



# Housing Act 1996

## 1996 CHAPTER 52

### PART III

#### LANDLORD AND TENANT

#### CHAPTER I

#### TENANTS' RIGHTS

##### *Forfeiture*

#### **81 Restriction on termination of tenancy for failure to pay service charge.**

- (1) A landlord may not, in relation to premises let as a dwelling, exercise a right of re-entry or forfeiture for failure [<sup>F1</sup>by a tenant to pay a service charge or administration charge unless— ]
- [<sup>F1</sup>(a) it is finally determined by (or on appeal from) [<sup>F2</sup>the appropriate tribunal] or by a court, or by an arbitral tribunal in proceedings pursuant to a post-dispute arbitration agreement, that the amount of the service charge or administration charge is payable by him, or]
  - [<sup>F1</sup>(b) the tenant has admitted that it is so payable.]
- [<sup>F3</sup>(2) The landlord may not exercise a right of re-entry or forfeiture by virtue of subsection (1)(a) until after the end of the period of 14 days beginning with the day after that on which the final determination is made.]
- [<sup>F4</sup>(3) For the purposes of this section it is finally determined that the amount of a service charge or administration charge is payable—
- (a) if a decision that it is payable is not appealed against or otherwise challenged, at the end of the time for bringing an appeal or other challenge, or
  - (b) if such a decision is appealed against or otherwise challenged and not set aside in consequence of the appeal or other challenge, at the time specified in subsection (3A).

*Status: Point in time view as at 01/07/2013.*

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- (3A) The time referred to in subsection (3)(b) is the time when the appeal or other challenge is disposed of—
- (a) by the determination of the appeal or other challenge and the expiry of the time for bringing a subsequent appeal (if any), or
  - (b) by its being abandoned or otherwise ceasing to have effect.]
- (4) The reference in subsection (1) to premises let as a dwelling does not include premises let on—
- (a) a tenancy to which Part II of the <sup>M1</sup>Landlord and Tenant Act 1954 applies (business tenancies),
  - (b) a tenancy of an agricultural holding within the meaning of the <sup>M2</sup>Agricultural Holdings Act 1986 in relation to which that Act applies, or
  - (c) a farm business tenancy within the meaning of the <sup>M3</sup>Agricultural Tenancies Act 1995.
- [<sup>F5</sup>(4A) References in this section to the exercise of a right of re-entry or forfeiture include the service of a notice under section 146(1) of the Law of Property Act 1925 (restriction on re-entry or forfeiture).]
- (5) In this section
- [<sup>F6</sup>(a) “administration charge” has the meaning given by Part 1 of Schedule 11 to the Commonhold and Leasehold Reform Act 2002,
  - (b) “arbitration agreement” and “arbitral tribunal” have the same meaning as in Part 1 of the Arbitration Act 1996 (c. 23) and “post-dispute arbitration agreement”, in relation to any matter, means an arbitration agreement made after a dispute about the matter has arisen,
  - (c) “dwelling” has the same meaning as in the Landlord and Tenant Act 1985 (c. 70), and
  - (d)]
- “service charge” means a service charge within the meaning of section 18(1) of the <sup>M4</sup>Landlord and Tenant Act 1985, other than one excluded from that section by section 27 of that Act (rent of dwelling registered and not entered as variable).
- [<sup>F7</sup>(5A) Any order of a court to give effect to a determination of [<sup>F8</sup>the appropriate tribunal] shall be treated as a determination by the court for the purposes of this section.]
- (6) Nothing in this section affects the exercise of a right of re-entry or forfeiture on other grounds.
- [<sup>F9</sup>(7) For the purposes of this section, “appropriate tribunal” means—
- (a) in relation to premises in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
  - (b) in relation to premises in Wales, a leasehold valuation tribunal.]

#### Textual Amendments

- F1** Words in s. 81(1) substituted (28.2.2005 for E., 31.5.2005 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), **ss. 170(2)**, 181(1); S.I. 2004/3056, art. 3(f) (with art. 4(3)); S.I. 2005/1353, art. 2(f) (with art. 3(4))
- F2** Words in s. 81(1)(a) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 130(a)** (with Sch. 3)

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- F3** S. 81(2) substituted (28.2.2005 for E., 31.5.2005 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), ss. 170\(3\)](#), 181(1); S.I. 2004/3056, art. 3(f) (with art. 4(3)); S.I. 2005/1353, art. 2(f) (with art. 3(4))
- F4** S. 81(3)(3A) substituted for s. 81(3) (28.2.2005 for E., 31.5.2005 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), ss. 170\(4\)](#), 181(1); S.I. 2004/3056, art. 3(f) (with art. 4(3)); S.I. 2005/1353, art. 2(f) (with art. 3(4))
- F5** S. 81(4A) inserted (28.2.2005 for E., 31.5.2005 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), ss. 170\(5\)](#), 181(1); S.I. 2004/3056, art. 3(f) (with art. 4(3)); S.I. 2005/1353, art. 2(f) (with art. 3(4))
- F6** Words in s. 81(5) inserted (28.2.2005 for E., 31.5.2005 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), ss. 170\(6\)](#), 181(1); S.I. 2004/3056, art. 3(f) (with art. 4(3)); S.I. 2005/1353, art. 2(f) (with art. 3(4))
- F7** S. 81(5A) inserted (28.2.2005 for E., 31.5.2005 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 181\(1\), Sch. 13 para. 16](#); S.I. 2004/3056, art. 3(i); S.I. 2005/1353, art. 2(i)
- F8** Words in s. 81(5A) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 130\(a\)](#) (with Sch. 3)
- F9** S. 81(7) inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 130\(b\)](#) (with Sch. 3)

**Modifications etc. (not altering text)**

- C1** S. 81 extended to Crown Land (30.9.2003 for E. for specified purposes, 30.3.2004 for W. for specified purposes, 28.2.2005 for E. for specified purposes, 31.5.2005 for W. for specified purposes) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), ss. 172](#), 181(1); S.I. 2003/1986, art. 2(c)(ii) (with Sch. 2); S.I. 2004/669, art. 2(c)(ii) (with Sch. 2); S.I. 2004/3056, art. 3(h) (with art. 4); S.I. 2005/1353, art. 2(h)

**Marginal Citations**

- M1** 1954 c. 56.
- M2** 1986 c. 5.
- M3** 1995 c. 8.
- M4** 1985 c. 70.

**F1082 Notice under s.146 of the Law of Property Act 1925.**

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**Textual Amendments**

- F10** S. 82 repealed (28.2.2005 for E., 31.5.2005 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 181\(1\), Sch. 14](#); S.I. 2004/3056, art. 3(j); S.I. 2005/1353, art. 2(j)

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