



# Housing and Planning Act 2016

## 2016 CHAPTER 22

PROSPECTIVE

### PART 3

#### RECOVERING ABANDONED PREMISES IN ENGLAND

##### **57 Recovering abandoned premises**

A private landlord may give a tenant a notice bringing an assured shorthold tenancy to an end on the day on which the notice is given if—

- (a) the tenancy relates to premises in England,
- (b) the unpaid rent condition is met (see section 58),
- (c) the landlord has given the warning notices required by section 59, and
- (d) no tenant, named occupier or deposit payer has responded in writing to any of those notices before the date specified in the warning notices.

##### **58 The unpaid rent condition**

(1) The unpaid rent condition is met if—

- (a) rent is payable weekly or fortnightly and at least eight consecutive weeks' rent is unpaid,
- (b) rent is payable monthly and at least two consecutive months' rent is unpaid,
- (c) rent is payable quarterly and at least one quarter's rent is more than three months in arrears, or
- (d) rent is payable yearly and at least three months' rent is more than three months in arrears.

(2) If the unpaid rent condition has been met and a new payment of rent is made before the notice under section 57 is given, the unpaid rent condition ceases to be met (irrespective of the period to which the new payment of rent relates).

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Housing and Planning Act 2016, PART 3 is up to date with all changes known to be in force on or before 04 August 2023. 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

- (3) In this section “rent” means rent lawfully due from the tenant.

## 59 Warning notices

- (1) Before bringing a tenancy to an end under section 57 the landlord must give three warning notices, at different times, in accordance with this section.
- (2) The first two warning notices must be given to the following using one of the methods in section 61(2) or (3)—
  - (a) the tenant,
  - (b) any named occupiers, and
  - (c) any deposit payers.
- (3) The third warning notice must be given by fixing it to some conspicuous part of the premises to which the tenancy relates.
- (4) Each warning notice must explain—
  - (a) that the landlord believes the premises to have been abandoned,
  - (b) that the tenant, a named occupier or a deposit payer must respond in writing before a specified date if the premises have not been abandoned, and
  - (c) that the landlord proposes to bring the tenancy to an end if no tenant, named occupier or deposit payer responds in writing before that date.
- (5) The date specified under subsection (4)(b) must be after the end of the period of 8 weeks beginning with the day on which the first warning notice is given to the tenant.
- (6) The first warning notice may be given even if the unpaid rent condition is not yet met.
- (7) The second warning notice may be given only once the unpaid rent condition has been met.
- (8) The second warning notice must be given at least two weeks, and no more than 4 weeks, after the first warning notice.
- (9) The third warning notice must be given before the period of 5 days ending with the date specified in the warning notices under subsection (4)(b).
- (10) The Secretary of State may make regulations setting out the form that the third warning notice must take.
- (11) In this Part—

“deposit payer” means a person who the landlord knows paid a tenancy deposit in relation to the tenancy on behalf of the tenant;

“named occupier” means a person named in the tenancy as a person who may live at the premises to which the tenancy relates.

## 60 Reinstatement

- (1) Where a tenancy is brought to an end by a notice under section 57 the tenant may apply to the county court for an order reinstating the tenancy if the tenant has a good reason for having failed to respond to the warning notices.

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- (2) If the county court finds that the tenant had a good reason for failing to respond to the warning notices it may make any order it thinks fit for the purpose of reinstating the tenancy.
- (3) An application under this section may not be made after the end of the period of 6 months beginning with the day on which the notice under section 57 is given.

## **61 Methods for giving notices under sections 57 and 59**

- (1) This section sets out the methods for giving—
  - (a) a notice under section 57;
  - (b) the first or second warning notice under section 59.
- (2) The notice may given by delivering it to the tenant, named occupier or deposit payer in person.
- (3) If the notice is not delivered to the tenant, named occupier or deposit payer in person it must be given by—
  - (a) leaving it at, or sending it to, the premises to which the tenancy relates,
  - (b) leaving it at, or sending it to, every other postal address in the United Kingdom that the tenant, named occupier or deposit payer has given the landlord as a contact address for giving notices,
  - (c) sending it to every email address that the tenant, named occupier or deposit payer has given the landlord as a contact address for giving notices, and
  - (d) in the case of a tenant, leaving it at or sending it to every postal address in the United Kingdom of every guarantor, marked for the attention of the tenant.
- (4) In subsection (3) “guarantor”, in relation to a tenant, means a person who has agreed with the landlord to guarantee the performance by the tenant of any of the tenant's obligations under the tenancy.

## **62 Interpretation of Part**

In this Part—

“assured shorthold tenancy” has the same meaning as in Part 1 of the Housing Act 1988;

“named occupier” has the meaning given by section 59;

“private landlord” means a landlord who is not within section 80(1) of the Housing Act 1985 (the landlord condition for secure tenancies);

“tenancy deposit”, in relation to a tenancy, means any money intended to be held (by the landlord or otherwise) as security for—

- (a) the performance of any obligations of the tenant arising under or in connection with the tenancy, or
- (b) the discharge of any liability of the tenant arising under or in connection with the tenancy;

“warning notice” means a notice under section 59.

## **63 Consequential amendment to Housing Act 1988**

In section 5 of the Housing Act 1988 (security of tenure), in subsection (1)—

- (a) omit “or” at end of paragraph (b);

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- (b) at the end of paragraph (d) insert “, or
- (e) in the case of an assured shorthold tenancy, serving a notice in accordance with section 57 of the Housing and Planning Act 2016,”.

**Status:**

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**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)