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Changes to legislation: Housing Act 1988, Part I is up to date with all changes known to be in force on or before 11 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

SCHEDULES

SCHEDULE 2

GROUNDS FOR POSSESSION OF DWELLING-HOUSES LET ON ASSURED TENANCIES

PART I

GROUNDS ON WHICH COURT MUST ORDER POSSESSION

Ground 1

Not later than the beginning of the tenancy the landlord gave notice in writing to the tenant that possession might be recovered on this ground or the court is of the opinion that it is just and equitable to dispense with the requirement of notice and (in either case)—

- (a) at some time before the beginning of the tenancy, the landlord who is seeking possession or, in the case of joint landlords seeking possession, at least one of them occupied the dwelling-house as his only or principal home; or
- (b) the landlord who is seeking possession or, in the case of joint landlords seeking possession, at least one of them requires the dwelling-house as [F1his, his spouse's or his civil partner's] only or principal home and neither the landlord (or, in the case of joint landlords, any one of them) nor any other person who, as landlord, derived title under the landlord who gave the notice mentioned above acquired the reversion on the tenancy for money or money's worth.

Textual Amendments

F1 Words in Sch. 2 Pt. 1 Ground 1 substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 81, 263, Sch. 8 para. 43(2); S.I. 2005/3175, {art. 2(1)}, Sch. 1

Textual Amendments

F1 Words in Sch. 2 Pt. 1 Ground 1 substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 81, 263, Sch. 8 para. 43(2); S.I. 2005/3175, {art. 2(1)}, Sch. 1

Ground 2

The dwelling-house is subject to a mortgage granted before the beginning of the tenancy and—

- (a) the mortgagee is entitled to exercise a power of sale conferred on him by the mortgage or by section 101 of the MI Law of Property Act 1925; and
- (b) the mortgagee requires possession of the dwelling-house for the purpose of disposing of it with vacant possession in exercise of that power; and
- (c) either notice was given as mentioned in Ground 1 above or the court is satisfied that it is just and equitable to dispense with the requirement of notice;

and for the purposes of this ground "mortgage" includes a charge and "mortgagee" shall be construed accordingly.



Marginal Citations
M1 1925 c. 20.

Ground 3

The tenancy is a fixed term tenancy for a term not exceeding eight months and—

- (a) not later than the beginning of the tenancy the landlord gave notice in writing to the tenant that possession might be recovered on this ground; and
- (b) at some time within the period of twelve months ending with the beginning of the tenancy, the dwelling-house was occupied under a right to occupy it for a holiday.

Ground 4

The tenancy is a fixed term tenancy for a term not exceeding twelve months and—

- (a) not later than the beginning of the tenancy the landlord gave notice in writing to the tenant that possession might be recovered on this ground; and
- (b) at some time within the period of twelve months ending with the beginning of the tenancy, the dwelling-house was let on a tenancy falling within paragraph 8 of Schedule 1 to this Act.

Ground 5

The dwelling-house is held for the purpose of being available for occupation by a minister of religion as a residence from which to perform the duties of his office and—

- (a) not later than the beginning of the tenancy the landlord gave notice in writing to the tenant that possession might be recovered on this ground; and
- (b) the court is satisfied that the dwelling-house is required for occupation by a minister of religion as such a residence.

Ground 6

The landlord who is seeking possession or, if that landlord is a [F2non-profit registered provider of social housing,][F3registered social landlord] or charitable housing trust, [F4or (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 M2Rent Act 1977, as amended by Part I of Schedule 4 to this Act or, as the case may be, section 4 of the M3Rent (Agriculture) Act 1976, as amended by Part II of that Schedule.

Textual Amendments

- F2 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)
- F3 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)
- F4 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

M2 1977 c. 42.

M3 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 [F5 of the dwelling-house concerned] under an earlier assured tenancy [F6 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 [F5 or, as the case may be, to the grant of the tenancy to which the said Schedule 10 applied].

Textual Amendments

- F5 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
- **F6** 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 [F7 "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 [F8 the Housing Associations Act 1985], which is a charity, F9

Textual Amendments

- F7 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)
- F8 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)
- F9 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)

F10

Textual Amendments

F10 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.)

Textual Amendments

- F2 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)
- F3 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)
- F4 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)
- 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
- F6 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
- F7 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)
- F8 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)
- F9 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)
- F10 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.)

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

M2 1977 c. 42.

M3 1976 c. 80.

Ground 7

The tenancy is a periodic tenancy (including a statutory periodic tenancy)[F11, or a fixed term tenancy of a dwelling-house in England,] which has devolved under the will or intestacy of the former tenant and the proceedings for the recovery of possession are begun not later than twelve months after the death of the former tenant or, if the court so directs, after the date on which, in the opinion of the court, the landlord or, in the case of joint landlords, any one of them became aware of the former tenant's death.

Textual Amendments

F11 Words in Sch. 2 Pt. I Ground 7 inserted (1.4.2012) by Localism Act 2011 (c. 20), **ss. 162(5)(a)**, 240(2); S.I. 2012/628, art. 6(b) (with arts. 911141517)

For the purposes of this ground, the acceptance by the landlord of rent from a new tenant after the death of the former tenant shall not be regarded as creating a new ^{F12}... tenancy, unless the landlord agrees in writing to a change (as compared with the tenancy before the death) in the amount of the rent, the period [F13] or length of term] of the tenancy, the premises which are let or any other term of the tenancy.

Textual Amendments

- **F12** Word in Sch. 2 Pt. I Ground 7 repealed (1.4.2012) by Localism Act 2011 (c. 20), ss. 162(5)(b)(i), 240(2), **Sch. 25 Pt. 23**; S.I. 2012/628, art. 6(b) (with arts. 911141517)
- F13 Words in Sch. 2 Pt. I Ground 7 inserted (1.4.2012) by Localism Act 2011 (c. 20), ss. 162(5)(b)(ii), 240(2); S.I. 2012/628, art. 6(b) (with arts. 911141517)

I^{F14}This ground does not apply to a fixed term tenancy that is a lease of a dwelling-house—

- (a) granted on payment of a premium calculated by reference to a percentage of the value of the dwelling-house or of the cost of providing it, or
- (b) under which the lessee (or the lessee's personal representatives) will or may be entitled to a sum calculated by reference, directly or indirectly, to the value of the dwelling-house.]

Textual Amendments

F14 Words in Sch. 2 Pt. I Ground 7 inserted (1.4.2012) by Localism Act 2011 (c. 20), **ss. 162(5)(c)**, 240(2); S.I. 2012/628, art. 6(b) (with arts. 911141517)

Textual Amendments

- **F11** Words in Sch. 2 Pt. I Ground 7 inserted (1.4.2012) by Localism Act 2011 (c. 20), **ss. 162(5)(a)**, 240(2); S.I. 2012/628, art. 6(b) (with arts. 911141517)
- **F12** Word in Sch. 2 Pt. I Ground 7 repealed (1.4.2012) by Localism Act 2011 (c. 20), ss. 162(5)(b)(i), 240(2), **Sch. 25 Pt. 23**; S.I. 2012/628, art. 6(b) (with arts. 911141517)
- **F13** Words in Sch. 2 Pt. I Ground 7 inserted (1.4.2012) by Localism Act 2011 (c. 20), **ss. 162(5)(b)(ii)**, 240(2); S.I. 2012/628, art. 6(b) (with arts. 911141517)
- **F14** Words in Sch. 2 Pt. I Ground 7 inserted (1.4.2012) by Localism Act 2011 (c. 20), **ss. 162(5)(c)**, 240(2); S.I. 2012/628, art. 6(b) (with arts. 911141517)

I^{F15}Ground 7A

Textual Amendments

F15 Sch. 2 Pt. 1 Ground 7A inserted (20.10.2014 for E., 21.10.2014 for W.) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), ss. 97(1), 185(1), (2)(c), (3)(a) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 2(d) (with art. 5); S.I. 2014/2830, art. 2(d) (with art. 3)

Any of the following conditions is met.

Condition 1 is that—

- (a) the tenant, or a person residing in or visiting the dwelling-house, has been convicted of a serious offence, and
- (b) the serious offence—
 - (i) was committed (wholly or partly) in, or in the locality of, the dwelling-house,
 - (ii) was committed elsewhere against a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or
 - (iii) was committed elsewhere against 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 directly or indirectly related to or affected those functions.

Condition 2 is that a court has found in relevant proceedings that the tenant, or a person residing in or visiting the dwelling-house, has breached a provision of an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014, other than a provision requiring a person to participate in a particular activity, and—

- (a) the breach occurred in, or in the locality of, the dwelling-house, or
- (b) the breach occurred elsewhere and the provision breached was a provision intended to prevent—
 - (i) conduct that is capable of causing nuisance or annoyance to a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or
 - (ii) conduct that is capable of causing 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.

Condition 3 is that the tenant, or a person residing in or visiting the dwelling-house, has been convicted of an offence under section 30 of the Anti-social Behaviour, Crime and Policing

Act 2014 [^{F16}or section 339 of the Sentencing Code] consisting of a breach of a provision of a criminal behaviour order prohibiting a person from doing anything described in the order, and the offence involved—

- (a) a breach that occurred in, or in the locality of, the dwelling-house, or
- (b) a breach that occurred elsewhere of a provision intended to prevent—
 - (i) behaviour that causes or is likely to cause harassment, alarm or distress to a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or
 - (ii) behaviour that causes or is likely to cause harassment, alarm or distress 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.

Condition 4 is that—

- (a) the dwelling-house is or has been subject to a closure order under section 80 of the Antisocial Behaviour, Crime and Policing Act 2014, and
- (b) access to the dwelling-house has been prohibited (under the closure order or under a closure notice issued under section 76 of that Act) for a continuous period of more than 48 hours.

Condition 5 is that—

- (a) the tenant, or a person residing in or visiting the dwelling-house, has been convicted of an offence under—
 - (i) section 80(4) of the Environmental Protection Act 1990 (breach of abatement notice in relation to statutory nuisance), or
 - (ii) section 82(8) of that Act (breach of court order to abate statutory nuisance etc.), and
- (b) the nuisance concerned was noise emitted from the dwelling-house which was a statutory nuisance for the purposes of Part 3 of that Act by virtue of section 79(1)(g) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance).

Condition 1, 2, 3, 4 or 5 is not met if—

- (a) there is an appeal against the conviction, finding or order concerned which has not been finally determined, abandoned or withdrawn, or
- (b) the final determination of the appeal results in the conviction, finding or order being overturned.

In this ground—

"relevant proceedings" means proceedings for contempt of court or proceedings under Schedule 2 to the Anti-social Behaviour, Crime and Policing Act 2014;

"serious offence" means an offence which—

- (a) was committed on or after the day on which this ground comes into force,
- (b) is specified, or falls within a description specified, in Schedule 2A to the Housing Act 1985 at the time the offence was committed and at the time the court is considering the matter, and
- (c) is not 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).]

Textual Amendments

F16 Words in Sch. 2 Pt. 1 inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 97** (with Sch. 27); S.I. 2020/1236, reg. 2

I^{F17}Ground 7B

Textual Amendments

F17 Sch. 2 Ground 7B inserted (1.12.2016) by Immigration Act 2016 (c. 19), **ss. 41(2)**, 94(1) (with s. 41(7)); S.I. 2016/1037, reg. 5(e)

Modifications etc. (not altering text)

C2 Sch. 2 Ground 7B applied (with modifications) (31.12.2020) by The Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (S.I. 2020/1209), regs. 1(1), **3(4)**, 4(5), 12(1)(f)

Both of the following conditions are met in relation to a dwelling-house in England.

Condition 1 is that the Secretary of State has given a notice in writing to the landlord or, in the case of joint landlords, one or more of them which identifies—

- (a) the tenant or, in the case of joint tenants, one or more of them, or
- (b) one or more other persons aged 18 or over who are occupying the dwelling-house, as a person or persons disqualified as a result of their immigration status from occupying the dwelling-house under the tenancy.

Condition 2 is that the person or persons named in the notice—

- (a) fall within paragraph (a) or (b) of condition 1, and
- (b) are disqualified as a result of their immigration status from occupying the dwelling-house under the tenancy.

For the purposes of this ground a person ("P") is disqualified as a result of their immigration status from occupying the dwelling-house under the tenancy if—

- (a) P is not a relevant national, and
- (b) P does not have a right to rent in relation to the dwelling-house.

P does not have a right to rent in relation to the dwelling-house if—

- (a) P requires leave to enter or remain in the United Kingdom but does not have it, or
- (b) P's leave to enter or remain in the United Kingdom is subject to a condition preventing P from occupying the dwelling-house.

But P is to be treated as having a right to rent in relation to a dwelling-house if the Secretary of State has granted P permission for the purposes of this ground to occupy a dwelling-house under an assured tenancy.

In this ground "relevant national" means—

- (a) a British citizen,
 - an Irish citizen, or

F18(aa)

(ab)	a person who is not an Irish citizen and who has leave to enter or remain in the United
	Kingdom which was granted by virtue of residence scheme immigration rules within
	the meaning given by section 17 of the European Union (Withdrawal Agreement) Ac
	2020.]

Textual Amendments

- **F18** Words in Sch. 2 Ground 7B inserted (31.12.2020) by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2), **8(2)(a)**
- F19 Words in Sch. 2 Ground 7B omitted (31.12.2020) by virtue of The Immigration and Social Security Coordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2), 8(2)(b)

Ground 8

Both at the date of the service of the notice under section 8 of this Act relating to the proceedings for possession and at the date of the hearing—

- (a) if rent is payable weekly or fortnightly, at least [F20 eight weeks'] rent is unpaid;
- (b) if rent is payable monthly, at least [F21 two months'] rent is unpaid;
- (c) if rent is payable quarterly, at least one quarter's rent is more than three months in arrears; and
- (d) if rent is payable yearly, at least three months' rent is more than three months in arrears; and for the purpose of this ground "rent" means rent lawfully due from the tenant.

Textual Amendments

- F20 Words in Sch. 2 Pt. I Ground 8 para. (a) substituted (28.2.1997) by 1996 c. 52, s. 101(a); S.I. 1997/225, art. 2
- F21 Words in Sch. 2 Pt. I Ground 8 para. (b) substituted (1.1.1997) by 1996 c. 52, s. 101(b); S.I. 1997/225, art. 2

Textual Amendments

- F20 Words in Sch. 2 Pt. I Ground 8 para. (a) substituted (28.2.1997) by 1996 c. 52, s. 101(a); S.I. 1997/225, art. 2
- F21 Words in Sch. 2 Pt. I Ground 8 para. (b) substituted (1.1.1997) by 1996 c. 52, s. 101(b); S.I. 1997/225, art. 2

Changes to legislation:

Housing Act 1988, Part I is up to date with all changes known to be in force on or before 11 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.

View outstanding changes

Changes and effects yet to be applied to:

- Sch. 2 Pt. 1 Ground 2A inserted by 2014 anaw 7 s. 138
- Sch. 2 Pt. 1 Ground 7B words omitted by S.I. 2019/745 reg. 9 (This amendment not applied to legislation.gov.uk. Reg. 9 omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- 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