



Housing Act 1988

1988 CHAPTER 50

PART III

HOUSING ACTION TRUST AREAS

Rents

85 Rents generally.

- (1) A housing action trust may make such reasonable charges as it may determine for the tenancy or occupation of housing accommodation for the time being held by it.
- (2) A housing action trust shall from time to time review rents and make such changes, either of rents generally or of particular rents, as circumstances may require.
- [^{F1}(3) The Renting Homes (Wales) Act 2016 ([anaw 1](#)) which provides for the variation of rent and other consideration payable under an occupation contract (for provision in relation to secure contracts see section 104 (variation of rent) and section 105 (variation of other consideration); for periodic standard contracts see section 123 (variation of rent) and section 124 (variation of other consideration); and for fixed term standard contracts see section 134 (variation) and section 135 (limitation on variation)) shall apply in respect of any housing accommodation subject to an occupation contract.]

Textual Amendments

- F1** S. 85(3) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **16(14)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 3, 10, 19)

Changes to legislation: Housing Act 1988, Cross Heading: Rents is up to date with all changes known to be in force on or before 18 January 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

86 Increase of rent where tenancy not secure.

- (1) This section applies where a dwelling-house is let by a housing action trust on a periodic tenancy which is not a secure tenancy^[F2], ^[F3F4]... an introductory tenancy^[F5], or an occupation contract].
- (2) The rent payable under the tenancy may, without the tenancy being terminated, be increased with effect from the beginning of a rental period by a written notice of increase given by the housing action trust to the tenant.
- (3) A notice under subsection (2) above is not effective unless—
 - (a) it is given at least four weeks before the first day of the rental period, or any earlier day on which the payment of rent in respect of that period falls to be made;
 - (b) it tells the tenant of his right to terminate the tenancy and of the steps to be taken by him if he wishes to do so; and
 - (c) it gives him the, dates by which, if (by virtue of subsection (4) below) the increase is not to be effective, a notice to quit must be received by the trust and the tenancy be made to terminate.
- (4) Where a notice is given under subsection (2) above specifying an increase in rent with effect from the beginning of a rental period and the tenancy continues into that period, the notice shall not have effect if—
 - (a) the tenancy is terminated by notice to quit given by the tenant in accordance with the provisions (express or implied) of the tenancy;
 - (b) the notice to quit is given before the expiry of the period of two weeks beginning on the day following the date on which the notice of increase is given, or before the expiry of such longer period as may be allowed by the notice of increase; and
 - (c) the date on which the tenancy is made to terminate is not later than the earliest day on which the tenancy could be terminated by a notice to quit given by the tenant on the last day of that rental period.
- (5) In this section “rental period” means a period in respect of which a payment of rent falls to be made.

Textual Amendments

- F2** S. 86(1) comma inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022](#) (S.I. 2022/1166), regs. 1(1), **16(15)(a)** (with savings and transitional provisions in S.I. 2022/1172, regs. 3, 10, 19)
- F3** Words in s. 86(1) inserted (12.2.1997) by S.I. 1997/74, art. 2, **Sch. para. 6(j)**
- F4** Word in s. 86(1) omitted (1.12.2022) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022](#) (S.I. 2022/1166), regs. 1(1), **16(15)(a)** (with savings and transitional provisions in S.I. 2022/1172, regs. 3, 10, 19)
- F5** Words in s. 86(1) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022](#) (S.I. 2022/1166), regs. 1(1), **16(15)(b)** (with savings and transitional provisions in S.I. 2022/1172, regs. 3, 10, 19)

Changes to legislation:

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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](#)