
STATUTORY INSTRUMENTS

1987 No. 755

HOUSING, ENGLAND AND WALES

The Secure Tenancies (Notices) Regulations 1987

Made - - - - - *22nd April 1987*

Coming into force - - - - - *13th May 1987*

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by section 83(2) and (6) of the Housing Act 1985,⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Regulations:—

1. These Regulations may be cited as the Secure Tenancies (Notices) Regulations 1987 and shall come into force on 13th May 1987.

2.—(1) The notice to be served on a secure tenant under section 83 of the Housing Act 1985 before the court can entertain proceedings for possession of a dwelling-house let under a secure tenancy which is a periodic tenancy, shall be in the form specified in Part I of the Schedule to these Regulations, or in a form substantially to the same effect.

(2) The notice to be served on a secure tenant under section 83 of the Housing Act 1985 before the court can entertain proceedings for the termination of a secure tenancy which is a tenancy for a term certain, and for possession of the dwelling-house let under that tenancy, shall be in the form specified in Part II of the Schedule to these Regulations, or in a form substantially to the same effect.

(3) The Secure Tenancies (Notices) Regulations 1980⁽²⁾ and the Secure Tenancies (Notices) (Amendment) Regulations 1984⁽³⁾ are hereby revoked.

(1) 1985 c. 68.
(2) S.I.1980/1339.
(3) S.I. 1984/1224.

SCHEDULE

Regulation 2

PART I

notice of seeking possession

Housing Act 1985, section 83

This Notice is the first step towards requiring you to give up possession of your dwelling. You should read it very carefully.

1. To..... (name(s) of secure tenant(s))

- If you need advice about this Notice, and what you should do about it, take it as quickly as possible to a Citizens' Advice Bureau, a Housing Aid Centre, or a Law Centre, or to a Solicitor. You may be able to receive Legal Aid but this will depend on your personal circumstances.

2. The [name of landlord] intends to apply to the Court for an order requiring you to give up possession of:

..... (address of property)

- If you are a secure tenant under the Housing Act 1985, you can only be required to leave your dwelling if your landlord obtains an order for possession from the Court. The order must be based on one of the Grounds which are set out in the 1985 Act (see paragraphs 3 and 4 below).
- If you are willing to give up possession without a Court order, you should notify the person who signed this Notice as soon as possible and say when you would leave.

3. Possession will be sought on Ground(s) of Schedule 2 to the Housing Act 1985, which reads:-

[give the text in full of each Ground which is being relied on]

- Whatever Grounds for possession are set out in paragraph 3 of this Notice, the Court may allow any of the other Grounds to be added at a later stage. If this is done, you will be told about it so you can argue at the hearing in Court about the new Ground, as well as the Grounds set out in paragraph 3, if you want to.

4. Particulars of each Ground are as follows:-

[give a full explanation of why each Ground is being relied upon]

- Before the Court will grant an order on any of the Grounds 1 to 8 or 12 to 16, it must be satisfied that it is reasonable to require you to leave. This means that, if one of these Grounds is set out in paragraph 3 of this Notice, you will be able to argue at the hearing in Court that it is not reasonable that you should have to leave, even if you accept that the Ground applies.
- Before the Court grants an order on any of the Grounds 9 to 16, it must be satisfied that there will be suitable alternative accommodation for you when you have to leave. This means that the Court will have to decide that, in its opinion, there will be other accommodation which is reasonably suitable for the needs of you and your family, taking into particular account various factors such as the nearness of your place of work, and the sort of housing that other people with similar needs are offered. Your new home will have to be let to you on another secure tenancy or a private tenancy under the Rent Act of a kind that will give you similar security. There is no requirement for suitable alternative accommodation where Grounds 1 to 8 apply.

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

- *If your landlord is not a local authority, and the local authority gives a certificate that it will provide you with suitable accommodation, the Court has to accept the certificate.*
- *One of the requirements of Ground 10A is that the landlord must have approval for the redevelopment scheme from the Secretary of State (or, in the case of a housing association landlord, the Housing Corporation). The landlord must have consulted all secure tenants affected by the proposed redevelopment scheme.*

5. The Court proceedings will not be begun until after

.....
[give the date after which Court proceedings can be brought]

- *Court proceedings cannot be begun until after this date, which cannot be earlier than the date when your tenancy or licence could have been brought to an end. This means that if you have a weekly or fortnightly tenancy, there should be at least 4 weeks between the date this Notice is given and the date in this paragraph.*
- *After this date, court proceedings may be begun at once or at any time during the following twelve months. Once the twelve months are up this Notice will lapse and a new Notice must be served before possession can be sought.*

Signed.....

On behalf of.....

Address

.....

.....

Tel. No.....

Date

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

PART II

notice of seeking termination of tenancy and recovery of possession

Housing Act 1985, section 83

This Notice may lead to your being required to leave your dwelling. You should read it very carefully.

1. To..... (name(s) of secure tenant(s))

- *If you need advice about this Notice, and what you should do about it, take it as quickly as possible to a Citizens' Advice Bureau, a Housing Aid Centre, or a Law Centre, or to a Solicitor. You may be able to receive Legal Aid but this will depend on your personal circumstances.*

2. The [name of landlord] intends to apply to the Court for an order terminating your tenancy and requiring you to give up possession of:

..... (address of property)

.....

.....

- *This Notice applies to you if you are a secure tenant under the Housing Act 1985 and if your tenancy is for a fixed term, containing a provision which allows your landlord to bring it to an end before the fixed term expires. This may be because you have got into arrears with your rent or have broken some other condition of the tenancy. This is known as a provision for re-entry or forfeiture. The Act does not remove the need for your landlord to bring an action under such a provision, nor does it affect your right to seek relief against re-entry or forfeiture, in other words to ask the Court not to bring the tenancy to an end. The Act gives **additional** rights to tenants, as described below.*

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

- *If you are a secure tenant and have a fixed term tenancy, it can only be terminated and you can only be evicted if your landlord obtains an order for possession from the Court. The order must be based on one of the Grounds which are set out in the 1985 Act (see paragraphs 3 and 4 below).*
- *If you are willing to give up possession without a Court order, you should notify the person who signed this Notice as soon as possible and say when you would leave.*

3. Termination of your tenancy and possession will be sought on Ground(s) of Schedule 2 to the Housing Act 1985, which reads:—

[give the text in full of each Ground which is being relied on]

- *Whatever Grounds for possession are set out in paragraph 3 of this Notice, the Court may allow any of the other Grounds to be added at a later stage. If this is done, you will be told about it so you can argue at the hearing in Court about the new Ground, as well as the Grounds set out in paragraph 3, if you want to.*

4. Particulars of each Ground are as follows:—

[give a full explanation of why each Ground is being relied upon]

- *Before the Court will grant an order on any of the Grounds 1 to 8 or 12 to 16, it must be satisfied that it is reasonable to require you to leave. This means that, if one of these Grounds is set out in paragraph 3 of this Notice, you will be able to argue at the hearing in Court that it is not reasonable that you should have to leave, even if you accept that the Ground applies.*
- *Before the Court grants an order on any of the Grounds 9 to 16, it must be satisfied that there will be suitable alternative accommodation for you when you have to leave. This means that the Court will have to decide that, in its opinion, there will be other accommodation which is reasonably suitable for the needs of you and your family, taking into particular account various factors such as the nearness of your place of work, and the sort of housing that other people with similar needs are offered. Your new home will have to be let to you on another secure tenancy or a private tenancy under the Rent Act of a kind that will give you similar security. **There is no requirement for suitable alternative accommodation where Grounds 1 to 8 apply.***
- *If your landlord is not a local authority, and the local authority gives a certificate that it will provide you with suitable accommodation, the Court has to accept the certificate.*
- *One of the requirements of Ground 10A is that the landlord must have approval for the redevelopment scheme from the Secretary of State (or, in the case of a housing association landlord, the Housing Corporation). The landlord must have consulted all secure tenants affected by the proposed redevelopment scheme.*

Signed.....

On behalf of.....

Address

.....

.....

Tel. No.....

Date

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

16th April 1987

Nicholas Ridley
Secretary of State for the Environment

22nd April 1987

Nicholas Edwards
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the forms of notice which have to be served on a secure tenant under the Housing Act 1985 before the court can entertain proceedings for possession of a dwelling-house let under a secure tenancy or for the termination of a secure tenancy. The forms replace those prescribed by the Secure Tenancies (Notices) Regulations 1980 and those Regulations, and the Regulations amending them, are revoked by regulation 3.

The new forms incorporate drafting amendments and amendments consequent on the Housing Act 1985, and the new Ground for possession (10A) introduced by section 9 of the Housing and Planning Act 1986 (c. 63).