



# Housing Act 1988

## 1988 CHAPTER 50

### PART I

#### RENTED ACCOMMODATION

### CHAPTER II

#### ASSURED SHORTHOLD TENANCIES

## 21 Recovery of possession on expiry or termination of assured shorthold tenancy.

- (1) Without prejudice to any right of the landlord under an assured shorthold tenancy to recover possession of the dwelling-house let on the tenancy in accordance with Chapter I above, on or after the coming to an end of an assured shorthold tenancy which was a fixed term tenancy, a court shall make an order for possession of the dwelling-house if it is satisfied—
- (a) that the assured shorthold tenancy has come to an end and no further assured tenancy (whether shorthold or not) is for the time being in existence, other than [<sup>F1</sup>an assured shorthold periodic tenancy (whether statutory or not)]; and
  - (b) the landlord or, in the case of joint landlords, at least one of them has given to the tenant not less than [<sup>F2</sup>two months'] [<sup>F2</sup>six months'] notice [<sup>F3</sup>in writing] stating that he requires possession of the dwelling-house.

[<sup>F4</sup>(1A) Subsection (1B) applies to an assured shorthold tenancy of a dwelling-house in England if—

- (a) it is a fixed term tenancy for a term certain of not less than two years, and
- (b) the landlord is a private registered provider of social housing.

(1B) The court may not make an order for possession of the dwelling-house let on the tenancy unless the landlord has given to the tenant not less than six months' notice in writing—

- (a) stating that the landlord does not propose to grant another tenancy on the expiry of the fixed term tenancy, and

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- (b) informing the tenant of how to obtain help or advice about the notice and, in particular, of any obligation of the landlord to provide help or advice.]
- (2) A notice under paragraph (b) of subsection (1) above may be given before or on the day on which the tenancy comes to an end; and that subsection shall have effect notwithstanding that on the coming to an end of the fixed term tenancy a statutory periodic tenancy arises.
- (3) Where a court makes an order for possession of a dwelling-house by virtue of subsection (1) above, any statutory periodic tenancy which has arisen on the coming to an end of the assured shorthold tenancy shall end (without further notice and regardless of the period) [<sup>F5</sup>in accordance with section 5(1A)].
- (4) Without prejudice to any such right as is referred to in subsection (1) above, a court shall make an order for possession of a dwelling-house let on an assured shorthold tenancy which is a periodic tenancy if the court is satisfied—
  - (a) that the landlord or, in the case of joint landlords, at least one of them has given to the tenant a notice [<sup>F6</sup>in writing] stating that, after a date specified in the notice, being the last day of a period of the tenancy and not earlier than [<sup>F7</sup>two months][<sup>F7</sup>six months] after the date the notice was given, possession of the dwelling-house is required by virtue of this section; and
  - (b) that the date specified in the notice under paragraph (a) above is not earlier than the earliest day on which, apart from section 5(1) above, the tenancy could be brought to an end by a notice to quit given by the landlord on the same date as the notice under paragraph (a) above.
- [<sup>F8</sup>(4ZA) In the case of a dwelling-house in England, subsection (4)(a) above has effect with the omission of the requirement for the date specified in the notice to be the last day of a period of the tenancy.]
- [<sup>F9</sup>(4A) Where a court makes an order for possession of a dwelling-house by virtue of subsection (4) above, the assured shorthold tenancy shall end in accordance with section 5(1A).]
- [<sup>F10</sup>(4B) A notice under subsection (1) or (4) may not be given in relation to an assured shorthold tenancy of a dwelling-house in England—
  - (a) in the case of a tenancy which is not a replacement tenancy, within the period of four months beginning with the day on which the tenancy began, and
  - (b) in the case of a replacement tenancy, within the period of four months beginning with the day on which the original tenancy began.
- (4C) Subsection (4B) does not apply where the tenancy has arisen due to section 5(2).
- (4D) Subject to subsection (4E), proceedings for an order for possession under this section in relation to a dwelling-house in England may not be begun after the end of the period of [<sup>F11</sup>six months][<sup>F11</sup>10 months] beginning with the date on which the notice was given under subsection (1) or (4).
- (4E) Where—
  - (a) a notice under subsection (4) has been given in relation to a dwelling-house in England, and
  - (b) paragraph (b) of that subsection requires the date specified in the notice to be more than [<sup>F12</sup>two months][<sup>F12</sup>six months] after the date the notice was given,

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proceedings for an order for possession under this section may not be begun after the end of the period of four months beginning with the date specified in the notice.]

[<sup>F13</sup>(5) Where an order for possession under subsection (1) or (4) above is made in relation to a dwelling-house let on a tenancy to which section 19A above applies, the order may not be made so as to take effect earlier than—

- (a) in the case of a tenancy which is not a replacement tenancy, six months after the beginning of the tenancy, and
- (b) in the case of a replacement tenancy, six months after the beginning of the original tenancy.

[ Subsection (5) above does not apply to an assured shorthold tenancy to which <sup>F14</sup>(5A) section 20B (demoted assured shorthold tenancies) applies.]

(6) In [<sup>F15</sup>subsections (4B)(b) and] (5)(b) above, the reference to the original tenancy is—

- (a) where the replacement tenancy came into being on the coming to an end of a tenancy which was not a replacement tenancy, to the immediately preceding tenancy, and
- (b) where there have been successive replacement tenancies, to the tenancy immediately preceding the first in the succession of replacement tenancies.

(7) For the purposes of this section, a replacement tenancy is a tenancy—

- (a) which comes into being on the coming to an end of an assured shorthold tenancy, and
- (b) under which, on its coming into being—
  - (i) the landlord and tenant are the same as under the earlier tenancy as at its coming to an end, and
  - (ii) the premises let are the same or substantially the same as those let under the earlier tenancy as at that time.]

[<sup>F16</sup>(8) The Secretary of State may by regulations made by statutory instrument prescribe the form of a notice under subsection (1) or (4) given in relation to an assured shorthold tenancy of a dwelling-house in England.

(9) A statutory instrument containing regulations made under subsection (8) is subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F1** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194, **Sch. 11 para. 103**
- F2** Words in s. 21(1)(b) substituted (temp.) (26.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 29 paras. 1, 7(a)** (with ss. 88-90) (as amended (W.) (24.7.2020) by [The Coronavirus Act 2020 \(Assured Tenancies and Assured Shorthold Tenancies, Extension of Notice Periods\) \(Amendment\) \(Wales\) Regulations 2020 \(S.I. 2020/778\)](#), regs. 1(2), **2(3)(a)** and as further amended (E.) (28.8.2020) by [The Coronavirus Act 2020 \(Residential Tenancies: Protection from Eviction\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/914\)](#), regs. 1(2), **3(2)(7)(a)** (with reg. 4))
- F3** Words in s. 21(1)(b) inserted (28.2.1997) by 1996 c. 52, s. **98(2)**; S.I. 1997/225, **art. 2** (subject to saving in [Sch. para. 2](#))
- F4** S. 21(1A)(1B) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), ss. **164(1)**, 240(2) (with s. 164(2)); S.I. 2012/628, **art. 6(c)** (with arts. 911141517)
- F5** Words in s. 21(3) substituted (20.5.2009) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 299, 325, **Sch. 11 para. 9(2)** (with [Sch. 11 para. 14](#)); S.I. 2009/1261, arts. 2, 3

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- F6** Words in s. 21(4)(a) inserted (28.2.1997) by 1996 c. 52, **s. 98(3)**; S.I. 1997/225, **art. 2** (subject to saving **Sch. para. 2**)
- F7** Words in s. 21(4)(a) substituted (temp.) (26.3.2020) by virtue of **Coronavirus Act 2020** (c. 7), s. 87(1), **Sch. 29 paras. 1, 7(b)** (with ss. 88-90) (as amended (W.) (24.7.2020) by **The Coronavirus Act 2020** (Assured Tenancies and Assured Shorthold Tenancies, Extension of Notice Periods) (Amendment) (Wales) Regulations 2020 (S.I. 2020/778), regs. 1(2), **2(3)(b)** and as further amended (E.) (28.8.2020) by **The Coronavirus Act 2020** (Residential Tenancies: Protection from Eviction) (Amendment) (England) Regulations 2020 (S.I. 2020/914), regs. 1(2), **3(2)(7)(a)** (with reg. 4))
- F8** S. 21(4ZA) inserted (1.10.2015) by **Deregulation Act 2015** (c. 20), **ss. 35, 115(7)** (with s. 41); S.I. 2015/994, art. 11(i)
- F9** S. 21(4A) inserted (20.5.2009) by **Housing and Regeneration Act 2008** (c. 17), ss. 299, 325, **Sch. 11 para. 9(3)** (with **Sch. 11 para. 14**); S.I. 2009/1261, arts. 2, 3
- F10** S. 21(4B)-(4E) inserted (1.10.2015) by **Deregulation Act 2015** (c. 20), **ss. 36(2), 115(7)** (with s. 41); S.I. 2015/994, art. 11(j)
- F11** Words in s. 21(4D) substituted (temp.) by virtue of **Coronavirus Act 2020** (c. 7), **Sch. 29 paras. 1, 7(ba)** (as inserted (E.) (28.8.2020) by S.I. 2020/914, regs. 1(2), **3(2)(7)(b)** (with reg. 4))
- F12** Words in s. 21(4E)(b) substituted (temp.) (26.3.2020) by virtue of **Coronavirus Act 2020** (c. 7), s. 87(1), **Sch. 29 paras. 1, 7(c)** (with ss. 88-90) (as amended (28.8.2020) by **The Coronavirus Act 2020** (Residential Tenancies: Protection from Eviction) (Amendment) (England) Regulations 2020 (S.I. 2020/914), regs. 1(2), **3(2)(7)(c)** (with reg. 4))
- F13** S. 21(5)-(7) inserted (28.2.1997) by 1996 c. 52, **s. 99**; S.I. 1997/225, **art. 2** (with **Sch.**)
- F14** S. 21(5A) inserted (30.6.2004 for E. and 30.4.2005 for W.) by **Anti-Social Behaviour Act 2003** (c. 38), **ss. 15(2), 93**; S.I. 2004/1502, **art. 2(a)(iv)** (with savings in **Sch.**); S.I. 2005/1225, **art. 2(c)**
- F15** Words in s. 21(6) substituted (1.10.2015) by **Deregulation Act 2015** (c. 20), **ss. 36(3), 115(7)** (with s. 41); S.I. 2015/994, art. 11(j)
- F16** S. 21(8)(9) inserted (1.7.2015) by **Deregulation Act 2015** (c. 20), **ss. 37, 115(7)** (with s. 41); S.I. 2015/994, art. 10(a)

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