possession under this Case may be brought after its expiry; and
- (ii) it expires not earlier than 3 months after it is served nor, if, when it is served, the tenancy is a periodic tenancy, before that periodic tenancy could be brought to an end by a notice to quit served by the landlord on the same day ;
- (iii) it is served—
 - (a) in the period of 3 months immediately preceding the date on which the protected shorthold tenancy comes to an end; or
 - (b) if that date has passed, in the period of 3 months immediately preceding any anniversary of that date ; and
- (iv) in a case where a previous notice has been served by the landlord on the tenant in respect of the dwelling-house, and that notice was an appropriate notice, it is served not earlier than 3 months after the expiry of the previous notice.”

- (2) If, in proceedings for possession under Case 19 set out above, the court is of opinion that, notwithstanding that the condition of paragraph (b) or (c) of section 52(1) above is not satisfied, it is just and equitable to make an order for possession, it may treat the tenancy under which the dwelling-house was let as a protected shorthold tenancy.