

Possession Grounds – Section 8 and Section 21

**Ground under Section 8**

**Notice periods from 1  
October 2021**

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**Mandatory (judge must award possession if ground met)**

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| 1: Landlord wants to move in | 2 months |
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| 2: Mortgage repossession | 2 months |
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| 3: Out of season holiday let | 2 weeks |
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| 4: Let to student by an educational institution | 2 weeks |
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| 5: Property required for use by minister of religion | 2 months |
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| 6: Demolition / redevelopment | 2 weeks |
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| 7: Death of tenant | 2 months |
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| 7a: Serious anti-social behaviour | 4 weeks (periodic tenancy)<br><br>1 month (fixed term tenancy) |
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| 7b: No right to rent in the UK | 2 weeks |
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| 8: Serious rent arrears at time of service of notice and possession proceedings | 2 weeks |
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**Discretionary (judge can decide whether to award possession, if ground met)**

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| 9: Alternative accommodation available | 2 months |
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| 10: Some rent arrears at the time of service of notice and possession proceedings | 2 weeks |
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| 11: Persistent late payment of rent | 2 weeks |
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| <b>Ground under Section 8</b>  | <b>Notice periods from 1 October 2021</b>                              |
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| 12: Breach of tenancy agreement  | 2 weeks  |
| 13: Tenant deteriorated property   | 2 weeks  |
| 14: Nuisance/annoyance, illegal/immoral use of property                                      | None- proceedings may be commenced immediately after service of notice |
| 14A: Domestic abuse (social tenancies only – where victim has permanently left the property) | 2 weeks  |
| 14ZA: Rioting  | 2 weeks  |
| 15: Tenant has deteriorated furniture  | 2 weeks  |
| 16: Employment   | 2 months   |
| 17: False statement  | 2 weeks  |

More detail is available from [Understanding the possession action process: guidance for landlords and tenants - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/understanding-the-possession-action-process-guidance-for-landlords-and-tenants)

All S8 notices should use the prescribed format. Use Form 3 if section 8 applies [Assured tenancy forms - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/assured-tenancy-forms) and we would always advise that you take legal advice to prevent delays caused by the notice not being filled in or served correctly.

### **Section 21 notices in England**

The notice periods for S21 have also reverted to pre-pandemic rules. You must give your tenant 2 months' notice using Form 6A which is available at the following link [Assured tenancy forms - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/assured-tenancy-forms). We would always advise that you take legal advice to prevent delays caused by the notice not being filled in or served correctly.

However, if you have agreed with a tenant that a longer notice period will be given, for example if there is a written tenancy agreement that provides for a longer period of notice, that longer period will apply. The notice must be served in accordance with the appropriate clause(s) in the tenancy agreement.

More information can be found at [Understanding the possession action process: guidance for landlords and tenants - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/understanding-the-possession-action-process-guidance-for-landlords-and-tenants)