

**Changes to legislation:** Housing Act 1985, SCHEDULE 2A is up to date with all changes known to be in force on or before 16 April 2024. 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

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 2A

Section 84A(9)

#### ABSOLUTE GROUND FOR POSSESSION FOR ANTI-SOCIAL BEHAVIOUR: SERIOUS OFFENCES

##### Textual Amendments

- F1** Sch. 2A inserted (20.10.2014 for E., 21.10.2014 fro W.) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1)(2)(c)(3)(a), [Sch. 3](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, [art. 2\(g\)](#); S.I. 2014/2830, [art. 2\(a\)](#)

#### *Violent offences*

- 1 Murder.
- 2 Manslaughter.
- 3 Kidnapping.
- 4 False imprisonment.
- 5 An offence under any of the following sections of the Offences against the Person Act 1861—
  - (a) section 4 (soliciting murder),
  - (b) section 16 (threats to kill),
  - (c) section 18 (wounding with intent to cause grievous bodily harm),
  - (d) section 20 (malicious wounding),
  - (e) section 21 (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence),
  - (f) section 22 (using chloroform etc. to commit or assist in the committing of any indictable offence),
  - (g) section 23 (maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm),
  - (h) section 24 (maliciously administering poison etc. with intent to injure, aggrieve or annoy any other person),
  - (i) section 27 (abandoning or exposing children whereby life is endangered or health permanently injured),
  - (j) section 28 (causing bodily injury by explosives),
  - (k) section 29 (using explosives etc. with intent to do grievous bodily harm),
  - (l) section 30 (placing explosives with intent to do bodily injury),
  - (m) section 31 (setting spring guns etc. with intent to do grievous bodily harm),
  - (n) section 38 (assault with intent to resist arrest),
  - (o) section 47 (assault occasioning actual bodily harm).
- 6 An offence under any of the following sections of the Explosive Substances Act 1883—

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- (a) section 2 (causing explosion likely to endanger life or property),
  - (b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property),
  - (c) section 4 (making or possession of explosive under suspicious circumstances).
- 7 An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction).
- 8 An offence under section 1 of the Children and Young Persons Act 1933 (cruelty to children).
- 9 An offence under section 1 of the Infanticide Act 1938 (infanticide).
- 10 An offence under any of the following sections of the Public Order Act 1986—
- (a) section 1 (riot),
  - (b) section 2 (violent disorder),
  - (c) section 3 (affray).
- 11 An offence under either of the following sections of the Protection from Harassment Act 1997—
- (a) section 4 (putting people in fear of violence),
  - (b) section 4A (stalking involving fear of violence or serious alarm or distress).
- 12 An offence under any of the following provisions of the Crime and Disorder Act 1998—
- (a) section 29 (racially or religiously aggravated assaults),
  - (b) section 31(1)(a) or (b) (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986),
  - (c) section 32 (racially or religiously aggravated harassment etc. ).
- 13 An offence under either of the following sections of the Female Genital Mutilation Act 2003—
- (a) section 1 (female genital mutilation),
  - (b) section 2 (assisting a girl to mutilate her own genitalia).
- 14 An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing the death of a child or vulnerable adult).
- [<sup>F2</sup>14A An offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation).]

#### **Textual Amendments**

- F2** Sch. 2A para. 14A inserted (7.6.2022) by Domestic Abuse Act 2021 (c. 17), s. 90(6), Sch. 2 para. 2; S.I. 2022/553, regs. 1(2), 3(b)

#### *Sexual offences*

- 15 An offence under section 33A of the Sexual Offences Act 1956 (keeping a brothel used for prostitution).
- 16 An offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children).

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17 An offence under section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of a child).

18 An indictable offence under Part 1 of the Sexual Offences Act 2003 (sexual offences).

#### *Offensive weapons*

19 An offence under either of the following sections of the Prevention of Crime Act 1953—

- (a) section 1 (prohibition of the carrying of offensive weapons without lawful authority or reasonable excuse),
- (b) section 1A (threatening with offensive weapon in public).

20 An offence under any of the following provisions of the Firearms Act 1968—

- (a) section 16 (possession of firearm with intent to endanger life),
- (b) section 16A (possession of firearm with intent to cause fear of violence),
- (c) section 17(1) (use of firearm to resist arrest),
- (d) section 17(2) (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to the Act of 1968),
- (e) section 18 (carrying a firearm with criminal intent),
- (f) section 19 (carrying a firearm in a public place),
- (g) section 20 (trespassing with firearm),
- (h) section 21 (possession of firearms by persons previously convicted of crime).

21 An offence under either of the following sections of the Criminal Justice Act 1988—

- (a) section 139 (having article with blade or point in public place),
- (b) section 139AA (threatening with article with blade or point or offensive weapon).

#### *Offences against property*

22 An offence under any of the following sections of the Theft Act 1968—

- (a) section 8 (robbery or assault with intent to rob),
- (b) section 9 (burglary),
- (c) section 10 (aggravated burglary).

23 An offence under section 1 of the Criminal Damage Act 1971 (destroying or damaging property).

24 An offence under section 30 of the Crime and Disorder Act 1998 (racially or religiously aggravated criminal damage).

#### *Road traffic offences*

25 An offence under section 35 of the Offences against the Person Act 1861 (injuring persons by furious driving).

26 An offence under section 12A of the Theft Act 1968 (aggravated vehicle-taking involving an accident which caused the death of any person).

27 An offence under any of the following sections of the Road Traffic Act 1988—

- (a) section 1 (causing death by dangerous driving),

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- (b) section 1A (causing serious injury by dangerous driving),
- (c) section 3A (causing death by careless driving when under influence of drink or drugs).

*Drug-related offences*

- 28 An offence under any of the following provisions of the Misuse of Drugs Act 1971—
- (a) section 4 (restriction of production and supply of controlled drugs),
  - (b) section 5(3) (possession of controlled drugs with intent to supply),
  - (c) section 8(a) or (b) (occupiers etc. of premises to be punishable for permitting unlawful production or supply etc. of controlled drugs there).
- 29 An offence under section 6 of that Act (restrictions of cultivation of cannabis plant) where the cultivation is for profit and the whole or a substantial part of the dwelling-house concerned is used for the cultivation.

<sup>F3</sup><sup>F4</sup>*Modern slavery*

**Textual Amendments**

- F3** Sch. 2A para. 29A and cross-heading inserted (E.) (17.3.2016) by [The Modern Slavery Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/244\)](#), regs. 1(1), 7
- F4** Sch. 2A para. 29A and cross-heading inserted (W.) (16.2.2016) by [The Housing Act 1985 \(Amendment of Schedule 2A\) \(Serious Offences\) \(Wales\) Order 2016 \(S.I. 2016/173\)](#), arts. 1(1), 2(2)

- <sup>F3</sup>29A An offence under either of the following sections of the Modern Slavery Act 2015—
- (a) section 1 (slavery, servitude and forced or compulsory labour),
  - (b) section 2 (human trafficking).]

<sup>F3</sup>*Inchoate offences*

- 30 (1) An offence of attempting or conspiring the commission of an offence specified or described in this Schedule.
- (2) An offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) where the offence (or one of the offences) which the person in question intends or believes would be committed is an offence specified or described in this Schedule.
- (3) An offence of aiding, abetting, counselling or procuring the commission of an offence specified or described in this Schedule.

*Scope of offences*

- 31 Where this Schedule refers to offences which are offences under the law of England and Wales and another country or territory, the reference is to be read as limited to the offences so far as they are offences under the law of England and Wales.]]

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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

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

- s. 81A-81D and cross-heading inserted by [2016 c. 22 Sch. 7 para. 4](#) (This provision is amended by [2021 c. 7, ss. 79\(3\), 90\(6\)](#); [S.I. 2021/1038, reg. 3\(c\)](#))
- s. 81B(1)(b) words inserted by [2018 c. 11 s. 1\(3\)](#)
- s. 81B(2A)-(2C) inserted by [2018 c. 11 s. 1\(2\)](#)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(i\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2D) inserted by [2021 c. 17 s. 79\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 82(A1)(A2) inserted by [2016 c. 22 s. 119\(2\)\(a\)](#)
- s. 82A(4A)(4B) inserted by [2016 c. 22 Sch. 7 para. 7\(2\)](#)
- s. 86(1A)(1B) inserted by [2016 c. 22 Sch. 7 para. 10\(3\)](#)
- s. 86(1C) inserted by [2016 c. 22 Sch. 8 para. 2](#)
- s. 86A-86F and cross-headings inserted by [2016 c. 22 Sch. 7 para. 11](#)
- s. 86G s. 86A renumbered as s. 86G by [2016 c. 22 Sch. 8 para. 3\(1\)\(a\)](#)
- s. 86G(8) inserted by [2016 c. 22 Sch. 8 para. 3\(2\)](#)
- s. 88(1)(ba) inserted by [2016 c. 22 Sch. 8 para. 4](#)
- s. 89(2A)-(2D) inserted by [2016 c. 22 Sch. 8 para. 5\(3\)](#)
- s. 97(1A) inserted by [2016 c. 22 Sch. 7 para. 12\(3\)](#)
- s. 99A(1A) inserted by [2016 c. 22 Sch. 7 para. 13\(3\)](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 305(1A) inserted by [2023 asc 3 Sch. 13 para. 68\(b\)](#)
- s. 306(1A) inserted by [2023 asc 3 Sch. 13 para. 69\(b\)](#)
- s. 353A inserted by [1996 c. 52 s. 73\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 73 repealed (6.4.2006 for E., 16.6.2006 for W.) by [2004 c. 34, Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\), Sch.](#); [S.I. 2006/1535, art. 2\(c\), Sch.](#))
- s. 582(6)(aa)-(ac) substituted for s. 582(6)(a) by [2023 c. 55 Sch. 18 para. 4\(2\)\(b\)](#)
- Sch. 1 para. 1ZA and cross-heading inserted by [2016 c. 22 Sch. 7 para. 17\(2\)](#)
- Sch. 5A para. 3(3)(aa) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(b\)\(ii\)](#)
- Sch. 5A para. 3(6A) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(d\)](#)