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SCHEDULES

SCHEDULE 2

GROUNDS FOR POSSESSION OF DWELLING-HOUSES LET ON ASSURED TENANCIES

PART I

GROUNDS ON WHICH COURT MUST ORDER POSSESSION

Ground 6

The landlord who is seeking possession or, if that landlord is a **[**[F1]non-profit registered provider of social housing,**][**[F2]registered social landlord**]** or charitable housing trust, **[**[F3]or (where the dwelling-house is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008) a profit-making registered provider of social housing,**]** a superior landlord intends to demolish or reconstruct the whole or a substantial part of the dwelling-house or to carry out substantial works on the dwelling-house or any part thereof or any building of which it forms part and the following conditions are fulfilled—

(a) the intended work cannot reasonably be carried out without the tenant giving up possession of the dwelling-house because—

(i) the tenant is not willing to agree to such a variation of the terms of the tenancy as would give such access and other facilities as would permit the intended work to be carried out, or

(ii) the nature of the intended work is such that no such variation is practicable, or

(iii) the tenant is not willing to accept an assured tenancy of such part only of the dwelling-house (in this sub-paragraph referred to as "the reduced part") as would leave in the possession of his landlord so much of the dwelling-house as would be reasonable to enable the intended work to be carried out and, where appropriate, as would give such access and other facilities over the reduced part as would permit the intended work to be carried out, or

(iv) the nature of the intended work is such that such a tenancy is not practicable; and

(b) either the landlord seeking possession acquired his interest in the dwelling-house before the grant of the tenancy or that interest was in existence at the time of that grant and neither that landlord (or, in the case of joint landlords, any of them) nor any other person who, alone or jointly with others, has acquired that interest since that time acquired it for money or money's worth; and

(c) the assured tenancy on which the dwelling-house is let did not come into being by virtue of any provision of Schedule 1 to the [M1]Rent Act 1977, as amended by Part I of Schedule 4 to this Act or, as the case may be, section 4 of the [M2]Rent (Agriculture) Act 1976, as amended by Part II of that Schedule.

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Textual Amendments

F1 Words in Sch. 2 Pt. I Ground 6 inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 74(2)(a)** (with art. 6, Sch. 3)

F2 Words in Sch. 2 Pt. I Ground 6 substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 18(13)(a)**

F3 Words in Sch. 2 Pt. I Ground 6 inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 74(2)(b)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

C1 Sch. 2 Ground 6 applied with modifications by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 186, Sch. 10 paras. 5, 21, **22**

Marginal Citations

M1 1977 c. 42.

M2 1976 c. 80.

For the purposes of this ground, if, immediately before the grant of the tenancy, the tenant to whom it was granted or, if it was granted to joint tenants, any of them was the tenant or one of the joint tenants **[**[F4]of the dwelling-house concerned**]** under an earlier assured tenancy **[**[F5]or, as the case may be, under a tenancy to which Schedule 10 to the Local Government and Housing Act 1989 applied**]**, any reference in paragraph (b) above to the grant of the tenancy is a reference to the grant of that earlier assured tenancy **[**[F4]or, as the case may be, to the grant of the tenancy to which the said Schedule 10 applied**]**.

Textual Amendments

F4 Words in Sch. 2 Pt. I Ground 6 inserted by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194, **Sch. 11 para. 108**

F5 Words in Sch. 2 Pt. I Ground 6 substituted by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194, **Sch. 11 para. 108**

For the purposes of this ground **[**[F6] "registered social landlord" has the same meaning as in the Housing Act 1985 (see section 5(4) and (5) of that Act)**]** and "charitable housing trust" means a housing trust, within the meaning of **[**[F7]the Housing Associations Act 1985**]**, which is a charity, [F8] ....

Textual Amendments

F6 Sch. 2 Pt. I Ground 6: definition of "registered social landlord" substituted (1.10.1996) for the definition of "registered housing association" by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 18(13)(b)**

F7 Words in Sch. 2 Pt. I Ground 6 substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 18(13)(c)**

F8 Words in Sch. 2 Pt. I Ground 6 omitted (14.3.2012 immediately before the Charities Act 2011 (c. 25) comes into force) by virtue of The Charities (Pre-consolidation Amendments) Order 2011 (S.I. 2011/1396), art. 1, Sch. paras. 37(1), **(2)(d)**

[F9] . . .

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Textual Amendments

F9 Words in Sch. 2 Pt. I Ground 6 repealed (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. IX**; S.I. 1996/2402, **art. 3** (subject to transitional provisions in Sch.)

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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