



Housing Act 1988

1988 CHAPTER 50

PART I

RENTED ACCOMMODATION

CHAPTER I

ASSURED TENANCIES

Security of tenure

7 Orders for possession.

- (1) The court shall not make an order for possession of a dwelling-house let on an assured tenancy except on one or more of the grounds set out in Schedule 2 to this Act; but nothing in this Part of this Act relates to proceedings for possession of such a dwelling-house which are brought by a mortgagee, within the meaning of the ^{M1}Law of Property Act 1925, who has lent money on the security of the assured tenancy.
- (2) The following provisions of this section have effect, subject to section 8 below, in relation to proceedings for the recovery of possession of a dwelling-house let on an assured tenancy.
- (3) If the court is satisfied that any of the grounds in Part I of Schedule 2 to this Act is established then, subject to [^{F1}subsections (5A) and (6)] [^{F2}and section 10A] below [^{F3}(and to any available defence based on the tenant's Convention rights, within the meaning of the Human Rights Act 1998)], the court shall make an order for possession.
- (4) If the court is satisfied that any of the grounds in Part II of Schedule 2 to this Act is established, then, subject to [^{F4}subsections (5A) and (6)] below, the court may make an order for possession if it considers it reasonable to do so.

Changes to legislation: Housing Act 1988, Section 7 is up to date with all changes known to be in force on or before 15 January 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

- (5) Part III of Schedule 2 to this Act shall have effect for supplementing Ground 9 in that Schedule and Part IV of that Schedule shall have effect in relation to notices given as mentioned in Grounds 1 to 5 of that Schedule.
- [^{F5}(5A) The court shall not make an order for possession of a dwellinghouse let on an assured periodic tenancy arising under Schedule 10 to the Local Government and Housing Act 1989 on any of the following grounds, that is to say,—
- (a) Grounds 1, 2 [^{F6}, 5 [^{F7}, 7A and 7B]] in Part I of Schedule 2 to this Act;
 - (b) Ground 16 in Part II of that Schedule; and
 - (c) if the assured periodic tenancy arose on the termination of a former 1954 Act tenancy, within the meaning of the said Schedule 10, Ground 6 in Part I of Schedule 2 to this Act.]
- (6) The court shall not make an order for possession of a dwelling-house to take effect at a time when it is let on an assured fixed term tenancy unless—
- (a) the ground for possession is Ground 2[^{F8}, Ground 7A][^{F9}, Ground 7B] or Ground 8 in Part I of Schedule 2 to this Act or any of the grounds in Part II of that Schedule, other than Ground 9 or Ground 16; and
 - (b) the terms of the tenancy make provision for it to be brought to an end on the ground in question (whether that provision takes the form of a provision for re-entry, for forfeiture, for determination by notice or otherwise).
- [^{F10}(6A) In the case of a dwelling-house in England, subsection (6)(a) has effect as if it also referred to Ground 7 in Part 1 of Schedule 2 to this Act.]
- [^{F11}(6B) The requirement in subsection (6)(b) that would otherwise apply to an order for possession of a dwelling-house let on an assured fixed term tenancy does not apply where the ground for possession is Ground 7B in Part 1 of Schedule 2 to this Act.]
- (7) Subject to the preceding provisions of this section, the court may make an order for possession of a dwelling-house on grounds relating to a fixed term tenancy which has come to an end; and where an order is made in such circumstances, any statutory periodic tenancy which has arisen on the ending of the fixed term tenancy shall end (without any notice and regardless of the period) [^{F12}in accordance with section 5(1A)].

Textual Amendments

- F1** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194, **Sch. 11 para. 101**
- F2** Words in s. 7(3) inserted (1.12.2016) by Immigration Act 2016 (c. 19), **ss. 41(3)(a)**, 94(1) (with s. 41(7)); S.I. 2016/1037, reg. 5(e)
- F3** Words in s. 7(3) inserted (20.10.2014 for E., 21.10.2014 for W.) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1)(2)(c)(3)(c), **Sch. 11 para. 18(2)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 2(h); S.I. 2014/2830, art. 2(g)(x)
- F4** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194, **Sch. 11 para. 101(2)**
- F5** S. 7(5A) inserted by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194, **Sch. 11 para. 101(3)**
- F6** Words in s. 7(5A)(a) substituted (20.10.2014 for E., 21.10.2014 for W.) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1)(2)(c)(3)(c), **Sch. 11 para. 18(3)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 2(h); S.I. 2014/2830, art. 2(g)(x)
- F7** Words in s. 7(5A)(a) substituted (1.12.2016) by Immigration Act 2016 (c. 19), **ss. 41(3)(b)**, 94(1) (with s. 41(7)); S.I. 2016/1037, reg. 5(e)

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- F8** Words in s. 7(6)(a) inserted (20.10.2014 for E., 21.10.2014 for W.) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1)(2)(c)(3)(c), **Sch. 11 para. 18(4)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 2(h); S.I. 2014/2830, art. 2(g)(x)
- F9** Words in s. 7(6)(a) inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 41(3)(c)**, 94(1) (with s. 41(7)); S.I. 2016/1037, reg. 5(e)
- F10** S. 7(6A) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 162(4)**, 240(2); S.I. 2012/628, art. 6(b) (with arts. 911141517)
- F11** S. 7(6B) inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 41(3)(d)**, 94(1) (with s. 41(7)); S.I. 2016/1037, reg. 5(e)
- F12** Words in s. 7(7) substituted (20.5.2009) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 299, 325, **Sch. 11 para. 7** (with Sch. 11 para. 14); S.I. 2009/1261, {arts. 2, 3}

Marginal Citations

- M1** 1925 c. 20.

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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](#)