



# Housing Act 1988

## 1988 CHAPTER 50

### PART I

#### RENTED ACCOMMODATION

### CHAPTER II

#### ASSURED SHORTHOLD TENANCIES

## 22 Reference of excessive rents to [<sup>F1</sup>appropriate tribunal].

- (1) Subject to section 23 and subsection (2) below, the tenant under an assured shorthold tenancy <sup>F2</sup>. . . may make an application in the prescribed form to [<sup>F3</sup>the appropriate tribunal] for a determination of the rent which, in [<sup>F4</sup>the appropriate tribunal's] opinion, the landlord might reasonably be expected to obtain under the assured shorthold tenancy.
- (2) No application may be made under this section if—
  - (a) the rent payable under the tenancy is a rent previously determined under this section; <sup>F5</sup>. . .
  - <sup>F6</sup>(aa) the tenancy is one to which section 19A above applies and more than six months have elapsed since the beginning of the tenancy or, in the case of a replacement tenancy, since the beginning of the original tenancy; or]
  - (b) the tenancy is an assured shorthold tenancy falling within subsection (4) of section 20 above (and, accordingly, is one in respect of which notice need not have been served as mentioned in subsection (2) of that section).
- (3) Where an application is made to [<sup>F7</sup>the appropriate tribunal] under subsection (1) above with respect to the rent under an assured shorthold tenancy, [<sup>F8</sup>the appropriate tribunal] shall not make such a determination as is referred to in that subsection unless they consider—
  - (a) that there is a sufficient number of similar dwelling-houses in the locality let on assured tenancies (whether shorthold or not); and

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- (b) that the rent payable under the assured shorthold tenancy in question is significantly higher than the rent which the landlord might reasonably be expected to be able to obtain under the tenancy, having regard to the level of rents payable under the tenancies referred to in paragraph (a) above.
- (4) Where, on an application under this section, [<sup>F9</sup>the appropriate tribunal] make a determination of a rent for an assured shorthold tenancy—
- (a) the determination shall have effect from such date as [<sup>F10</sup>the appropriate tribunal] may direct, not being earlier than the date of the application;
- (b) if, at any time on or after the determination takes effect, the rent which, apart from this paragraph, would be payable under the tenancy exceeds the rent so determined, the excess shall be irrecoverable from the tenant; and
- (c) no notice may be served under section 13(2) above with respect to a tenancy of the dwelling-house in question until after the first anniversary of the date on which the determination takes effect.
- (5) Subsections (4), (5) and (8) of section 14 above apply in relation to a determination of rent under this section as they apply in relation to a determination under that section and, accordingly, where subsection (5) of that section applies, any reference in subsection (4)(b) above to rent is a reference to rent exclusive of the amount attributable to rates.

[<sup>F11</sup>(5A) Where—

- (a) an assured tenancy ceases to be an assured shorthold tenancy by virtue of falling within paragraph 2 of Schedule 2A to this Act, and
- (b) at the time when it so ceases to be an assured shorthold tenancy there is pending before [<sup>F12</sup>the appropriate tribunal] an application in relation to it under this section,

the fact that it so ceases to be an assured shorthold tenancy shall, in relation to that application, be disregarded for the purposes of this section.]

[<sup>F13</sup>(6) In subsection (2)(aa) above, the references to the original tenancy and to a replacement tenancy shall be construed in accordance with subsections (6) and (7) respectively of section 21 above.]

#### Textual Amendments

- F1** Words in s. 22 substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 86(a)** (with Sch. 3)
- F2** Words in s. 22(1) repealed (28.2.1997) by 1996 c. 52, ss. 104, 227, Sch. 8 para. 2(5), **Sch. 19 Pt. IV**; S.I. 1997/225, **art. 2** (with Sch.)
- F3** Words in s. 22(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 86(b)(i)** (with Sch. 3)
- F4** Words in s. 22(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 86(b)(ii)** (with Sch. 3)
- F5** Word in s. 22(2)(a) repealed (28.2.1997) by 1996 c. 52, s. 227, **Sch. 19 Pt. IV**; S.I. 1997/225, **art. 2**
- F6** S. 22(2)(aa) inserted (28.2.1997) by 1996 c. 52, s. 100(2); S.I. 1997/225, **art. 2** (with Sch.)
- F7** Words in s. 22(3) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 86(c)(i)** (with Sch. 3)
- F8** Words in s. 22(3) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 86(c)(ii)** (with Sch. 3)
- F9** Words in s. 22(4) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 86(d)(i)** (with Sch. 3)

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- F10** Words in s. 22(4) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 86\(d\)\(ii\)](#) (with Sch. 3)
- F11** S. 22(5A) inserted (28.2.1997) by [1996 c. 52, s. 104](#), [Sch. 8 para. 2\(6\)](#); S.I. 1997/225, [art. 2](#) (with Sch.)
- F12** Words in s. 22(5A)(b) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 86\(e\)](#) (with Sch. 3)
- F13** S. 22(6) inserted (28.2.1997) by [1996 c. 52, s. 100\(3\)](#); S.I. 1997/225, [art. 2](#) (with Sch.)

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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](#)