



Rent Act 1974

1974 CHAPTER 51

Modifications of Rent Act in relation to furnished and other tenancies

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

- (1) F1
- (2) In Part II of Schedule 3 to the Rent (Scotland) Act 1971 ^{M1} (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.

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

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
- (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)^{F2} at the end of Case 11 in Part II of Schedule 3 to the ^{M2}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

- F1** 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)
- F2** 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)

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

Modifications etc. (not altering text)

- C1** 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.
- C2** 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

- M1** 1971 c. 28
- M2** 1971 c. 28.

Changes to legislation:

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