Changes to legislation: *Housing Act 1985, Part I is up to date with all changes known to be in force on or before 16 September 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) View outstanding changes*

SCHEDULES

SCHEDULE 2

GROUNDS FOR POSSESSION OF DWELLING-HOUSES LET UNDERSECURE TENANCIES

Modifications etc. (not altering text)

C1 Sch. 2 excluded (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 2 para. 9**

PART I

GROUNDS ON WHICH COURT MAY ORDER POSSESSION IF IT CONSIDERS IT REASONABLE

Ground 1

Rent lawfully due from the tenant has not been paid or an obligation of the tenancy has been broken or not performed.

[F1 Ground 2]

Textual Amendments

F1 Sch. 2 Ground 2 substituted (4.2.1997) by 1996 c. 52, **s. 144**; S.I. 1997/66, **art. 2** (with Sch.)

[F2The 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,

F3[(aa) has been guilty of conduct causing or likely to cause a nuisance or annoyance to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions,] 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 [F4indictable] offence committed in, or in the locality of, the dwelling-house.]

Textual Amendments

F2 Sch. 2 Ground 2 substituted (4.2.1997) by 1996 c. 52, **s. 144**; S.I. 1997/66, **art. 2** (subject to savings in Sch.)

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F3 Sch. 2 Pt. I Ground 2(aa) inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 98(1)**, 185(1), (2)(c), (3)(a) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 2(a); S.I. 2014/1241, art. 2(a)

F4 Sch. 2 Pt. 1: word in Ground 2 para. (b)(ii) substituted (1.1.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 178(8), **Sch. 7 para. 45**; S.I. 2005/3495, **art. 2(1)**

Textual Amendments

F2 Sch. 2 Ground 2 substituted (4.2.1997) by 1996 c. 52, **s. 144**; S.I. 1997/66, **art. 2** (subject to savings in Sch.)

F3 Sch. 2 Pt. I Ground 2(aa) inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 98(1)**, 185(1), (2)(c), (3)(a) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 2(a); S.I. 2014/1241, art. 2(a)

F4 Sch. 2 Pt. 1: word in Ground 2 para. (b)(ii) substituted (1.1.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 178(8), **Sch. 7 para. 45**; S.I. 2005/3495, **art. 2(1)**

[F5 Ground 2ZA

Textual Amendments

F5 Sch. 2 Pt. I Ground 2ZA inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 99(1)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 1 (with art. 7)

The tenant or an adult residing in the dwelling-house has been convicted of an indictable offence which took place during, and at the scene of, a riot in the United Kingdom.

" adult " means a person aged 18 or over;

" indictable offence " does not include an offence that is triable only summarily by virtue of section 22 of the Magistrates' Courts Act 1980 (either way offences where value involved is small);

" riot " is to be construed in accordance with section 1 of the Public Order Act 1986.

This Ground applies only in relation to dwelling-houses in England.**]**

[F6 Ground 2A

Textual Amendments

F6 Sch. 2 Ground 2A and cross-heading inserted (4.2.1997) by 1996 c. 52, **s. 145**; S.I. 1997/66, **art. 2** (subject to savings in Sch.)

The dwelling-house was occupied (whether alone or with others) by **[F7**a married couple, a couple who are civil partners of each other**]F8**... **[F9**or a couple living together as if they were **[F10**a married couple or**]** civil partners**]** and—

(a) one or both of the partners is a tenant of the dwelling-house,

(b) one partner has left 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

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(c) the court is satisfied that the partner who has left is unlikely to return.**]**

Textual Amendments

F7 Words in Sch. 2 Pt. 1 Ground 2A substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 81, 263(2), **Sch. 8 para. 33(a)**; S.I. 2005/3175, art. 2(1), **Sch.**

F8 Words in Sch. 2 Pt. 1 Ground 2A omitted (2.12.2019) by virtue of The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 10(6)(a)**

F9 Words in Sch. 2 Pt. 1 Ground 2A inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 81, 263(2), **Sch. 8 para. 33(b)**; S.I. 2005/3175, **art. 2(1)**, Sch.

F10 Words in Sch. 2 Pt. I Ground 2A inserted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 10(6)(b)**

Textual Amendments

F7 Words in Sch. 2 Pt. 1 Ground 2A substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 81, 263(2), **Sch. 8 para. 33(a)**; S.I. 2005/3175, art. 2(1), **Sch.**

F8 Words in Sch. 2 Pt. 1 Ground 2A omitted (2.12.2019) by virtue of The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 10(6)(a)**

F9 Words in Sch. 2 Pt. 1 Ground 2A inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 81, 263(2), **Sch. 8 para. 33(b)**; S.I. 2005/3175, **art. 2(1)**, Sch.

F10 Words in Sch. 2 Pt. I Ground 2A inserted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 10(6)(b)**

Ground 3

The condition of the dwelling-house or of any of the common parts has deteriorated owing to acts of waste by, or the neglect or default of, the tenant or a person residing in the dwelling-house and, in the case of an act of waste by, or the neglect or default of, a person lodging with the tenant or a sub-tenant of his, the tenant has not taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.

Ground 4

The condition of furniture provided by the landlord for use under the tenancy, or for use in the common parts, has deteriorated owing to ill-treatment by the tenant or a person residing in the dwelling-house and, in the case of ill-treatment by a person lodging with the tenant or a sub-tenant of his, the tenant has not taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.

Ground 5

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 **[**[F11]by—

(a) the tenant, or

(b) a person acting at the tenant's instigation**]**

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Textual Amendments

F11 Sch. 2 Ground 5(a)(b) and word "by" immediately preceding it substituted (4.2.1997) for words by 1996 c. 52, **s. 146**; S.I. 1997/66, **art. 2** (subject to savings in Sch.)

Textual Amendments

F11 Sch. 2 Ground 5(a)(b) and word "by" immediately preceding it substituted (4.2.1997) for words by 1996 c. 52, **s. 146**; S.I. 1997/66, **art. 2** (subject to savings in Sch.)

Ground 6

The tenancy was assigned to the tenant, or to a predecessor in title of his who is a member of his family and is residing in the dwelling-house, by an assignment made by virtue of section 92 (assignments by way of exchange) and a premium was paid either in conection with that assignment or the assignment which the tenant or predecessor himself made by virtue of that section.

In this paragraph "premium" means any fine or other like sum and any other pecuniary consideration in addition to rent

Ground 7

The dwelling-house forms part of, or is within the curtilage of, a building which, or so much of it as is held by the landlord, is held mainly for purposes other than housing purposes and consists mainly of accommodation other than housing accommodation, and—

(a) the dwelling-house was let to the tenant or a predecessor in title of his in consequence of the tenant or predecessor being in the employment of the landlord, or of—

a local authority,

a **[**[F12]development**]** corporation,

[[F13]a housing action trust**]**

[[F14]a Mayoral development corporation,**]**

an urban development corporation,

[F15]. . . or

the governors of an aided school,

and

(b) the tenant or a person residing in the dwelling-house has been guilty of conduct such that, having regard to the purpose for which the building is used, it would not be right for him to continue in occupation of the dwelling-house.

Textual Amendments

F12 Words in Sch. 2 Pt. 1 Ground 7(a) substituted (1.12.2008) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002), art. 4, **Sch. 1 para. 29(2)** (with Sch. 2); S.I. 2008/3068, arts. 1(2), **2(1)(b)** (with arts. 6-13)

F13 Entry in Sch. 2 Pt. I Ground 7 inserted by Housing Act 1988 (c. 50, SIF 61), **s. 83(6)(b)**

F14 Entry in Sch. 2 Pt. I Ground 7 inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 16**

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F15 Entry in Sch. 2 Pt. I Ground 7 repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV**; S.I. 1998/2244, **art. 4**

Textual Amendments

F12 Words in Sch. 2 Pt. 1 Ground 7(a) substituted (1.12.2008) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002), art. 4, **Sch. 1 para. 29(2)** (with Sch. 2); S.I. 2008/3068, arts. 1(2), **2(1)(b)** (with arts. 6-13)

F13 Entry in Sch. 2 Pt. I Ground 7 inserted by Housing Act 1988 (c. 50, SIF 61), **s. 83(6)(b)**

F14 Entry in Sch. 2 Pt. I Ground 7 inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 16**

F15 Entry in Sch. 2 Pt. I Ground 7 repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV**; S.I. 1998/2244, **art. 4**

Ground 8

The dwelling-house was made available for occupation by the tenant (or a predecessor in title of his) while works were carried out on the dwelling-house which he previously occupied as his only or principal home and—

(a) the tenant (or predecessor) was a secure tenant of the other dwelling-house at the time when he ceased to occupy it as his home,

(b) the tenant (or predecessor) accepted the tenancy of the dwelling-house of which possession is sought on the understanding that he would give up occupation when, on completion of the works, the other dwelling-house was again available for occupation by him under a secure tenancy, and

(c) the works have been completed and the other dwelling-house is so available.

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View outstanding changes

Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by S.I. 2019/110 reg. 5

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by S.I. 2022/1172 Regulations

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 81A-81D and cross-heading inserted by 2016 c. 22 Sch. 7 para. 4 (This provision is amended by 2021 c. 7, ss. 79(3), 90(6); S.I 2021/1038, reg. 3(c))
- s. 81B(1)(b) words inserted by 2018 c. 11 s. 1(3)
- s. 81B(2A)-(2C) inserted by 2018 c. 11 s. 1(2)
- s. 81B(2C) words substituted by 2021 c. 17 s. 79(3)(a)(i) (This amendment not applied to legislation.gov.uk. The insertion of s. 81B by 2016 c. 22, Sch. 7 para. 4 is still prospective)
- s. 81B(2C) words substituted by 2021 c. 17 s. 79(3)(a)(ii) (This amendment not applied to legislation.gov.uk. The insertion of s. 81B by 2016 c. 22, Sch. 7 para. 4 is still prospective)
- s. 81B(2D) inserted by 2021 c. 17 s. 79(3)(b) (This amendment not applied to legislation.gov.uk. The insertion of s. 81B by 2016 c. 22, Sch. 7 para. 4 is still prospective)
- s. 82(A1)(A2) inserted by 2016 c. 22 s. 119(2)(a)
- s. 82A(4A)(4B) inserted by 2016 c. 22 Sch. 7 para. 7(2)
- s. 86(1A)(1B) inserted by 2016 c. 22 Sch. 7 para. 10(3)
- s. 86(1C) inserted by 2016 c. 22 Sch. 8 para. 2
- s. 86A-86F and cross-headings inserted by 2016 c. 22 Sch. 7 para. 11
- s. 86G s. 86A renumbered as s. 86G by 2016 c. 22 Sch. 8 para. 3(1)(a)
- s. 86G(8) inserted by 2016 c. 22 Sch. 8 para. 3(2)
- s. 88(1)(ba) inserted by 2016 c. 22 Sch. 8 para. 4
- s. 89(2A)-(2D) inserted by 2016 c. 22 Sch. 8 para. 5(3)
- s. 97(1A) inserted by 2016 c. 22 Sch. 7 para. 12(3)
- s. 99A(1A) inserted by 2016 c. 22 Sch. 7 para. 13(3)
- s. 115(3)-(7) inserted by 2024 c. 22 Sch. 9 para. 4(a)(ii)
- s. 115B115C inserted by 2016 c. 22 Sch. 7 para. 15
- s. 115B115C inserted by 2016 c. 22 Sch. 7 para. 15
- s. 305(1A) inserted by 2023 asc 3 Sch. 13 para. 68(b)
- s. 306(1A) inserted by 2023 asc 3 Sch. 13 para. 69(b)
- s. 353A inserted by 1996 c. 52 s. 73(1) (This amendment not applied to legislation.gov.uk. S. 73 repealed (6.4.2006 for E., 16.6.2006 for W.) by 2004 c. 34, Sch. 16; S.I. 2006/1060, art. 2(1)(e), Sch.; S.I. 2006/1535, art. 2(c), Sch.)
- s. 582(6)(aa)-(ac) substituted for s. 582(6)(a) by 2023 c. 55 Sch. 18 para. 4(2)(b)
- Sch. 1 para. 1ZA and cross-heading inserted by 2016 c. 22 Sch. 7 para. 17(2)
- Sch. 5A para. 3(3)(aa) inserted by 2023 c. 55 Sch. 18 para. 4(3)(b)(ii)
- Sch. 5A para. 3(6A) inserted by 2023 c. 55 Sch. 18 para. 4(3)(d)