



Rent Act 1974

1974 CHAPTER 51

Modifications of Rent Act in relation to furnished and other tenancies

1 Extension of protection afforded to furnished tenancies.

- (1) On and after the commencement date,—
 - (a) a tenancy of a dwelling-house shall no longer be prevented from being a protected tenancy for the purposes of the Rent Act by reason only that, under the tenancy, the dwelling-house is bona fide let at a rent which includes payments in respect of the use of furniture; and
 - (b) subject to the following provisions of this Act, references in the Rent Act (and in any other enactment or instrument in which those expressions have the same meaning as in that Act) to a protected tenancy, a statutory tenancy or a regulated tenancy shall be construed accordingly.
- (2) Any reference in this Act or the Rent Act to a protected furnished tenancy, a statutory furnished tenancy or a regulated furnished tenancy is a reference to a protected tenancy, a statutory tenancy or a regulated tenancy, as the case may be, under which the rent for the dwelling-house concerned includes such payments in respect of the use of furniture as, apart from subsection (1) above, subsection (4)(a) below and the repeals effected by this Act, would prevent a tenancy of the dwelling-house at that rent from being a protected tenancy.
- [^{F1}(3) Notwithstanding anything in section 7(1) of or Schedule 2 to the Rent Act (controlled and regulated tenancies) no protected furnished tenancy or statutory furnished tenancy shall be a controlled tenancy.]
- (4) In consequence of the provisions of this Act,—
 - (a) in section 2(1)(b) of the Rent Act (exclusion from protection of tenancies where the rent includes payments in respect of board, attendance or use of furniture) for the words “attendance or use of furniture” there shall be substituted the words “ or attendance ”;
 - (b) Schedule 3 to the Rent Act (grounds for possession) shall have effect subject to the modifications in Part I of Schedule 1 to this Act;
 - (c)

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1974, Cross Heading: Modifications of Rent Act in relation to furnished and other tenancies. (See end of Document for details)

- (d) Parts IV, IX and X of the ^{M1}Rent (Scotland) Act 1971 shall have effect subject to the amendments in Part III of that Schedule.

Textual Amendments

- F1** S. 1(3) repealed (S.) by Tenants' Rights, Etc. (Scotland) Act 1980 (c. 52, SIF 61), s. 84, Sch. 5
F2 Ss. 1(4)(c), 17(2) repealed by Rent Act 1977 (c. 42, SIF 75:3), s. 155, Sch. 25 (subject to the savings and transitional provisions in Schedule 24)

Modifications etc. (not altering text)

- C1** S. 1(1)(b) amended by Rent Act 1977 (c. 42, SIF 75:3), s. 155(3), Sch. 24 para. 12
C2 The text of ss. 1(4)(a), 2(1)(2), 3(2), 4(3)(4), 9, 10, 14(3), 16(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** 1971 c. 28.

2 Certain tenancies not to be protected.

- (1) In subsection (1) of section 2 of the Rent Act (tenancies excepted from definition of “protected tenancy” after paragraph (b) there shall be inserted the following paragraphs:—
- “(bb) the tenancy is granted to a person who is pursuing or intends to pursue a course of study provided by a specified educational institution and is so granted either by that institution or by another specified institution or body of persons ; or
- (bbb) the purpose of the tenancy is to confer on the tenant the right to occupy the dwelling-house for a holiday ; or.”
- (2) After subsection (3) of section 2 of the Rent Act there shall be added the following subsection:—
- “(4) In paragraph (bb) of subsection (1) above “specified” means specified, or of a class specified, for the purposes of that paragraph by regulations made by the Secretary of State by statutory instrument ; and a statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) After section 5 of the Rent Act there shall be inserted the section 5A set out in . . . ^{F3} paragraph 2 of Part I of Schedule 2 to this Act and, accordingly, in section 1(1) of the Rent Act (definition of protected tenancy) at the end of paragraph (c) there shall be added the words—
- “or
- (d) by virtue of section 5A below, the tenancy has at all times since it was granted been precluded from being a protected tenancy”.
- (4) ^{F3} Part X of the ^{M2}Rent (Scotland) Act 1971 shall have effect subject to the amendments in Part III of that Schedule.

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1974, Cross Heading: Modifications of Rent Act in relation to furnished and other tenancies. (See end of Document for details)

Textual Amendments

F3 Words repealed by [Rent Act 1977 \(c. 42, SIF 75:3\)](#), s. 155, [Sch. 25](#) (subject to the savings and transitional provisions in [Sch. 24](#))

Modifications etc. (not altering text)

C3 The text of ss. 1(4)(a), 2(1)(2), 3(2), 4(3)(4), 9, 10, 14(3), 16(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

C4 The text of ss. 2(3)(4), 3(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M2 [1971 c. 28](#).

3 Recovery of possession of dwelling-houses let on certain tenancies.

(1) **F4**

(2) In Part II of Schedule 3 to the Rent (Scotland) Act 1971 ^{M3} (Cases in which court must order possession of dwelling-house subject to regulated tenancy) the following Cases shall be inserted after Case 11 :—

Case 11A

Where a person (in this Case referred to as “the owner”) who acquired the dwelling-house or any interest therein with a view to occupying it as his residence at such time as he might retire from regular employment let it on regulated tenancy before he has so retired and—

- (a) not later than the relevant date the landlord gave notice in writing to the tenant that possession might be recovered under this Case ; and
- (b) the dwelling-house has not, since the commencement date, within the meaning of the Rent Act 1974, been let by the owner on a protected tenancy with respect to which the condition mentioned in paragraph (a) above was not satisfied ; and
- (c) the court is satisfied either that the owner has retired from regular employment and requires the dwelling-house as a residence or that the owner has died and the dwelling-house is required as a residence for a member of his family who was residing with him at the time of his death :

Provided that if the court is of the opinion that, notwithstanding that the condition in paragraph (a) or paragraph (b) above is not complied with, it is just and equitable to make an order for possession of the dwelling-house, the court may dispense with the requirements of either or both of those paragraphs, as the case may require.

Case 11 B

Where the dwelling-house is let under a tenancy for a specified period not exceeding 8 months and—

- (a) not later than the relevant date the landlord gave notice in writing to the tenant that possession might be recovered under this Case ; and

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(b) the dwelling-house was, at some time within the period of 12 months ending on the relevant date, occupied under a right to occupy it for a holiday ;
and for the purposes of this Case a tenancy shall be treated as being for a specified period—

(i) of less than 8 months, if it is determinable at the option of the landlord (other than in the event of an irritancy being incurred) before the expiration of 8 months from the commencement of the period of the tenancy, and

(ii) of 8 months or more, if it confers on the tenant an option for renewal of the tenancy for a period which together with the original period, amounts to 8 months or more, and it is not determinable as mentioned in paragraph (i) above.

Case 11 C

Where the dwelling-house is let under a tenancy for a specified period not exceeding 12 months and—

(a) not later than the relevant date the landlord gave notice in writing to the tenant that possession might be recovered under this Case ; and

(b) at some time within the the period of 12 months ending on the relevant date the dwellin-house was subject to such a tenancy as is referred to in section 2(1) (bb) of this Act ;

and for the purposes of this Case a tenancy shall be treated as being for a specified period—

(i) of less than 12 months, if it is determinable at the option of the landlord (other than in the event of an irritancy being incurred) before the expiration of 12 months from the commencement of the period of the tenancy, and

(ii) of 12 months or more, if it confers on the tenant an option for renewal of the tenancy for a period which, together with the original period, amounts to 12 months or more, and it is not determinable as mentioned in paragraph (i) above.”

- (3)^{F5} at the end of Case 11 in Part II of Schedule 3 to the ^{M4}Rent (Scotland) Act 1971 there shall be added the following proviso:—
“Provided that if the court is of the opinion that, notwithstanding that the condition in paragraph (a) or paragraph (b) above is not complied with, it is just and equitable to make an order for possession of the dwelling-house, the court may dispense with the requirements of either or both of those paragraphs, as the case may require”.

Textual Amendments

F4 Ss. 3(1), 4(1)(2), 14(1)(2), 17(4) repealed by Rent Act 1977 (c. 42, SIF 75:3), s. 155, Sch. 25 (subject to the savings and transitional provisions in Sch. 24)

F5 Words repealed by Rent Act 1977 (c. 42, SIF 75:3), s. 155, Sch. 25 (subject to the savings and transitional provisions in Sch. 24)

Modifications etc. (not altering text)

C5 The text of ss. 1(4)(a), 2(1)(2), 3(2), 4(3)(4), 9, 10, 14(3), 16(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

C6 The text of ss. 2(3)(4), 3(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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Marginal Citations

M3 1971 c. 28

M4 1971 c. 28.

4 Advance application for registration of a new rent.

(1) F6

(3) At the beginning of subsection (3) of section 40 of the ^{M5}Rent (Scotland) Act 1971 (no application for registration of a new rent until three years after a previous registration) there shall be inserted the words “ Subject to subsection (3A) below ” and at the end of that subsection there shall be added the following subsection:—

“(3A) An application such as is mentioned in subsection (3) above which is made by the landlord alone and is so made within the last three months of the period of three years referred to in that subsection may be entertained before the expiry of that period, notwithstanding that the application is not made upon any of the grounds mentioned in that subsection.”

(4) At the beginning of subsection (1) of section 44 of the said Act of 1971 (effect of registration of rent) there shall be inserted the words “ Subject to subsection (1A) below ” and at the end of that subsection there shall be added the following subsection:

“(1A) Where, by virtue of subsection (3A) of section 40 above, an application is made before the expiry of the period of three years referred to in subsection (3) of that section, subsection (1) above shall have effect as if for the reference to that date of the application there were substituted a reference to the first day after the expiry of that period of three years.”

Textual Amendments

F6 Ss. 3(1), 4(1)(2), 14(1)(2), 17(4) repealed by Rent Act 1977 (c. 42, SIF 75:3), s. 155, Sch. 25 (subject to the savings and transitional provisions in Sch. 24)

Modifications etc. (not altering text)

C7 The text of ss. 1(4)(a), 2(1)(2), 3(2), 4(3)(4), 9, 10, 14(3), 16(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M5 1971 c. 28.

5 Transitional provisions affecting furnished lettings which become furnished tenancies.

(1) In any case where—

- (a) immediately before the commencement date a dwelling is subject to a furnished letting and a rent is registered for that dwelling under the relevant Part of the Rent Act, and

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- (b) on the commencement date that furnished letting becomes a protected furnished tenancy by virtue of section 1 above,
the amount which is so registered under the relevant Part of the Rent Act shall be deemed to be registered under Part IV of that Act as the rent for the dwelling-house which is let on that tenancy, and that registration shall be deemed to take effect on the commencement date.
- (2) ^{F7}, section 40(3) of the Rent (Scotland) Act 1971 (no application for registration of a different rent to be made within 3 years of the last registration) shall not apply to an application for the registration under Part IV of the Rent Act of a rent different from that which is deemed to be registered as mentioned in subsection (1) above.
- (3) The reference in . . . ^{F7}, section 41(1)(b) of the ^{M6}Rent (Scotland) Act 1971 (certificates of fair rent) to a rent being registered for a dwelling-house does not include a rent which is deemed to be registered as mentioned in subsection (1) above.
- (4) In any case where—
- (a) before the commencement date a notice to quit had been served in respect of a dwelling to which a furnished letting then related, and
 - (b) the period at the end of which that notice to quit takes effect had, before the commencement date, been extended under the relevant Part of the Rent Act, and
 - (c) that period has not expired before the commencement date, and
 - (d) on the commencement date the furnished letting becomes a protected furnished tenancy by virtue of section 1 above,
- the notice to quit shall take effect on the day following the commencement date (whenever it would otherwise take effect) and, accordingly, on that day the protected furnished tenancy shall become a statutory furnished tenancy.

Textual Amendments

F7 Words repealed by [Rent Act 1977 \(c. 42, SIF 75:3\)](#), s. 155, [Sch. 25](#) (subject to the savings and transitional provisions in [Schedule 24](#))

Marginal Citations

M6 [1971 c. 28.](#)

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