

# Aves Housing — Eviction of Hostel Licence Occupiers

Legal Authority Document — for use by housing officers, managers and police attending enforcement

## Part 1 — Aves Housing: Legal Identity and Registration

**Organisation name:**

**Aves Housing**

**Companies House number:**

[07422670](#) (Private Limited Company by guarantee without share capital)

**Formerly:** *London Housing Trust (until 29 April 2019)*

**Registered office:**

17 Bensham Manor Road, Thornton Heath, England, CR7 7AD

**RSH registration number:**

**4664**

**Regulatory status:**

Private Registered Provider of Social Housing — registered with the Regulator of Social Housing (RSH) under the Housing and Regeneration Act 2008

**Legal form:**

Registered housing association (s.1, Housing Associations Act 1985). Incorporated 28 October 2010.

## Part 2 — Key Definitions

### Housing Association

[s.1, Housing Associations Act 1985](#): a society, body of trustees or company whose objects include providing, constructing, improving or managing housing accommodation, which does not trade for profit. A housing association may have multiple objects — housing need not be its sole purpose.

### Housing Trust

[s.2, Housing Associations Act 1985](#) / [s.6, Housing Act 1985](#): a corporation or body required by its constituent instrument to use the **whole** of its funds for providing housing accommodation. A more restricted form — constitutionally locked to housing as its sole purpose. Aves Housing is a registered housing association; whether it additionally qualifies as a housing trust depends on its constitutional documents.

### Private Registered Provider of Social Housing (PRP) / Registered Social Landlord (RSL)

A body registered with the Regulator of Social Housing under the Housing and Regeneration Act 2008. **Aves Housing holds RSH registration number 4664** and therefore qualifies under s.3A(8)(h) PEA 1977 as set out in Part 3 below.

### Hostel

[s.622, Housing Act 1985](#): premises where residents share one or more of the following with other residents: bathroom, toilet or kitchen. **Self-contained units with exclusive use of all facilities do not qualify as a hostel** and this framework does not apply to them.

## Part 3 — Statutory Basis: Why No Court Order Is Required

### Legislative history — important for legal challenge

s.3A of the Protection from Eviction Act 1977 **does not appear in the 1977 Act as originally enacted**. It was **created entirely by s.31 of the Housing Act 1988** and inserted

into the 1977 Act. The correct full citation is therefore:

**s.3A, Protection from Eviction Act 1977** (as inserted by [s.31, Housing Act 1988](#))

Subsequent amendments have further modified s.3A(8)(h). In particular, the words “[, a private registered provider of social housing]” were inserted by amendment following the Housing and Regeneration Act 2008, which created the PRP registration regime. The provision as it stands today reflects both the 1988 Act insertion and these later amendments.

**s.3A(8) PEA 1977 — Statutory Wording (current consolidated version)**

"A licence is excluded if it confers rights of occupation in a hostel, within the meaning of the [Housing Act 1985](#), which is provided by—"

**(h) a housing trust (within the meaning of the Housing Associations Act 1985) which is a charity, [a private registered provider of social housing,] or a registered social landlord (within the meaning of the Housing Act 1985);**

**Note on the three limbs of paragraph (h):** The provision covers (i) a housing trust which is a charity; (ii) [a private registered provider of social housing] — inserted by amendment post-2008; and (iii) a registered social landlord within the meaning of the Housing Act 1985. **Aves Housing qualifies under limb (ii) and/or (iii) by virtue of its RSH registration (number 4664).** It is not necessary for Aves Housing to be a housing trust or a charity for this provision to apply.

*Text shown in [blue brackets] represents words subsequently inserted by amendment to the original 1988 wording. All three limbs are in force.*

**Legal effect:** A licence granted by Aves Housing to occupy a room in a qualifying hostel is an **excluded licence** under s.3A(8)(h) PEA 1977 (as inserted by s.31 HA 1988). No court possession order is required before the occupier can lawfully be required to leave, once proper notice has expired.

## Part 4 — Eviction Procedure: Aves Housing Hostel Licence

Provider	Organisation & Registration	RSH Registration	Court Order Required?	Steps to Evict	Key Legislation
<b>Aves Housing</b> RSH No. 4664	Registered housing association Private Limited Company by guarantee Companies House: 07422670 RSH registered provider: 4664 (Formerly London Housing Trust)	✓ <b>YES</b> RSH no. 4664 Private Registered Provider of Social Housing	✗ <b>NO</b> Excluded licence under: <b>s.3A(8)(h) PEA 1977</b> (inserted by s.31 HA 1988) Reasonable notice required	<ul style="list-style-type: none"> <li>• Serve written Notice Terminating Licence to Occupy (NTLO)</li> <li>• Observe contractual notice period (reasonable notice if none specified)</li> <li>• Post service: allow 2 additional working days (Interpretation Act 1978 s.7; CPR 6.26)</li> <li>• Hand delivery before 4pm: deemed served same day (CPR 6.14)</li> <li>• Allow notice period to expire fully before attending to change locks</li> <li>• On expiry: attend with this evidence pack; change locks; record time, date and staff present</li> <li>• Do NOT use force or violence — s.6 Criminal Law Act 1977 applies</li> <li>• Photograph any belongings left; serve Torts (Interference with Goods) Act 1977 notice</li> </ul>	<a href="#">PEA 1977 s.3A(8)(h)</a> — excluded licence <a href="#">HA 1988 s.31</a> — inserted s.3A into PEA 1977 <a href="#">HA 1985 s.622</a> — hostel definition <a href="#">HAA 1985 s.1</a> — housing association <a href="#">HAA 1985 s.2</a> — housing trust <a href="#">HRA 2008</a> — PRP registration regime <a href="#">Interpretation Act 1978 s.7</a> — postal service <a href="#">Criminal Law Act 1977 s.6</a> — no violence for entry

## Part 5 — Information for Police Attending Enforcement

### Why this document is being shown to you

The Aves Housing officer presenting this document is carrying out a lawful eviction of a hostel licence occupier. The legal authority is **s.3A(8)(h), Protection from Eviction Act 1977** (as inserted by s.31, Housing Act 1988). No court possession order is required or has been obtained because the occupier holds an **excluded licence**. The full statutory wording and citation chain is set out in Part 3 of this document.

**Aves Housing's qualifying registration:** RSH number 4664 (Private Registered Provider of Social Housing). This satisfies the second/third limb of s.3A(8)(h). Aves Housing does not need to be a housing trust or a charity for this provision to apply.

### Your role

- You are present to ensure no breach of the peace — not to adjudicate on the legality of the eviction
- The civil law position is that this eviction is lawful without a court order, provided valid notice has been served and has expired
- The housing officer should have: (1) the licence agreement; (2) the NTLO with proof of service; (3) this document
- If the occupier disputes the eviction, their remedy is a civil injunction — not police intervention to prevent the lock change
- Violence must not be used to gain entry: s.6 Criminal Law Act 1977 makes it a criminal offence to use or threaten violence to secure entry to premises where someone opposes entry — this applies equally to the housing officer

### Relevant offences at the scene

- s.6 Criminal Law Act 1977 — violence for securing entry (applies to housing officer and anyone else)
- s.1 PEA 1977 — unlawful eviction or harassment of a residential occupier: this does NOT apply to excluded licensees. The occupier here is an excluded licensee and is NOT a protected residential occupier for purposes of s.1 PEA 1977
- Breach of the peace — common law power to intervene only if violence or immediate threat of violence occurs

**Note:** If genuine doubt exists about whether the property qualifies as a hostel (i.e. whether the occupier has exclusive use of all facilities), that is a civil law question. It does not create criminal liability for Aves Housing attending to repossess, subject always to the s.6 CLA 1977 prohibition on violence.

**Important:** This document is a legal reference and operational guide only. It does not constitute legal advice. Organisations should obtain specialist housing law advice where any doubt arises. All legislation links reference [legislation.gov.uk](http://legislation.gov.uk).

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