



# Housing Act 1988

## 1988 CHAPTER 50

### PART I

#### RENTED ACCOMMODATION

#### CHAPTER I

#### ASSURED TENANCIES

#### *Security of tenure*

### **6 Fixing of terms of statutory periodic tenancy.**

- (1) In this section, in relation to a statutory periodic tenancy,—
- (a) “the former tenancy” means the fixed term tenancy on the coming to an end of which the statutory periodic tenancy arises; and
  - (b) “the implied terms” means the terms of the tenancy which have effect by virtue of section 5(3)(e) above, other than terms as to the amount of the rent;
- but nothing in the following provisions of this section applies to a statutory periodic tenancy at a time when, by virtue of paragraph 11 or paragraph 12 in Part 1 of Schedule 1 to this Act, it cannot be an assured tenancy.
- (2) Not later than the first anniversary of the day on which the former tenancy came to an end, the landlord may serve on the tenant, or the tenant may serve on the landlord, a notice in the prescribed form proposing terms of the statutory periodic tenancy different from the implied terms and, if the landlord or the tenant considers it appropriate, proposing an adjustment of the amount of the rent to take account of the proposed terms.
- (3) Where a notice has been served under subsection (2) above,—
- (a) within the period of three months beginning on the date on which the notice was served on him, the landlord or the tenant, as the case may be, may, by

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- an application in the prescribed form, refer the notice to [<sup>F1</sup>the appropriate tribunal] under subsection (4) below; and
- (b) if the notice is not so referred, then, with effect from such date, not falling within the period referred to in paragraph (a) above, as may be specified in the notice, the terms proposed in the notice shall become terms of the tenancy in substitution for any of the implied terms dealing with the same subject matter and the amount of the rent shall be varied in accordance with any adjustment so proposed.
- (4) Where a notice under subsection (2) above is referred to [<sup>F2</sup>the appropriate tribunal], the [<sup>F3</sup>appropriate tribunal] shall consider the terms proposed in the notice and shall determine whether those terms, or some other terms (dealing with the same subject matter as the proposed terms), are such as, in [<sup>F4</sup>the appropriate tribunal's] opinion, might reasonably be expected to be found in an assured periodic tenancy of the dwelling-house concerned, being a tenancy—
- (a) which begins on the coming to an end of the former tenancy; and
- (b) which is granted by a willing landlord on terms which, except in so far as they relate to the subject matter of the proposed terms, are those of the statutory periodic tenancy at the time of [<sup>F4</sup>the appropriate tribunal's] consideration.
- (5) Whether or not a notice under subsection (2) above proposes an adjustment of the amount of the rent under the statutory periodic tenancy, where [<sup>F5</sup>the appropriate tribunal] determine any terms under subsection (4) above, they shall, if they consider it appropriate, specify such an adjustment to take account of the terms so determined.
- (6) In making a determination under subsection (4) above, or specifying an adjustment of an amount of rent under subsection (5) above, there shall be disregarded any effect on the terms or the amount of the rent attributable to the granting of a tenancy to a sitting tenant.
- (7) Where a notice under subsection (2) above is referred to [<sup>F6</sup>the appropriate tribunal], then, unless the landlord and the tenant otherwise agree, with effect from such date as the [<sup>F7</sup>appropriate tribunal] may direct—
- (a) the terms determined by the [<sup>F7</sup>appropriate tribunal] shall become terms of the statutory periodic tenancy in substitution for any of the implied terms dealing with the same subject matter; and
- (b) the amount of the rent under the statutory periodic tenancy shall be altered to accord with any adjustment specified by the [<sup>F7</sup>appropriate tribunal];
- but for the purposes of paragraph (b) above the [<sup>F7</sup>appropriate tribunal] shall not direct a date earlier than the date specified, in accordance with subsection (3)(b) above, in the notice referred to them.
- (8) Nothing in this section requires [<sup>F8</sup>the appropriate tribunal] to continue with a determination under subsection (4) above if the landlord and tenant give notice in writing that they no longer require such a determination or if the tenancy has come to an end.

#### Textual Amendments

- F1** Words in s. 6(3)(a) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 81\(a\)](#) (with Sch. 3)
- F2** Words in s. 6(4) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 81\(b\)\(i\)](#) (with Sch. 3)

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- F3** Words in s. 6(4) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 81(b)(ii)** (with Sch. 3)
- F4** Words in s. 6(4) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 81(b)(iii)** (with Sch. 3)
- F5** Words in s. 6(5) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 81(c)** (with Sch. 3)
- F6** Words in s. 6(7) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 81(d)(i)** (with Sch. 3)
- F7** Words in s. 6(7) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 81(d)(ii)** (with Sch. 3)
- F8** Words in s. 6(8) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 81(e)** (with Sch. 3)

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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](#)