



## Schedule 3 Housing Act 1985

### Section 92

### Grounds for withholding Consent to Assignment by way of Exchange

#### Ground 1

The tenant or proposed assignee is obliged to give up possession of the dwelling-house of which he is the secure tenant in pursuance of an order of the court or will be obliged at a date specified in such an order.

#### Ground 2

Proceedings have been begun for possession of the dwelling-house of which the tenant of the proposed assignee is the secure tenant on one or more of Ground 1 to 6 in Part 1 of Schedule 2 (grounds on which possession may be ordered despite the absence of suitable alternative accommodation), or there has been served on the tenant or the proposed assignee a notice under section 83 (notice of proceedings for possession) which specifies one or more of these grounds and is still in force.

#### Ground 2(a) (asb)

Either-

- a) A relevant order or suspended Ground 2 or 14 possession order is in force, or
- b) An application is pending before any court for a relevant order, a demotion order or a Ground 2 or 14 possession order to be made, in respect of the tenant or proposed assignee or a person who is residing with either or them.

A “relevant order” means –

An injunction under section 152 of the Housing Act 1996 (injunctions against anti-social behaviour);

An injunction to which a power of arrest is attached by virtue of section 153 of that Act (other injunctions against anti-social behaviour);

An injunction under section 153A, 153B or 153D of that Act (injunctions against anti-social behaviour on palliation of certain social landlords); or

An injunction to which a power of arrest is attached by virtue of Section 43 of the Anti-Social Behaviour Act 2003.



A “demotion order” means a demotion order under section 82A of this Act or section 6A of the Housing Act 1988.

A “Ground 2 or 14 possession order” means an order for possession under Ground 2 in Schedule 2 to this Act or Ground 14 in Schedule 2 to the Housing Act 1988.

Where the tenancy of the tenant or the proposed assignee is a joint tenancy, any reference to that person includes (where the context Permits) a reference to any of the joint tenants.”

(2) The amendment made by this section applies in relation to applications for consent under Section 92 of that Act (assignments by way of exchange) which are made on or after the day on which this section comes into force.

### Ground 3

The accommodation afforded by the dwelling-house is substantially more extensive than is reasonably required by the proposed assignee.

### Ground 4

The extent of the accommodation afforded by the dwelling-house is not reasonably suitable to the needs of the proposed assignee and his family.

### Ground 5

The dwelling-house –

- a) Forms part of or is within the curtilage of a building which, or so much of it as is held by the landlord, is held mainly for the purpose other than housing purposes and consist mainly of accommodation other than housing accommodation, or is suited in a cemetery, and
- b) Was let to the tenant or a predecessor in title of his in consequence of the tenant or predecessor being in the employment of –
  - i) The landlord
  - ii) A local authority
  - iii) A new town corporation
  - iv) [A housing action trust]
  - v) The Development Board for Rural Wales
  - vi) An urban development corporation, or
  - vii) The governors of an aided school



### Ground 6

The landlord is a charity and the proposed assignee's occupation of the dwelling-house would conflict with the objects of the charity.

### Ground 7

The dwelling-house has features which are substantially different from those of ordinary dwelling-house and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of the kind provided by the dwelling-house and if the assignment were made there would no longer be such a person residing in the dwelling-house.

### Ground 8

The landlord is a Housing Association or Housing Trust which lets dwelling-houses only for occupation (alone or with others) by persons whose circumstances (other than merely financial circumstances) make it especially difficult for them to satisfy their need for housing and if the assignment were made there would no longer be such a person residing in the in the dwelling house.

### Ground 9

The dwelling-house is one of a group of dwelling-houses which it is the practice of the landlord to let for occupation by persons with special needs and a social service or special facility is provided in close proximity to the group of dwelling-houses in order to assist persons with those special needs residing in the dwelling-house.

### Ground 10

The dwelling-house is the subject of a management agreement under which the manager is a housing association of which at least half of the members are tenants subject to the agreement, and at least half the tenants of the dwellings are members of the association and the proposed assignee is not, and is not willing to become, a member of the association.

### Amendment

Ground 10 was added by the Housing and Planning Act 1986, Sched.5, Para.7. The words in square brackets in Ground 5 were added by the Housing Act 1988, s.83(6).

This section has no associated Explanatory Notes



## Section 158, Schedule 14 of the Localism Act 2011

### Grounds on which Landlord may Refuse to Surrender and Grant Tenancies under Section 158

#### Ground 1

- 1 This ground is that any rent lawfully due from a tenant under one of the existing tenancies has not been paid.

#### Ground 2

- 2 This ground is that an obligation under one of the existing tenancies has been broken or not performed.

#### Ground 3

- 3 This ground is that any of the relevant tenants is subject to an order of the court for possession of the dwelling-house let on that tenant's existing tenancy.

#### Ground 4

- 4 (1) This ground is that either of the following conditions is met.
  - (2) The first condition is that –
    - (a) proceedings have begun for possession of a dwelling-house let on an existing tenancy which is a secure tenancy, and
    - (b) possession is sought on one or more of grounds 1 to 6 in Part 1 of Schedule 2 to the Housing Act 1985 (grounds on which possession may be ordered despite absence of suitable accommodation).
  - (3) The second condition is that –
    - (a) a notice has been served on a relevant tenant under section 83 of that Act (notice of proceedings for possession), and
    - (b) the notice specifies one or more of those grounds and is still in force.

#### Ground 5

- 5 (1) This ground is that either of the following conditions is met.
  - (2) The first condition is that –
    - (a) proceedings have begun for possession of a dwelling-house let on an existing tenancy which is an assured tenancy, and
    - (b) possession is sought on one or more of the grounds in Part 2 of Schedule 2 to the Housing Act 1988 (grounds on which the court may order possession)



- (3) The second condition is that –
  - (a) notice has been served on a relevant tenant under section 8 of that Act (notice of proceedings for possession), and
  - (b) the notice specifies one or more of those grounds and is still in force.

## Ground 6

- 6 (1) This ground is that either of the following conditions is met.
- (2) The first condition is that a relevant order or suspended Ground 2 or 14 possession order is in force in respect of a relevant tenant or a person residing with a relevant tenant.
- (3) The second condition is that an application is pending before any court for a relevant order, a demotion order or a Ground 2 or 14 possession order to be made in respect of a relevant tenant or a person residing with a relevant tenant.
- (4) In this paragraph –
  - a “relevant order” means –
    - (a) an injunction under section 152 of the Housing Act 1996 (injunctions against anti-social behaviour),
    - (b) an injunction to which a power of arrest is attached by virtue of section 153 of that Act (other injunctions against anti-social behaviour),
    - (c) an injunction under section 153A, 153B or 153D of that Act (injunctions against anti-social behaviour on application of certain social landlords),
    - (d) an anti-social behaviour order under section 1 of the Crime and Disorder Act 1998, or
    - (e) an injunction to which a power of arrest is attached by virtue of section 91 of the Anti-social Behaviour Act 2003;

a “demotion order” means a demotion order under section 82A of the Housing Act 1985 or section 6A of the Housing Act 1988;

a “Ground 2 or 14 possession order” means an order for possession under Ground 2 in Schedule 2 to the Housing Act 1985 or Ground 14 in Schedule 2 to the Housing Act 1988.

## Ground 7

- 7 This ground is that the accommodation afforded by the dwelling-house proposed to be let on the new tenancy is substantially more extensive than is reasonably required by the existing tenant or tenants to whom the tenancy is proposed to be granted.



### Ground 8

- 8 This ground is that the extent of the accommodation afforded by the dwelling-house proposed to be let on the new tenancy is not reasonably suitable to the needs of –
- (a) the existing tenant or tenants to whom the tenancy is proposed to be granted, and
  - (b) the family of that tenant or those tenants.

### Ground 9

- 9 (1) This ground is that the dwelling house proposed to be let on the new tenancy meets both of the following conditions.
- (2) The first condition is that the dwelling-house –
- (a) forms part of or is within the curtilage of a building that, or so much of it as is held by the landlord –
    - (i) is held mainly for purposes other than housing purposes, and
    - (ii) consists mainly of accommodation other than housing accommodation, or
  - (b) is situated in a cemetery.
- (3) The second condition is that the dwelling-house was let to any tenant under the existing tenancy of that dwelling-house, or a predecessor in title of the tenant, in consequence of the tenant or the predecessor being in the employment of –
- (a) the landlord under the tenancy,
  - (b) a local authority,
  - (c) a development corporation,
  - (d) a housing action trust,
  - (e) an urban development corporation, or
  - (f) the governors of an aided school.

### Ground 10

- 10 This ground is that the landlord is a charity and the occupation of the dwelling-house proposed to be let on the new tenancy by the relevant tenant or tenants to whom the new tenancy is proposed to be granted would conflict with the objects of the charity.

### Ground 11

- 11 (1) This ground is that both of the following conditions are met.
- (2) The first condition is that the dwelling-house proposed to be let on the new tenancy has features that –



- (a) are substantially different from those of ordinary dwelling-houses, and
  - (b) are designed to make it suitable for occupation by a physically disabled person who requires accommodation of the kind provided by the dwelling-house.
- (3) The second condition is that if the new tenancy were granted there would no longer be such a person residing in the dwelling-house.

#### Ground 12

- 12 (1) This ground is that both of the following conditions are met.
- (2) The first condition is that the landlord is a housing association or housing trust which lets dwelling-houses only for occupation (alone or with others) by persons whose circumstances (other than merely financial circumstances) make it especially difficult for them to meet their need for housing.
- (3) The second condition is that, if the new tenancy were granted, there would no longer be such a person residing in the dwelling-house proposed to be let on the new tenancy.

#### Ground 13

- 13 (1) This ground is that all of the following conditions are met.
- (2) The first condition is that the dwelling-house proposed to be let on the new tenancy is one of a group of dwelling-houses which it is the practice of the landlord to let for occupation by persons with special needs.
- (3) The second condition is that a social service or special facility is provided in close proximity to the group of dwelling-houses to assist persons with those special needs.
- (4) The third condition is that if the new tenancy were granted there would no longer be a person with those special needs residing in the dwelling-house.

#### Ground 14

- 14 (1) This ground is that all of the following conditions are met.
- (2) The first condition is that –
- (a) the dwelling-house proposed to be let on the new tenancy is the subject of a management agreement under which the manager is a housing association, and
  - (b) at least half the members of the association are tenants of dwelling houses subject to the agreement.



- (2) The second condition is that at least half the tenants of the dwelling-houses are members of the association.
- (3) The third condition is that no relevant tenant to whom the new tenancy is proposed to be granted is, or is willing to become, a member of the association.
- (4) References in this paragraph to a management agreement include a section 247 or 249 arrangement as defined by 250A(6) of the Housing and Regeneration Act 2008.