

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1974, Part III. (See end of Document for details)

SCHEDULES

SCHEDULE 2

TENANCIES GRANTED BY RESIDENT LANDLORDS

PART III

AMENDMENTS OF PART X OF ^{M1}RENT (SCOTLAND) ACT 1971

Marginal Citations

M1 1971 c. 28.

- 5 In section 118 of the Rent (Scotland) Act 1971 (provisions where tenant shares accommodation with landlord) in paragraph (c) after the words “paragraph (b) above” there shall be inserted the words “ or by reason of those circumstances and the operation of section 5A of this Act ”.

Modifications etc. (not altering text)

C1 The text of Sch. 1 paras. 1, 4(1), 6, 7, 17, 18, 20–25, Sch. 2 paras. 2, 5, 6, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 6 After section 119 of that Act there shall be inserted the following section:—

“119A Application of Part VII to tenancies falling within section 5A.

- (1) If and so long as a tenancy is, by virtue only of section 5A of this Act, precluded from being a protected tenancy, it shall be treated for the purposes of Part VII of this Act as a contract to which that Part applies, notwithstanding that the rent may not include payment for the use of furniture or for services.
- (2) In any case where—
- (a) a tenancy which, by virtue only of section 5A of this Act, was precluded from being a protected tenancy ceases to be so precluded and accordingly becomes a protected tenancy, and
 - (b) before it became a protected tenancy a rent was registered for the dwelling-house concerned under Part VII of this Act,
- the amount which is so registered shall be deemed to be registered under Part IV of this 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 day the tenancy becomes a protected tenancy.

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- (3) Section 40(3) of this Act shall not apply to an application for the registration under Part IV of this Act of a rent different from that which is deemed to be registered as mentioned in subsection (2) above.
- (4) The reference in section 41(1)(b) of this Act to a rent being registered for a dwelling-house does not include a rent which is deemed to be registered as mentioned in subsection (2) above.
- (5) If, immediately before a tenancy became a protected tenancy as mentioned in subsection (2)(a) above, the rates in respect of the dwelling-house were borne as mentioned in subsection (2A) of section 89 of this Act and the fact that they were so borne was noted as required by that subsection, then, in the application of Part IV of this Act in relation to the protected tenancy, section 43(2) of this Act shall be deemed to apply.
- (6) If, in a case where a tenancy becomes a protected tenancy as mentioned in subsection (2)(a) above,—
- (a) a notice to quit had been served in respect of the dwelling-house concerned before the date on which the tenancy became a protected tenancy, and
 - (b) the period at the end of which that notice to quit takes effect had, before that date, been extended under Part VII of this Act, and
 - (c) that period has not expired before that date, the notice to quit shall take effect on the day following that date (whenever it would otherwise take effect) and, accordingly, on that day the protected tenancy shall become a statutory tenancy.”

Modifications etc. (not altering text)

- C2** The text of Sch. 1 paras. 1, 4(1), 6, 7, 17, 18, 20–25, Sch. 2 paras. 2, 5, 6, Sch. 4 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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