



Deregulation Act 2015

2015 CHAPTER 20

Housing and development

33 Preventing retaliatory eviction

- (1) Where a relevant notice is served in relation to a dwelling-house in England, a section 21 notice may not be given in relation to an assured shorthold tenancy of the dwelling-house—
 - (a) within six months beginning with the day of service of the relevant notice, or
 - (b) where the operation of the relevant notice has been suspended, within six months beginning with the day on which the suspension ends.
- (2) A section 21 notice given in relation to an assured shorthold tenancy of a dwelling-house in England is invalid where—
 - (a) before the section 21 notice was given, the tenant made a complaint in writing to the landlord regarding the condition of the dwelling-house at the time of the complaint,
 - (b) the landlord—
 - (i) did not provide a response to the complaint within 14 days beginning with the day on which the complaint was given,
 - (ii) provided a response to the complaint that was not an adequate response, or
 - (iii) gave a section 21 notice in relation to the dwelling-house following the complaint,
 - (c) the tenant then made a complaint to the relevant local housing authority about the same, or substantially the same, subject matter as the complaint to the landlord,
 - (d) the relevant local housing authority served a relevant notice in relation to the dwelling-house in response to the complaint, and
 - (e) if the section 21 notice was not given before the tenant's complaint to the local housing authority, it was given before the service of the relevant notice.
- (3) The reference in subsection (2) to an adequate response by the landlord is to a response in writing which—

Status: This is the original version (as it was originally enacted).

- (a) provides a description of the action that the landlord proposes to take to address the complaint, and
 - (b) sets out a reasonable timescale within which that action will be taken.
- (4) Subsection (2) applies despite the requirement in paragraph (a) for a complaint to be in writing not having been met where the tenant does not know the landlord's postal or e-mail address.
- (5) Subsection (2) applies despite the requirements in paragraphs (a) and (b) not having been met where the tenant made reasonable efforts to contact the landlord to complain about the condition of the dwelling-house but was unable to do so.
- (6) The court must strike out proceedings for an order for possession under section 21 of the Housing Act 1988 in relation to a dwelling-house in England if, before the order is made, the section 21 notice that would otherwise require the court to make an order for possession in relation to the dwelling-house has become invalid under subsection (2).
- (7) An order for possession of a dwelling-house in England made under section 21 of the Housing Act 1988 must not be set aside on the ground that a relevant notice was served in relation to the dwelling-house after the order for possession was made.
- (8) Subsection (1) does not apply where the section 21 notice is given after—
 - (a) the relevant notice has been wholly revoked under section 16 of the Housing Act 2004 as a result of the notice having been served in error,
 - (b) the relevant notice has been quashed under paragraph 15 of Schedule 1 to that Act,
 - (c) a decision of the relevant local housing authority to refuse to revoke the relevant notice has been reversed under paragraph 18 of Schedule 1 to that Act, or
 - (d) a decision of the relevant local housing authority to take the action to which the relevant notice relates has been reversed under section 45 of that Act.
- (9) Subsection (2) does not apply where the operation of the relevant notice has been suspended.
- (10) References in this section and section 34 to a relevant notice served, or complaint made, in relation to a dwelling-house include a relevant notice served, or complaint made, in relation to any common parts of the building of which the dwelling-house forms a part.
- (11) But subsection (10) applies only if—
 - (a) the landlord has a controlling interest in the common parts in question, and
 - (b) the condition of those common parts is such as to affect the tenant's enjoyment of the dwelling-house or of any common parts which the tenant is entitled to use.
- (12) In this section and section 34 a reference to a complaint to a landlord includes a complaint made to a person acting on behalf of the landlord in relation to the tenancy.
- (13) In this section and section 34—
 - “assured shorthold tenancy” means a tenancy within section 19A or 20 of the Housing Act 1988;
 - “common parts”, in relation to a building, includes—
 - (a) the structure and exterior of the building, and

(b) common facilities provided (whether or not in the building) for persons who include one or more of the occupiers of the building;

“controlling interest” means an interest which is such as to entitle the landlord to decide whether action is taken in relation to a complaint within this section or a relevant notice;

“dwelling-house” has the meaning given by section 45 of the Housing Act 1988;

“relevant local housing authority”, in relation to a dwelling-house, means the local housing authority as defined in section 261(2) and (3) of the Housing Act 2004 within whose area the dwelling-house is located;

“relevant notice” means—

- (a) a notice served under section 11 of the Housing Act 2004 (improvement notices relating to category 1 hazards),
- (b) a notice served under section 12 of that Act (improvement notices relating to category 2 hazards), or
- (c) a notice served under section 40(7) of that Act (emergency remedial action);

“section 21 notice” means a notice given under section 21(1)(b) or (4)(a) of the Housing Act 1988 (recovery of possession on termination of shorthold tenancy).