
Changes to legislation: There are currently no known outstanding effects for the Rent Act 1974, Paragraph 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

TRANSITIONAL PROVISIONS

- 3 (1) This paragraph applies where the tenancy of a dwelling-house has come to an end before the commencement date and, if it had come to an end after that date, it would have then been a protected furnished tenancy.
- (2) No order for possession of the dwelling-house shall be made which would not be made if the tenancy had been a protected furnished tenancy at the time it came to an end.
- (3) Where a court has made an order for possession of the dwelling-house before the commencement date but the order has not been executed, the court, if of opinion that the order would not have been made if the tenancy had been a protected furnished tenancy when it came to an end, may, on the application of the person against whom it was made, rescind or vary it in such manner as the court thinks fit for the purpose of giving effect to section 1 of this Act.
- (4) If the tenant under the tenancy which has come to an end duly retains possession of the dwelling-house on the commencement date without an order for possession having been made or after the rescission of such an order, he shall be deemed to do so as a statutory tenant under a regulated tenancy and, subject to sub-paragraph (8) below, as a person who became the statutory tenant on the termination of a protected tenancy under which he was the tenant; and, subject to sub-paragraphs (6) and (7) below, the tenancy referred to in sub-paragraph (1) above shall be treated, in relation to his statutory tenancy,—
- (a) as the original contract of tenancy for the purposes of section 12 of the Rent Act (terms and conditions of statutory tenancies); and
 - (b) as the previous contractual tenancy for the purposes of paragraph 2 of Part III of Schedule 3 to the Rent Act.
- (5) In any case where—
- (a) immediately before the commencement date a rent is registered for a dwelling under the relevant Part of the Rent Act, and
 - (b) on the commencement date a person becomes a statutory tenant of that dwelling by virtue of sub-paragraph (4) 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 that dwelling, and that registration shall be deemed to take effect on the commencement date.
- (6) In England and Wales the High Court or the county court may by order vary all or any of the terms of the statutory tenancy imposed by sub-paragraph (4) above in any way appearing to the court to be just and equitable, and whether or not in a way authorised by the provisions of sections 23 and 24 of the ^{M1}Rent Act 1968.

*Changes to legislation: There are currently no known outstanding effects
for the Rent Act 1974, Paragraph 3. (See end of Document for details)*

- (7) In Scotland the sheriff may by order vary all or any of the terms of the statutory tenancy imposed by sub-paragraph (4) above in any way appearing to him to be just and equitable, and whether or not in a way authorised by the provisions of sections 22 and 23 of the ^{M2}Rent (Scotland) Act 1971.
- (8) If on the commencement date the dwelling-house is occupied by a person who would, if the tenancy had been a protected tenancy, have been the “first successor” as defined in paragraph 4 of Schedule 1 to the Rent Act—
- (a) an application under sub-paragraph (3) above may be made by that person, and
 - (b) sub-paragraph (4) above shall apply where that person retains possession as it applies where the tenant retains possession, except that he shall be the first successor, as so defined.

Marginal Citations

M1 1968 c. 23.

M2 1971 c. 28.

Changes to legislation:

There are currently no known outstanding effects for the Rent Act 1974, Paragraph 3.