



# Housing Act 1980

## 1980 CHAPTER 51

### PART II

#### PRIVATE SECTOR TENANTS

##### *Restricted contracts*

#### **69 Restricted contracts: security of tenure.**

- (1) In section 3 of the <sup>M1</sup> Protection from Eviction Act 1977 (prohibition of eviction without due process of law), after subsection (2) there is inserted the following subsection—

“(2A) Subsections (1) and (2) above apply in relation to any restricted contract (within the meaning of the Rent Act 1977) which—

- (a) creates a licence; and
- (b) is entered into after the commencement of section 69 of the Housing Act 1980;

as they apply in relation to a restricted contract which creates a tenancy.”

- (2) After section 106 of the 1977 Act there is inserted the following section:—

#### **“106A Discretion of court in certain proceedings for possession.**

- (1) This section applies to any dwelling house which is the subject of a restricted contract entered into after the commencement of section 69 of the Housing Act 1980.
- (2) On the making of an order for possession of such a dwelling-house, or at any time the execution of such an order, the court may—
  - (a) stay or suspend execution of the order, or
  - (b) postpone the date of possession,

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*Changes to legislation: There are currently no known outstanding effects  
for the Housing Act 1980, Section 69. (See end of Document for details)*

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for such period or periods as, subject to subsection (3) below, the court thinks fit.

- (3) Where a court makes an order for possession of such a dwelling-house, the giving up of possession shall not be postponed (whether by the order or any variation, suspension or stay of execution) to a date later than 3 months after the making of the order.
- (4) On any such stay, suspension or postponement as is referred to in subsection (2) above, the court shall, unless it considers that to do so would cause exceptional hardship to the lessee or would otherwise be unreasonable, impose conditions with regard to payment by the lessee of arrears of rent (if any) and rent or payments in respect of occupation after termination of the tenancy (mesne profits) and may impose such other conditions as it thinks fit.
- (5) Subsection (6) below applies in any case where—
- (a) proceedings are brought for possession of such a dwelling-house;
  - (b) the lessee's spouse or former spouse, having rights of occupation under the Matrimonial Homes Act 1967, is in occupation of the dwelling-house; and
  - (c) the restricted contract is terminated as a result of those proceedings.
- (6) In any case to which this subsection applies, the spouse or former spouse shall, so long as he or she remains in occupation, have the same rights in relation to, or in connection with, any such stay, suspension or postponement as is referred to in subsection (2) above, as he or she would have if those rights of occupation were not affected by the termination of the restricted contract.”
- (3) Sections 103 to 106 of the 1977 Act (security of tenure in respect of restricted contracts) shall not apply to restricted contracts entered into after the commencement of this section; and accordingly after section 102 of that Act there is inserted the following section—

**“102A Restricted application of sections 103 to 106.**

Sections 103 to 106 of this Act apply only to restricted contracts entered into before the commencement of section 69 of the Housing Act 1980.”.

- (4) In section 12 of the 1977 Act, for subsections (2) and (3) (cases where tenancies granted by resident landlords are not exempted by section 12 from being protected tenancies), there is substituted the following subsection—

“(2) This section does not apply to a tenancy of a dwelling-house which forms part of a building if the tenancy is granted to a person who, immediately before it was granted, was a protected or statutory tenant of that dwelling-house or of any other dwelling-house in that building.”

**Modifications etc. (not altering text)**

- C1** The text of ss. 55(1), 59(2)(3), 61(1)–(7), 62, 63, 65(1)–(5), 66(1)–(4), 67–69, 70(1), 71, 73(1)–(4), 74(1)(2), 75, 76, 78, 79, 138, 141, 143(3), 148, 152(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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**Changes to legislation:** There are currently no known outstanding effects  
for the Housing Act 1980, Section 69. (See end of Document for details)

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**Marginal Citations**

**M1** 1977 c. 43.

**Changes to legislation:**

There are currently no known outstanding effects for the Housing Act 1980, Section 69.