



Rent Act 1977

1977 CHAPTER 42

PART IX

PREMIUMS, ETC.

126 Avoidance of requirements for advance payment of rent in certain cases.

- (1) Where a protected tenancy which is a regulated tenancy is granted, continued or renewed, any requirement that rent shall be payable—
 - (a) before the beginning of the rental period in respect of which it is payable, or
 - (b) earlier than 6 months before the end of the rental period in respect of which it is payable (if that period is more than 6 months),shall be void, whether the requirement is imposed as a condition of the grant, renewal or continuance of the tenancy or under the terms thereof.
- (2) Any requirement avoided by subsection (1) above is, in this section, referred to as a “prohibited requirement”.
- (3) Rent for any rental period to which a prohibited requirement relates shall be irrecoverable from the tenant.
- (4) Any person who purports to impose any prohibited requirement shall be liable to a fine not exceeding [^{F1}level 3 on the standard scale], and the court by which he is convicted may order any amount of rent paid in compliance with the prohibited requirement to be repaid to the person by whom it was paid.
- (5) Where a tenant has paid on account of rent any amount which, by virtue of this section, is irrecoverable the tenant shall be entitled to recover that amount from the landlord who received it or his personal representatives.
- (6) Any amount which a tenant is entitled to recover under subsection (5) above may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the landlord.

*Changes to legislation: There are currently no known outstanding effects
for the Rent Act 1977, Section 126. (See end of Document for details)*

- (7) No amount which a tenant is entitled to recover under subsection (5) above shall be recoverable at any time after the expiry of 2 years from the date of payment.
- (8) Any person who, in any rent book or similar document makes an entry showing or purporting to show any tenant as being in arrears in respect of any sum on account of rent which is irrecoverable by virtue of this section shall be liable to a fine not exceeding [^{F2}level 3 on the standard scale], unless he proves that, at the time of the making of the entry, the landlord has a bona fide claim that the sum was recoverable.
- (9) If, where any such entry has been made by or on behalf of any landlord, the landlord on being requested by or on behalf of the tenant to do so, refuses or neglects to cause the entry to be deleted within 7 days, the landlord shall be liable to a fine not exceeding [^{F2}level 3 on the standard scale], unless he proves that, at the time of the neglect or refusal to cause the entry to be deleted, he had a bona fide claim that the sum was recoverable.

Textual Amendments

- F1** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**
- F2** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

Changes to legislation:

There are currently no known outstanding effects for the Rent Act 1977, Section 126.