



# Rent (Agriculture) Act 1976

## 1976 CHAPTER 80

An Act to afford security of tenure for agricultural workers housed by their employers, and their successors; to make further provision as to the rents and other conditions of tenure of such persons, including amendments of the Rent Act 1968; to impose duties on housing authorities as respects agricultural workers and their successors; and for purposes connected with those matters. [22nd November 1976]

### Modifications etc. (not altering text)

- C1 Act amended by [Housing Act 1980 \(c. 51\)](#), [Sch. 8 paras. 7—10](#); excluded by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), [Sch. 28 para. 10](#) and [New Towns Act 1981 \(c. 64\)](#), [s. 22](#)
- C2 Act amended by [Matrimonial Homes Act 1983 \(c. 19, SIF 49:5\)](#), [s. 1\(6\)](#)
- C3 Definitions of “statutory tenant in his own right”  
“statutory tenant by succession” (within the meaning of the Act) modified by [Matrimonial Homes Act 1983 \(c. 19, SIF 49:5\)](#), [s. 7](#), [Sch. 1 Pt. II para. 4](#)
- C4 Act excluded by [Housing Act 1985 \(c. 68, SIF 61\)](#), [ss. 264\(5\), 270\(3\), 276, 286\(3\), 307, 368\(6\)](#) and [Housing Act 1988 \(c. 50, SIF 61\)](#), [s. 78](#), [Sch. 10 para. 8](#)
- C5 Act modified by [S.I. 1990/776](#), [arts. 2\(2\), 5\(2\)\(d\)](#)

## PART I

### PRELIMINARY

#### 1 Interpretation and commencement.

(1) In this Act—

(a) “agriculture” includes—

- (i) dairy-farming and livestock keeping and breeding (whether those activities involve the use of land or not);
- (ii) the production of any consumable produce which is grown for sale or for consumption or other use for the purposes of a trade or business or of any other undertaking (whether carried on for profit or not);

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- (iii) the use of land as grazing, meadow or pasture land or orchard or osier land;
    - (iv) the use of land for market gardens or nursery grounds; and
    - (v) forestry;
  - (b) “forestry” includes—
    - (i) the use of land for nursery grounds for trees, and
    - (ii) the use of land for woodlands where that use is ancillary to the use of land for other agricultural purposes.
- (2) For the purposes of the definition in subsection (1)(a)above—
  - “consumable produce” means produce grown for consumption or other use after severance or separation from the land or other growing medium on or in which it is grown;
  - “livestock” includes any animal which is kept for the production of food, wool, skins or fur, or for the purpose of its use in the carrying on of any agricultural activity, and for the purposes of this definition “animal” includes bird but does not include fish.
- (3) The expressions listed in column 1 of Schedule 1 to this Act have for the purposes of this Act the meanings given by the provisions shown in column 2 of the Schedule.
- (4) In this Act “relevant licence” and “relevant tenancy” have the meanings given by Schedule 2 to this Act.
- (5) Schedule 3 to this Act, of which—
  - (a) Part I is for determining for the purposes of this Act—
    - (i) whether a person is a qualifying worker,
    - (ii) whether a person is incapable of whole-time work in agriculture, or work in agriculture as a permit worker, in consequence of a qualifying injury or disease, and
    - (iii) whether a dwelling-house is in qualifying ownership,
  - (b) Part II postpones the operation of this Act in relation to certain persons employed in forestry, and
  - (c) Part III contains supplementary provisions,
 shall have effect.
- (6) This Act shall, subject to subsection (7) below, come into force on such date as the Secretary of State and the Minister of Agriculture, Fisheries and Food acting jointly may by order contained in a statutory instrument appoint, and that date is in this Act called “the operative date”.
- (7) Subsection (6) above has effect subject to the said Part II of Schedule 3 to this Act.

**Modifications etc. (not altering text)**

C6 1.1.1977 appointed under s. 1(6) by S.I. 1976/2124, art. 2 subject to Part II of Sch. 3

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## *Protected occupancies*

### **2 Protected occupiers in their own right.**

- (1) Where a person has, in relation to a dwelling-house, a relevant licence or tenancy and the dwelling-house is in qualifying ownership, or has been in qualifying ownership at any time during the subsistence of the licence or tenancy (whether it was at the time a relevant licence or tenancy or not), he shall be a protected occupier of the dwelling-house if—
  - (a) he is a qualifying worker, or
  - (b) he has been a qualifying worker at any time during the subsistence of the licence or tenancy (whether it was at the time a relevant licence or tenancy or not).
- (2) Where a person has, in relation to a dwelling-house, a relevant licence or tenancy and the dwelling-house is in qualifying ownership, or has been in qualifying ownership at any time during the subsistence of the licence or tenancy (whether it was at the time a relevant licence or tenancy or not), he shall be a protected occupier of the dwelling-house if and so long as he is incapable of whole-time work in agriculture, or work in agriculture as a permit worker, in consequence of a qualifying injury or disease.
- (3) A person who has, in relation to a dwelling-house, a relevant licence or tenancy shall be a protected occupier of the dwelling-house if—
  - (a) immediately before the licence or tenancy was granted, he was a protected occupier or statutory tenant of the dwelling-house in his own right, or
  - (b) the licence or tenancy was granted in consideration of his giving up possession of another dwelling-house of which he was such an occupier or such a tenant.
- (4) In this Act—

“protected occupier in his own right” means a person who is a protected occupier by virtue of subsection (1), (2) or (3) above;

“statutory tenant in his own right” means a person who is a statutory tenant by virtue of section 4(1) below and who, immediately before he became such a tenant, was a protected occupier in his own right.

### **3 Protected occupiers by succession.**

- (1) Subsection (2) or, as the case may be, subsection (3) below shall have effect for determining what person (if any) is a protected occupier of a dwelling-house after the death of a person (“the original occupier”) who, immediately before his death, was a protected occupier of the dwelling-house in his own right.
- (2) Where the original occupier was a man who died leaving a widow who was residing [<sup>F1</sup>in the dwelling-house immediately before his death] then, after his death, if the widow has, in relation to the dwelling-house, a relevant licence or tenancy, she shall be a protected occupier of the dwelling-house.

This subsection is framed by reference to the case where the original occupier was a man, but is to be read as applying equally in the converse case where the original occupier was a woman.
- (3) Where—

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- (a) the original occupier was not a person who died leaving a surviving spouse who was residing [<sup>F1</sup>in the dwelling-house immediately before his death], but
- (b) one or more persons who were members of his family were residing with him at the time of and for the period of six months immediately before his death, then, after his death, if that person or, as the case may be, any of those persons has, in relation to the dwelling-house, a relevant licence or tenancy, that person or, as the case may be, such one of the persons having such a licence or tenancy as may be decided by agreement, or in default of agreement by the county court, shall be a protected occupier of the dwelling-house.
- (4) A person who has, in relation to the dwelling-house, a relevant licence or tenancy shall be a protected occupier of the dwelling-house if—
- (a) immediately before the licence or tenancy was granted, he was a protected occupier or statutory tenant of the dwelling-house by succession, or
- (b) the licence or tenancy was granted in consideration of his giving up possession of another dwelling-house of which he was such an occupier or such a tenant.
- (5) In this Act—
- “protected occupier by succession” means a person who is a protected occupier by virtue of subsection (2), (3) or (4) above;
- “statutory tenant by succession” means a person who is a statutory tenant by virtue of section 4(1) below and who, immediately before he became such a tenant, was a protected occupier by succession, or a person who is a statutory tenant by virtue of section 4(3) or (4) below.
- (6) A dwelling-house, is in this Act, referred to as subject to a protected occupancy where there is a protected occupier of it.

#### Textual Amendments

- F1** Words substituted by [Housing Act 1980 \(c. 51\)](#), [s. 76\(3\)\(4\)](#) in relation to deaths occurring after 28.11.1980

### *Statutory tenancies*

#### 4 Statutory tenants and tenancies.

- (1) Subject to section 5 below, where a person ceases to be a protected occupier of a dwelling-house on the termination, whether by notice to quit or by virtue of section 16(3) of this Act or otherwise, of his licence or tenancy, he shall, if and so long as he occupies the dwelling-house as his residence, be the statutory tenant of it.
- (2) Subject to section 5 below, subsection (3), <sup>F2</sup> . . . below shall have effect for determining what person (if any) is the statutory tenant of a dwelling-house at any time after the death of a person (“the original occupier”) who was, immediately before his death, a protected occupier or statutory tenant of the dwelling-house in his own right.
- (3) If the original occupier was a man who died leaving a widow who was residing [<sup>F3</sup>in the dwelling-house immediately before his death] then, after his death, unless the widow is a protected occupier of the dwelling-house by virtue of section 3(2) above, she shall be the statutory tenant if and so long as she occupies the dwelling-house as her residence.

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This subsection is framed by reference to the case where the original occupier was a man, but is to be read as applying equally in the converse case where the original occupier was a woman.

(4) Where—

- (a) the original occupier was not a person who died leaving a surviving spouse who was residing [<sup>F3</sup>in the dwelling-house immediately before his death], but
- (b) one or more persons who were members of his family were residing with him [<sup>F4</sup>in the dwelling-house] at the time of and for the [<sup>F5</sup>period of 2 years] immediately before his death,

then, after his death, unless that person or, as the case may be, one of those persons is a protected occupier of the [<sup>F6</sup>entitled to an assured tenancy of the dwelling-house by succession] .

(5) In [<sup>F7</sup>subsections (1) and (3)] above the phrase “if and so long as he occupies the dwelling-house as his residence” shall be construed in accordance with [<sup>F8</sup>section 2(3) of the <sup>M1</sup>Rent Act 1977] (construction of that phrase in the corresponding provisions of that Act).

[<sup>F9</sup>(5A) For the purposes of subsection (3) above, a person who was living with the original occupier as his or her wife or husband shall be treated as the spouse of the original occupier and, subject to subsection (5B) below, the references in subsection (3) above to a widow and in subsection (4) above to a surviving spouse shall be construed accordingly.

(5B) If, immediately after the death of the original occupier, there is, by virtue of subsection (5A) above, more than one person who fulfils the conditions in subsection (3) above, such one of them as may be decided by agreement or, in default of agreement by the county court, shall be the statutory tenant by virtue of that subsection.

(5C) If the original occupier died within the period of 18 months beginning on the operative date, then, for the purposes of subsection (3) above, a person who was residing in the dwelling-house with the original occupier at the time of his death and for the period which began 6 months before the operative date and ended at the time of his death shall be taken to have been residing with the original occupier for the period of 2 years immediately before his death; and in this subsection “the operative date” means the date on which Part I of the Housing Act 1988 came into force.]

(6) A dwelling-house is, in this Act, referred to as subject to a statutory tenancy where there is a statutory tenant of it.

#### Textual Amendments

- F2** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(2), [Sch. 18](#)
- F3** Words substituted by [Housing Act 1980 \(c. 51\)](#), [s. 76\(3\)\(4\)](#) in relation to deaths occurring after 28.11.1980
- F4** Words in s. 4(4)(b) inserted (with effect in accordance with [s. 39\(4\)](#) of the amending Act) by [Housing Act 1988 \(c. 50\)](#), [ss. 39\(4\), 141\(3\)](#), [Sch. 4 para. 11\(a\)](#)
- F5** Words in s. 4(4)(b) substituted (with effect in accordance with [s. 39\(4\)](#) of the amending Act) by [Housing Act 1988 \(c. 50\)](#), [ss. 39\(4\), 141\(3\)](#), [Sch. 4 para. 11\(a\)](#)
- F6** Words in s. 4(4) substituted (with effect in accordance with [s. 39\(4\)](#) of the amending Act) by [Housing Act 1988 \(c. 50\)](#), [ss. 39\(4\), 141\(3\)](#), [Sch. 4 para. 11\(b\)](#)

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- F7** Words in s. 4(5) substituted (with effect in accordance with s. 39(4) of the amending Act) by [Housing Act 1988 \(c. 50\), ss. 39\(4\), 141\(3\), Sch. 4 para. 12](#)
- F8** Words substituted by [Rent Act 1977 \(c. 42\), Sch. 23 para. 72](#)
- F9** S. 4(5A)-(5C) inserted (with effect in accordance with s. 39(4) of the amending Act) by [Housing Act 1988 \(c. 50\), ss. 39\(4\), 141\(3\), Sch. 4 para. 12](#)

#### Marginal Citations

- M1** [1977 c. 42.](#)

## 5 No statutory tenancy where landlord's interest belongs to Crown or to local authority, etc.

- [<sup>F10</sup>(1) A person shall not at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would, at that time—
- (a) belong to Her Majesty in right of the Crown or to a government department, or
  - (b) be held in trust for Her Majesty for the purposes of a government department; except that an interest belonging to Her Majesty in right of the Crown shall not prevent a person from being a statutory tenant if the interest is under the management of the Crown Estate Commissioners.]
- (2) A person shall not at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would, at that time, belong to any of the bodies specified in subsection (3) below.
- (3) The bodies referred to in subsection (2) above are—
- (a) the council of a county [<sup>F11</sup>, county borough] or district or, in the application of this Act to the Isles of Scilly, the Council of those Isles;
  - (b) .....<sup>F12</sup>the council of a London borough or the Common Council of the City of London;
  - [<sup>F13</sup>(baa) a police authority established under section 3 of the <sup>M2</sup>Police Act 1964;]
  - (ba) .....<sup>F14</sup>
  - [<sup>F15</sup>(bb) a joint authority established by Part IV of the Local Government Act 1985;]
  - [<sup>F16</sup>(bc) the Broads Authority;]
  - [<sup>F17</sup>(bd) any National Park authority;]
  - (c) the Commission for the New Towns
  - (d) the Housing Corporation;
  - [<sup>F18</sup>(da) Housing for Wales]
  - (e) a development corporation established by an order made, or having effect as if made, under the [<sup>F19M3</sup>New Towns Act 1981], and
  - (f) a housing trust (as defined in [<sup>F20</sup>section 15(5) of the <sup>M4</sup>Rent Act 1977]) which is a charity within the meaning of the [<sup>F21</sup>the Charities Act 1993].
- (4) If any of the conditions for the time being specified in [<sup>F22</sup>section 15(4) of the <sup>M5</sup>Rent Act 1977] (conditions for the operation of the corresponding provision of that Act) is fulfilled, a person shall not be a statutory tenant of a dwelling-house at any time if the interest of his immediate landlord would, at that time, [<sup>F23</sup>belong to a housing association which—
- (a) is registered under the Housing Associations Act 1985, or
  - (b) is a co-operative housing association within the meaning of that Act.]

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### Textual Amendments

- F10** S. 5(1) substituted by Housing Act 1980 (c. 51), s. 73(3)
- F11** Words in s. 5(3)(a) inserted (1.4.1996) by 1994 c. 19, s. 22(2), Sch. 8 para. 2 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, Sch. 1
- F12** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, Sch. 17
- F13** S. 5(3)(baa) inserted (1.10.1994 for specified purposes and otherwise 1.4.1995) by 1994 c. 29, s. 43, Sch. 4 Pt. II para. 52; S.I. 1994/2025, art. 6; S.I. 1994/3262, art. 4, Sch.
- F14** S. 5(3)(ba) (which was inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 para. 55) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, Sch. 13 Pt. I
- F15** S. 5(3)(bb) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 para. 55
- F16** S. 5(3)(bc) inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), Sch. 6 para. 17
- F17** S. 5(3)(bd) inserted (23.11.1995) by 1995 c. 25, s. 78, Sch. 10 para. 17 (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, art. 2(1)
- F18** S. 5(3)(da) inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 140, Sch. 17 para. 98
- F19** Words substituted by New Towns Act 1981 (c. 64, SIF 123:3), s. 81, Sch. 12 para. 23
- F20** Words substituted by Rent Act 1977 (c. 42, SIF 75:3), s. 156, Sch. 23 para. 73(a)
- F21** Words in s. 5(3)(f) substituted (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), Sch. 6 para. 30.
- F22** Words substituted by Rent Act 1977 (c. 42), Sch. 23 para. 73(b)
- F23** Words and s. 5(4)(a)(b) substituted for words and s. 5(4)(a)–(d) by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 4, 5(2), Sch. 2 para. 33(2)

### Modifications etc. (not altering text)

- C7** S. 5(2) extended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), Sch. 13 para. 14(c)  
S. 5(2) extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), Sch. 13 para. 24(e) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- C8** S. 5(3)(bb) extended by S.I. 1985/1884, art. 10, Sch. 3 para. 4(O)

### Marginal Citations

- M2** 1964 c. 48.  
**M3** 1981 c. 64.  
**M4** 1977 c. 42.  
**M5** 1977 c. 42.

## PART II

### SECURITY OF TENURE

#### *Protected occupancies and statutory tenancies*

#### 6 Grounds for possession.

- (1) A court shall not make an order for possession of a dwelling-house subject to a protected occupancy or statutory tenancy except in the Cases in Schedule 4 to this Act.
- (2) A landlord who obtains an order for possession of a dwelling-house as against a statutory tenant shall not be required to give to the statutory tenant any notice to quit.
- (3) Where in Case IX in the said Schedule a landlord obtains an order for possession of the dwelling-house, and it is subsequently made to appear to the court that the order was

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obtained by misrepresentation or concealment of material facts, the court may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by the tenant as a result of the order.

- (4) In subsection (3) above and in Schedule 4 to this Act “tenant” means a protected occupier or a statutory tenant.
- (5) Section 7 below has effect as regards the Cases in Part I of the said Schedule.
- (6) If, apart from subsection (1) above, the landlord would be entitled to recover possession of a dwelling-house subject to a protected occupancy or statutory tenancy, the court shall make an order for possession if the circumstances of the case are as specified in any of the Cases in Part II of the said Schedule.

## 7 Discretion of court in giving possession.

- (1) This section applies in the Cases in Part I of Schedule 4 to this Act.
- (2) In those Cases the court shall not make an order unless it considers it reasonable to do so.

[<sup>F24</sup>(2A) In those cases the court may adjourn for such period or periods as it thinks fit.]

- (3) On the making of the order for possession, or at any time before execution of the order, the court may—
  - (a) stay or suspend execution of the order, or
  - (b) postpone the date of possession,
 for such period or periods as the court thinks fit.

[<sup>F25</sup>(4) On any such adjournment as is referred to in subsection (2A) above or any such stay, suspension or postponement as is referred to in subsection (3) above, the court shall, unless it considers that to do so would cause exceptional hardship to the tenant or would otherwise be unreasonable, impose conditions with regard to payment by the tenant of arrears of rent (if any) and rent or payments in respect of occupation after termination of the tenancy (mesne profits) and may impose such other conditions as it thinks fit.]

- (5) If conditions so imposed are complied with, the court may if it thinks fit discharge or rescind the order for possession.

[<sup>F26</sup>(5A) <sup>F26</sup>Subsection (5B) below applies in any case where—

- (a) proceedings are brought for possession of a dwelling-house which is subject to a protected occupancy or statutory tenancy;
- (b) the tenant’s spouse or former spouse, having rights of occupation under the Matrimonial Homes Act 1967, is then in occupation of the dwelling-house; and
- (c) the tenancy is terminated as a result of those proceedings.

(5B) In any case to which this subsection applies, the spouse or former spouse shall, so long as he or she remains in occupation, have the same rights in relation to or in connection with any such adjournment as is referred to in subsection (2A) above or any such stay, suspension or postponement as is referred to in subsection (3) above as he or she would have if those rights of occupation were not affected by the termination of the tenancy.]



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- (6) In this section “tenant” means a protected occupier or a statutory tenant [F27 and “tenancy” shall be construed accordingly].

#### Textual Amendments

- F24** S. 7(2A) inserted by [Housing Act 1980 \(c. 51\), s. 75\(5\)](#)  
**F25** S. 7(4) substituted by [Housing Act 1980 \(c. 51\), s. 75\(6\)](#)  
**F26** S. 7(5A)(5B) inserted by [Housing Act 1980 \(c. 51\), s. 75\(7\)](#)  
**F27** Words added by [Housing Act 1980 \(c. 51\), Sch. 25 para. 32](#)

## 8 Restriction on levy of distress for rent.

- (1) Subject to subsection (2) below, no distress for the rent of any dwelling-house subject to a protected occupancy or statutory tenancy shall be levied except with the leave of the county court; and P the court shall, with respect to any application for such leave, have the same or similar powers with respect to adjournment, stay, suspension, postponement and otherwise as are conferred by section 7 of this Act, in relation to proceedings for possession of such a dwelling-house.
- (2) Nothing in subsection (1) above shall apply to distress levied under [F28 section 102 of the M6 County Courts Act 1984] (claims for rent where goods seized in execution).

#### Textual Amendments

- F28** Words substituted by [County Courts Act 1984 \(c. 28, SIF 34\), s. 148\(2\), Sch. 2 para. 62](#)

#### Marginal Citations

- M6** 1984 c. 28.

## 9 Effect of determination of superior tenancy, etc.

- (1) If a court makes an order for possession of a dwelling-house from a protected occupier or statutory tenant, or from a protected or statutory tenant for the purposes of [F29 the M7 Rent Act 1977], and the order is made by virtue of Part I of Schedule 4 to this Act or, as the case may be, [F29 section 98 or 99(2)] of that Act, nothing in the order shall affect the right of any sub-tenant—
- (a) to whom the dwelling-house or any part of it has been lawfully sublet before the commencement of the proceedings, and
- (b) who is a protected occupier or statutory tenant thereof,
- to retain possession by virtue of this Act, nor shall the order operate to give a right to possession against any such sub-tenant.
- (2) Where a statutorily protected tenancy of a dwelling-house is determined, either as a result of an order for possession or for any other reason, any sub-tenant—
- (a) to whom the dwelling-house or any part of it has been lawfully sublet, and
- (b) who is a protected occupier or statutory tenant thereof,
- shall, subject to the provisions of this Act, be deemed to become the tenant of the landlord on the same terms as if the tenant’s statutorily protected tenancy had continued.

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- (3) Where a dwelling-house—
- (a) forms part of premises which have been let as a whole on a superior tenancy but do not constitute a dwelling-house let on a statutorily protected tenancy; and
  - (b) is itself subject to a protected occupancy or statutory tenancy,
- then, from the coming to an end of the superior tenancy, this Act shall apply in relation to the dwelling-house as if, in lieu of the superior tenancy, there had been separate tenancies of the dwelling-house and of the remainder of the premises, for the like purposes as under the superior tenancy, and at rents equal to the just proportion of the rent under the superior tenancy.
- In this subsection “premises” includes an agricultural holding within the meaning of the [<sup>F30M8</sup>Agricultural Holdings Act 1986][<sup>F31</sup>held under a tenancy in relation to which that Act applies and land comprised in a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995.].
- (4) In subsections (2) and (3) above “statutorily protected tenancy” means—
- (a) a protected occupancy or statutory tenancy;
  - (b) a protected or statutory tenancy for the purposes of [<sup>F32</sup>the <sup>M9</sup>Rent Act 1977];
  - [<sup>F33</sup>(c) a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1986 which is a tenancy in relation to which that Act applies; or
  - (d) a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995.]
- (5) Subject to subsection (6) below, a long tenancy of a dwelling-house which is also a tenancy at a low rent but which, had it not been a tenancy at a low rent, would have been a protected tenancy for the purposes of [<sup>F32</sup>the Rent Act 1977], shall be treated for the purposes of subsection (2) above as a statutorily protected tenancy.
- (6) Notwithstanding anything in subsection (5) above, subsection (2) above shall not have effect where the sub-tenancy in question was created (whether immediately or derivatively) out of a long tenancy falling within subsection (5) above and, at the time of the creation of the sub-tenancy,—
- (a) a notice to terminate the long tenancy had been given under section 4(1) of the <sup>M10</sup>Landlord and Tenant Act 1954; or
  - (b) the long tenancy was being continued by section 3(1) of that Act;
- unless the sub-tenancy was created with the consent in writing of the person who at the time when it was created was the landlord, within the meaning of Part I of that Act.
- (7) In subsections (5) and (6) above “long tenancy” means a tenancy granted for a term of years certain exceeding 21 years, whether or not subsequently extended by act of the parties or by any enactment; and in determining for the purposes of those subsections whether a long tenancy is a tenancy at a low rent, there shall be disregarded such part (if any) of the sums payable by the tenant as is expressed (in whatever terms) to be payable in respect of rates, [<sup>F34</sup>council tax,] services, repairs, maintenance or insurance, unless it would not have been regarded by the parties as a part so payable.

#### Textual Amendments

**F29** Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 74\(a\)](#)

**F30** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 14 para. 57](#)

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**Changes to legislation:** There are currently no known outstanding effects for the Rent (Agriculture) Act 1976. (See end of Document for details)

- F31** Words in s. 9(3) inserted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 25(2)** (with s. 37)
- F32** Words substituted by Rent Act 1977 (c. 42), **Sch. 23 para. 74(b)**
- F33** S. 9(4)(c)(d) substituted for s. 9(3)(c) and the preceding “or” (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 25(3)** (with s. 37)
- F34** Words in s. 9(7) inserted (1.4.1993) by S.I. 1993/651, art. 2(1), **Sch. 1 para. 2**

**Modifications etc. (not altering text)**

- C9** S. 9(2)(5) restricted (1.11.1993) by 1993 c. 28, s. 61, **Sch. 14 para. 3(2)(b)** (with ss. 94(2), 95); S.I. 1993/2134, **arts. 2, 5(a)**.

**Marginal Citations**

- M7** 1977 c. 42.
- M8** 1986 c. 5.
- M9** 1977 c. 42.
- M10** 1954 c. 56.

*Statutory tenancies*

**10 Terms and conditions.**

- (1) Schedule 5 to this Act contains provisions about the terms of a statutory tenancy.
- (2) Schedule 5 to this Act shall not impose any liability to pay rent under a statutory tenancy (whether the protected occupier was a tenant or a licensee), and accordingly no rent shall be payable under a statutory tenancy until rent becomes payable by virtue of an agreement under section 11 of this Act, or by virtue of a notice of increase under section 12 or 14 of this Act.
- (3) Rent under a statutory tenancy which is a weekly tenancy shall be payable weekly in arrear, except that—
  - (a) if a rent or equivalent payment was payable under the protected occupancy, and was so payable otherwise than in arrear, rent under the statutory tenancy shall be payable in that other way, and
  - (b) this subsection has effect subject to any agreement between the landlord and the tenant.
- (4) The day on which rent is payable weekly in arrear in accordance with subsection (3) above shall be—
  - (a) where rent or any equivalent payment was payable weekly in arrear under the protected occupancy, the day on which it was so payable,
  - (b) where paragraph (a) does not apply, and at the end of the protected occupancy the protected occupier was being paid weekly wages, the day on which the wages were paid,
  - (c) in any other case such day as the landlord and tenant may agree, or in default of agreement, Friday in each week.
- (5) The covenants implied in the statutory tenancy shall include a covenant to pay rent in accordance with this Part of this Act.

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## 11 Agreed rents.

- (1) The landlord and the statutory tenant may by agreement fix the rent payable under a statutory tenancy (or may agree that no rent shall be payable under the statutory tenancy).
- (2) An agreement under this section may be made at any time, including a time before the beginning of the statutory tenancy, or a time when a rent is registered for the dwelling-house.
- (3) The rent so fixed shall not exceed—
  - (a) where a rent is registered for the dwelling-house at the time when the agreement is made, the weekly or other periodical equivalent of the amount of the rent so registered,
  - (b) where a rent is not so registered, the amount of the rent based on rateable value defined in the next following section.
- (4) Where a rent is registered for the dwelling-house at any time after the agreement is made, as from the date from which the registration takes effect the rent payable under the agreement shall not exceed the weekly or other periodical equivalent of the amount of the rent so registered.
- (5) If the rent payable under the agreement exceeds the limit imposed by subsection (3) or (4) above, the amount of the excess shall be irrecoverable from the tenant.
- (6) Unless the contrary intention appears from the agreement, it shall be terminable by the landlord or the tenant by notice in writing served on the other.
- (7) The notice shall specify the date from which the agreement is terminated, which shall be not earlier than four weeks after service of the notice.
- (8) Subject to subsection (3) above, an agreement made under this section may from time to time be varied by a further agreement so made, whether or not there has been a change in the persons who are landlord and tenant.
- (9) If and so long as, in the period following the termination of an agreement under this section, no notice of increase under section 12 or section 14 of this Act takes effect (and no subsequent agreement is in force), the rent payable under the statutory tenancy shall be the same as the rent payable, or last payable, under the agreement, and it shall be payable for equivalent rental periods, and in other respects in the same way as, the rent was payable, or last payable, under the agreement.
- (10) Where a rent is registered for the dwelling-house at any time after the termination of the agreement, as from the date from which the registration takes effect the rent payable under subsection (9) above shall not exceed the weekly or other periodical equivalent of the amount of the rent so registered; and if the rent so payable exceeds the limit imposed by the foregoing provision of this subsection, the amount of the excess shall be irrecoverable from the tenant.
- (11) If the agreement mentioned in subsection (9) above provided that no rent was payable under the statutory tenancy, no rent shall be payable in the period for which that subsection applies.

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## 12 Provisional rents.

- (1) This section applies where a rent is not registered for a dwelling-house which is subject to a statutory tenancy.
- (2) If the rent payable for any period of the statutory tenancy would be less than the rent based on rateable value, it may be increased up to the amount of that rent by a notice of increase served by the landlord on the tenant.
- (3) The notice shall specify the amount of the rent based on rateable value, and set out the landlord's calculation of that amount.
- (4) The notice shall also specify the date from which the notice is to take effect, which shall not be earlier than four weeks before service of the notice, and not at a time when an agreement under section 11 of this Act is in force.
- (5) If the notice takes effect from the termination of an agreement under section 11 of this Act, it shall state that fact, and specify the rent payable, or last payable, under that agreement.
- (6) If a notice is served under this section at a time when an agreement under section 11 of this Act is in force, and the date stated in the notice as that from which it is to take effect is—
  - (a) a date after service of the notice, and
  - (b) a date as at which the landlord could by notice served with the first-mentioned notice terminate the agreement,the first-mentioned notice shall operate as a notice to terminate the agreement as at that date.
- (7) Where a rent is registered for the dwelling-house at any time after notice is served, as from the date from which the registration takes effect the rent payable in accordance with the notice shall not exceed the weekly or other periodical equivalent of the amount of the rent so registered.
- (8) If the rent payable in accordance with the notice exceeds the limit imposed by subsection (7) above, the amount of the excess shall be irrecoverable from the tenant.
- (9) In this section—
  - (a) “rent based on rateable value” [<sup>F35</sup>, where the dwelling-house had a rateable value on 31st March 1990,] means the weekly or other periodical equivalent of an annual amount equal to the prescribed multiple of the rateable value of the dwelling-house [<sup>F35</sup>on that date], and
  - (b) the “prescribed multiple” is 1.5, or such other number (whole or with a fraction) as the Secretary of State may by order prescribe [<sup>F36</sup>, and]
  - <sup>F37</sup>(c) “rent based on rateable value”, where the dwelling-house had no rateable value on 31st March 1990, means the weekly or other periodical equivalent of an annual amount equal to the rent at which it is estimated the dwelling-house might reasonably be expected to let from year to year if the tenant undertook to pay all usual tenant's rates and taxes and to bear the cost of the repairs and insurance and the other expenses (if any) necessary to maintain the dwelling-house in a state to command that rent.]
- (10) An order made under subsection (9) above—
  - (a) may contain such transitional and other supplemental and incidental provisions as appear to the Secretary of State expedient,

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- (b) may be varied or revoked by a subsequent order so made, and
  - (c) shall be contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) The date as at which the rateable value [<sup>F38</sup>or the annual amount referred to in subsection (9)(c) above] is to be determined for the purposes of this section, and for the purposes of any agreement made under section 11 of this Act, shall be the date on which the notice is served, or as the case may be the date when the agreement was made [<sup>F38</sup>, or, if that date is after 31st March 1990 and the dwelling-house had a rateable value on that date, 31st March 1990].
- (12) If there is no separate rateable value for the dwelling-house [<sup>F39</sup>on the date as at which the rateable value is to be determined for the purposes of this section] the rateable value shall be ascertained by a proper apportionment or aggregation of the rateable value or values of the relevant hereditaments; and until the rateable value is so ascertained references in this section to the amount of the rent based on rateable value shall be construed as references to the amount of the rent based on the landlord's estimate of that value.
- (13) Any question as to the proper apportionment or aggregation under subsection (12) above shall be determined by the county court, and the decision of the county court shall be final.

#### Textual Amendments

- F35** Words inserted by S.I. 1990/434, reg. 2, Sch. para. 11(a)  
**F36** “, and” inserted by S.I. 1990/434, reg. 2, Sch. para. 11(b)  
**F37** S. 12(9)(c) inserted by S.I. 1990/434, reg. 2, Sch. para. 11(b)  
**F38** Words inserted by S.I. 1990/434, reg. 2, Sch. para. 12  
**F39** Words inserted by S.I. 1990/434, reg. 2, Sch. para. 13

### 13 Application for registration of rent.

- (1) There shall be a part of the register under Part IV of [<sup>F40</sup>the <sup>M11</sup>Rent Act 1977] in which rents may be registered for dwelling-houses which are subject to statutory tenancies (as defined in this Act).
- (2) In relation to that part of the register the following provisions of [<sup>F40</sup>the <sup>M12</sup>Rent Act 1977], that is—
- [<sup>F41</sup>(a) sections 67 [<sup>F42</sup>67A, 70 and 70A],
  - (b) section 71, except subsection (3), and
  - (c) Part I of Schedule 11,]
- shall have effect as if for any reference in those provisions to a regulated tenancy there were substituted a reference to a statutory tenancy (as defined in this Act).
- (3) The preceding provisions of this section shall not be taken as applying [<sup>F43</sup>sections . . . <sup>F44</sup>, 71(3), 72 or 73 of the <sup>M13</sup>Rent Act 1977 . . . <sup>F45</sup>].
- [<sup>F46</sup>(4) The registration of a rent in the said part of the register takes effect—
- (a) if the rent is determined by the rent officer, from the date when it is registered, and

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- (b) if the rent is determined by a rent assessment committee, from the date when the committee make their decision.
- (5) If the rent for the time being registered in the said part of the register is confirmed, the confirmation takes effect—
- (a) if it is made by the rent officer, from the date when it is noted in the register, and
- (b) if it is made by a rent assessment committee, from the date when the committee make their decision.
- (6) If (by virtue of section 67(4) of the <sup>M14</sup>Rent Act 1977, as applied by subsection (2) above) an application for registration of a rent is made before the expiry of the period mentioned in section 67(3) and the resulting registration of a rent for the dwelling-house, or confirmation of the rent for the time being registered, would, but for this subsection, take effect before the expiry of that period it shall take effect on the expiry of that period.
- (6A) The date from which the registration or confirmation of a rent takes effect shall be entered in the said part of the register.
- (6B) As from the date on which the registration of a rent takes effect any previous registration of a rent for the dwelling-house ceases to have effect.]
- (7) A rent registered in any part of the register for a dwelling-house which becomes, or ceases to be, one subject to a statutory tenancy shall be as effective as if it were registered in any other part of the register; but [<sup>F47</sup>section 67(3) of the <sup>M15</sup>Rent Act 1977] (no application for registration of a different rent to be made within [<sup>F48</sup>two years] of the last registration) shall not apply to an application for the registration, as respects a dwelling-house which is subject to a statutory tenancy, of a rent different from one which is registered in a part of the register other than the part mentioned in subsection (1) above.

#### Textual Amendments

- F40** Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 75\(a\)](#)
- F41** [S. 13\(2\)\(a\)-\(c\)](#) substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 75\(b\)](#)
- F42** Words in [s. 13\(2\)\(a\)](#) substituted (1.4.1993) by [S.I. 1993/651](#), art. 2(2), [Sch. 2 para. 1](#).
- F43** Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 75\(c\)](#)
- F44** Figures repealed by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140, [Sch. 18](#)
- F45** Words repealed by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140, [Sch. 18](#)
- F46** [S. 13\(4\)—\(6\)\(6A\)\(6B\)](#) substituted with saving for [s. 13\(4\)—\(6\)](#) by [Housing Act 1980 \(c. 51\)](#), [s. 61\(2\)\(8\)](#)
- F47** Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 75\(e\)](#)
- F48** Words substituted by [Housing Act 1980 \(c. 51\)](#), [Sch. 25 para. 33\(a\)](#)

#### Marginal Citations

- M11** [1977 c. 42](#).
- M12** [1977 c. 42](#).
- M13** [1977 c. 42](#).
- M14** [1977 c. 42](#).
- M15** [1977 c. 42](#).

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**14 Registered rents.**

- (1) This section applies where a rent is registered for a dwelling-house subject to a statutory tenancy.
- (2) If the rent payable for any period of the statutory tenancy beginning on or after the date of registration would be less than the registered rent, it may be increased up to the amount of that rent by a notice of increase served by the landlord on the tenant.
- (3) The notice shall specify the amount of the registered rent, and the date from which the notice is to take effect, which shall not be earlier than four weeks before service of the notice, and not at a time when an agreement under section 11 of this Act is in force.
- (4) If the notice takes effect from the termination of an agreement under section 11 of this Act, it shall state that fact, and specify the rent payable, or last payable, under that agreement.
- (5) If a notice is served under this section at a time when an agreement under section 11 of this Act is in force, and the date stated in the notice as that from which it is to take effect is—
  - (a) a date after service of the notice, and
  - (b) a date as at which the landlord could by notice served with the first-mentioned notice terminate the agreement,
 the first-mentioned notice shall operate as a notice to terminate the agreement as at that date.

**15** ..... <sup>F49</sup>

**Textual Amendments**  
**F49** S. 15 repealed with saving by S.I. 1987/264, arts. 2(2)(a), 3, Sch. 2

**16 Notices of increase.**

- (1) Any reference in the following provisions of this section to a notice is a reference to a notice of increase under section 12 or section 14 of this Act.
- (2) Notwithstanding that a notice relates to periods of a statutory tenancy it may be served before the statutory tenancy begins.
- (3) Where a notice is served before the statutory tenancy begins, and the protected occupancy could, by a notice to quit served at the same time, be brought to an end before the date specified in the notice of increase, the notice shall operate to terminate the protected occupancy as from that date.
- (4) If the county court is satisfied that any error or omission in a notice is due to a bona fide mistake on the part of the landlord, the court may by order amend the notice by correcting any errors or supplying any omission therein which, if not corrected or supplied, would render the notice invalid and if the court so directs, the notice as so amended shall have effect and be deemed to have had effect as a valid notice.
- (5) If [<sup>F50</sup>, in a case to which section 12(12) applies] the county court is satisfied that—



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- (a) [<sup>F51</sup>on 31st March 1990] there was no separate rateable value for the dwelling-house, and
  - (b) the amount specified in the notice is the amount of the rent based on the landlord's estimate of the rateable value,
- the court may by order amend the notice by substituting for the amount so specified the amount of the rent based on rateable value and, if the court so directs, the notice shall have effect and be deemed to have had effect as so amended.
- (6) Any amendment of a notice under subsection (4) or (5) above may be made on such terms and conditions with respect to arrears of rent or otherwise as appear to the court to be just and reasonable.
  - (7) No increase of rent which becomes payable by reason of an amendment of a notice under subsection (4) or (5) above shall be recoverable in respect of any period of the statutory tenancy which ended more than six months before the date of the order making the amendment.

#### Textual Amendments

**F50** Words inserted by S.I. 1990/434, reg. 2, Sch. para. 14

**F51** Words substituted by S.I. 1990/434, reg. 2, Sch. para. 14

### *General provisions*

#### **17 Adjustment for differences in lengths of rental periods.**

In ascertaining for the purposes of this Part of this Act the weekly or other periodical equivalent of a registered rent, or of the annual amount mentioned in section 12(9) of this Act, a period of one month shall be treated as equivalent to one-twelfth of a year, and a period of a week as equivalent to one fifty-second of a year.

#### **18 Regulations.**

- (1) The Secretary of State may make regulations prescribing the form of any notice or other document to be given or used in pursuance of this Part of this Act.
- (2) Any such regulations shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **19 Interpretation of Part II.**

In this Part of this Act, unless the context otherwise requires—

“registered” means registered in the register under Part IV of [<sup>F52</sup>the <sup>M16</sup>Rent Act 1977].

“rent based on rateable value” has the meaning given by section 12(9) of this Act,

“rental period” means a period in respect of which a payment of rent, or in the case of a licence the equivalent of rent, falls to be made.

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**Textual Amendments**

**F52** Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 77](#)

**Marginal Citations**

**M16** [1977 c. 42](#).

## PART III

### PROTECTED OCCUPANCIES AND STATUTORY TENANCIES: SUPPLEMENTAL

#### *Recovery of rent*

#### **20 Avoidance of requirements for advance payment of rent.**

- (1) Any requirement that rent under a protected occupancy, or under a statutory tenancy, 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, and any requirement avoided by this section is referred to in this section as a “prohibited requirement”.
- (2) Rent for any rental period to which a prohibited requirement relates shall be irrecoverable from the tenant.
- (3) A person who purports to impose a prohibited requirement shall be liable on summary conviction to a fine not exceeding [<sup>F53</sup>level 3 on the standard scale] and the court by which he is convicted may order the amount of rent paid in compliance with the prohibited requirement to be repaid to the person by whom it was paid.
- (4) In this section “rental period” means a period in respect of which a payment of rent falls to be made.
- (5) For the avoidance of doubt it is hereby declared that this section does not render any amount recoverable more than once.

**Textual Amendments**

**F53** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)

#### **21 Recovery from landlord of sums paid in excess of recoverable rent.**

- (1) Where a tenant has paid on account of rent any amount which, by virtue of Part II of this Act or this Part, is irrecoverable by the landlord, then, subject to subsection (3) below, the tenant who paid it shall be entitled to recover that amount from the landlord who received it or his personal representatives.

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- (2) Subject to subsection (3) below, any amount which a tenant is entitled to recover under subsection (1) above may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the landlord.
- (3) No amount which a tenant is entitled to recover under subsection (1) above shall be recoverable at any time after the expiry of two years from the date of payment.
- (4) 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 Part II of this Act or this Part shall be liable on summary conviction to a fine not exceeding [<sup>F54</sup>level 3 on the standard scale], unless he proves that, at the time of the making of the entry, the landlord had a bona fide claim that the sum was recoverable.
- (5) 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 seven days, the landlord shall be liable on summary conviction to a fine not exceeding [<sup>F54</sup>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

**F54** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

## 22 Rectification of rent books in light of determination of recoverable rent.

Where, in any proceedings, the recoverable rent of a dwelling-house subject to a statutory tenancy is determined by a court, then, on the application of the tenant (whether in those or in any subsequent proceedings) the court may call for the production of the rent book or any similar document relating to the dwelling-house and may direct the registrar or clerk of the court to correct any entries showing, or purporting to show, the tenant as being in arrears in respect of any sum which the court has determined to be irrecoverable.

### *Miscellaneous*

## 23 Tenant sharing accommodation with persons other than landlord.

- (1) Where a tenant has the exclusive occupation of any accommodation (“the separate accommodation”), and
  - (a) the terms as between the tenant and his landlord on which he holds the separate accommodation include the use of other accommodation (in this section referred to as “the shared accommodation”) in common with another person or other persons, not being or including the landlord, and
  - (b) by reason only of the circumstances mentioned in paragraph (a) above, the separate accommodation would not, apart from this section, be a dwelling-house subject to a protected occupancy or statutory tenancy,then, subject to subsection (2) below, the separate accommodation shall be deemed to be a dwelling-house subject to a protected occupancy or statutory tenancy as the case may be, and subsections (3) to (8) below shall have effect.

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- (2) Subsection (1) above shall not apply in relation to accommodation which would, apart from this subsection, be deemed to be a dwelling-house subject to a protected occupancy if—
- (a) the accommodation consists of only one room, and
  - (b) at the time when the tenancy was granted, not less than three other rooms in the same building were let, or were available for letting, as residential accommodation to separate tenants on such terms as are mentioned in subsection (1)(a) above.
- (3) For the avoidance of doubt it is hereby declared that where, for the purpose of determining the rateable value of the separate accommodation, it is necessary to make an apportionment under this Act, regard is to be had to the circumstances mentioned in subsection (1)(a) above.
- (4) Subject to subsection (5) below, while the tenant is in possession of the separate accommodation (whether as a protected occupier or statutory tenant), any term or condition of the contract of tenancy terminating or modifying, or providing for the termination or modification of, his right to the use of any of the shared accommodation which is living accommodation shall be of no effect.
- (5) Where the terms and conditions of the contract of tenancy are such that at any time during the tenancy the persons in common with whom the tenant is entitled to the use of the shared accommodation could be varied, or their number could be increased, nothing in subsection (4) above shall prevent those terms and conditions from having effect so far as they relate to any such variation or increase.
- (6) Subject to subsection (7) below and without prejudice to the enforcement of any order made thereunder, while the tenant is in possession of the separate accommodation, no order shall be made for possession of any of the shared accommodation, whether on the application of the immediate landlord of the tenant or on the application of any person under whom that landlord derives title, unless a like order has been made, or is made at the same time, in respect of the separate accommodation; and the provisions of section 6 of this Act shall apply accordingly.
- (7) On the application of the landlord, the county court may make such order, either terminating the right of the tenant to use the whole or any part of the shared accommodation other than living accommodation, or modifying his right to use the whole or any part of the shared accommodation, whether by varying the persons or increasing the number of persons entitled to the use of that accommodation, or otherwise, as the court thinks just:
- Provided that no order shall be made under this subsection so as to effect any termination or modification of the rights of the tenant which, apart from subsection (4) above, could not be effected by or under the terms of the contract of tenancy.
- (8) In this section the expression “living accommodation” means accommodation of such a nature that the fact that it constitutes or is included in the shared accommodation is (or, if the tenancy has ended, was) sufficient, apart from this section, to prevent the tenancy from constituting a protected occupancy of a dwelling-house.

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## **24 Certain sub-lettings not to exclude any part of sub-lessor's premises from protection.**

- (1) Where the tenant of any premises, consisting of a house or part of a house, has sublet a part, but not the whole, of the premises, then, as against his landlord or any superior landlord, no part of the premises shall be treated as not being a dwelling-house subject to a protected occupancy or statutory tenancy by reason only that—
  - (a) the terms on which any person claiming under the tenant holds any part of the premises include the use of accommodation in common with other persons; or
  - (b) part of the premises is let to any such person at a rent which includes payments in respect of board or attendance.
- (2) Nothing in this section affects the rights against, and liabilities to, each other of the tenant and any person claiming under him, or of any two such persons.

## **25 Service of notices on landlord's agents.**

- (1) For the purposes of any proceedings arising out of Part I or II of this Act or this Part, a document shall be deemed to be duly served on the landlord of a dwelling-house if it is served—
  - (a) on any agent of the landlord named as such in the rent book or other similar document; or
  - (b) on the person who receives the rent of the dwelling-house.
- (2) If for the purpose of any proceedings (whether civil or criminal) arising out of Part I or II of this Act, or this Part, any person serves upon any such agent or other person as is referred to in paragraph (a) or paragraph (b) of subsection (1) above a notice in writing requiring the agent or other person to disclose to him the full name and place of abode or place of business of the landlord, that agent or other person shall forthwith comply with the notice.
- (3) If any such agent or other person as is referred to in subsection (2) above fails or refuses forthwith to comply with a notice served on him under that subsection, he shall be liable on summary conviction to a fine not exceeding [<sup>F55</sup>level 4 on the standard scale] unless he shows to the satisfaction of the court that he did not know, and could not with reasonable diligence have ascertained, such of the facts required by the notice to be disclosed as were not disclosed by him.

### **Textual Amendments**

**F55** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46, [Sch. 3](#)

## **26 Jurisdiction and procedure.**

- (1) A county court shall have jurisdiction to determine—
  - (a) whether any person is or is not a protected occupier or a statutory tenant, or
  - (b) any question concerning the subject matter, terms or conditions of a statutory tenancy,or any matter which is or may become material for determining a question under paragraph (a) or (b).

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*Changes to legislation: There are currently no known outstanding effects for the Rent (Agriculture) Act 1976. (See end of Document for details)*

- (2) A county court shall have jurisdiction to deal with any claim or other proceedings arising out of Part I of this Act, or Part II of this Act except Part II of Schedule 4, or this Part, notwithstanding that the case would not, apart from this subsection, be within the jurisdiction of a county court.
- [<sup>F56</sup>(3) If, on a claim arising under Part I of this Act, or Part II of this Act except Part II of Schedule 4, or this Part, a person takes proceedings in the High Court which he could have taken in the county court, he shall not be entitled to any costs.]
- (4) The jurisdiction conferred by subsection (1) above is exercisable either in the course of any proceedings relating to the dwelling-house, or on an application made for the purpose by the landlord or tenant.
- (5) The Lord Chancellor may make such rules and give such directions as he thinks fit for the purpose of giving effect to Part I or II of this Act, or this Part, and may, by those rules or directions, provide for the remission of any fees.

The power vested in the Lord Chancellor by this subsection may, when the Great Seal is in commission, be exercised by any Lord Commissioner.

#### Textual Amendments

- F56** S. 26(3) repealed (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 124(3), 125(7), Sch. 20

## PART IV

### REHOUSING

#### 27 Applications to housing authority concerned.

- (1) An application may be made by the occupier of land used for agriculture to the housing authority concerned (“the authority”) on the ground that—
- vacant possession is or will be needed of a dwelling-house which is subject to a protected occupancy or statutory tenancy [<sup>F57</sup>or an assured agricultural occupancy], or which is let on or subject to a tenancy to which subsection (2) below applies, in order to house a person who is or is to be employed in agriculture by the applicant, and that person’s family,
  - the applicant is unable to provide, by any reasonable means, suitable alternative accommodation for the occupier of the dwelling-house, and
  - the authority ought, in the interests of efficient agriculture, to provide the suitable alternative accommodation.
- (2) This subsection applies to any tenancy which is a protected or statutory tenancy for the purposes of [<sup>F58</sup>the <sup>M17</sup>Rent Act 1977] and which—
- if it were a tenancy at a low rent, and
  - if (where relevant) any earlier tenancy granted to the tenant, or to a member of his family, had been a tenancy at a low rent,
- would be a protected occupancy or statutory tenancy.

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[<sup>F59</sup>(3) In this Act the “housing authority concerned” is the local housing authority within the meaning of the Housing Act 1985 [<sup>F60</sup>and assured agricultural occupancy has the same meaning as in Chapter III of Part I of the Housing Act 1988].]

#### Textual Amendments

- F57** Words inserted by [Housing Act 1988 \(c. 50, SIF 75:1\), s. 26\(a\)](#)  
**F58** Words substituted by [Rent Act 1977 \(c. 42\), Sch. 23 para. 77](#)  
**F59** [S. 27\(3\)](#) substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 4, Sch. 2 para. 33\(3\)](#)  
**F60** Words added by [Housing Act 1988 \(c. 50, SIF 75:1\), s. 26\(b\)](#)

#### Marginal Citations

- M17** [1977 c. 42.](#)

## 28 Duty of housing authority concerned.

- (1) An application to the authority shall be in writing and, if the authority so direct, shall be in such form as the authority direct; and there shall be a sufficient compliance with a direction under this subsection if the application is in a form substantially to that same effect as the form specified in the direction.
- (2) The authority shall, within seven days of their receiving the application, notify the occupier of the dwelling-house of which possession is sought (“the dwelling-house”) that the application has been made.
- (3) The authority, or the applicant, or the occupier of the dwelling-house, may obtain advice on the case made by the applicant concerning the interests of efficient agriculture, and regarding the urgency of the application, by applying for the services of a committee under section 29 of this Act.
- (4) The committee shall tender its advice in writing to the authority, and make copies of it available for the applicant and the occupier of the dwelling-house.
- (5) In assessing the case made by the applicant and in particular the importance and degree of urgency of the applicant’s need, the authority shall take full account of any advice tendered to them by the committee in accordance with section 29 of this Act, and in any legal proceedings relating to the duty imposed on the authority by this section evidence shall be admissible of the advice so given.
- [<sup>F61</sup>(6) The authority shall notify their decision on the application in writing to the applicant, and to the occupier of the dwelling-house, within three months of their receiving the application or, if an application is made for the services of a committee under section 29 of this Act, within two months of their receiving the committee’s advice.
- (6A) The notification shall state—
  - (a) if the authority are satisfied that the applicant’s case is substantiated in accordance with section 27 above, what action they propose to take on the application;
  - (b) if they are not so satisfied, the reasons for their decision.]
  - (7) If the authority are satisfied that the applicant’s case is substantiated in accordance with section 27 above, they shall use their best endeavours to provide the suitable



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alternative accommodation; and in assessing under this subsection the priority to be given to meet the applicant's case, the authority shall take into account the urgency of the case, the competing claims on the accommodation which they can provide and the resources at their disposal.

- (8) Without prejudice to any other means of enforcing the duty imposed by subsection (7) above, that duty shall be enforceable, at the suit of the applicant, by an action against the authority for damages for breach of statutory duty.
- (9) The authority shall not be obliged to provide suitable alternative accommodation if, at the time when the accommodation becomes available, the person for whom it is to be provided is employed by the applicant in the same capacity as that in which he was employed by the applicant at the time when the application was made, and he will continue to be so employed if provided with the alternative accommodation.
- (10) The continuance of the obligation imposed on the authority by this section shall depend on compliance by the applicant with any reasonable request made by the authority for information about any change in circumstances which takes place after the making of the application, and which might affect the merits of the applicant's case.
- (11) Any material change of facts which have been stated to the authority, or to the committee, by the applicant or, in relation to the application, by the occupier of the dwelling-house, shall be notified to the authority as soon as practicable by the person making the statement unless before the change accommodation has been provided in accordance with the application, or the authority have decided that the applicant's case is not substantiated.
- A person who without reasonable excuse fails to comply with this subsection shall be liable on summary conviction to a fine not exceeding [<sup>F62</sup>level 5 on the standard scale].
- (12) An application under this section shall lapse if the applicant ceases to be the occupier of the land used for agriculture, but without prejudice to the making of an application by any other person who is or becomes the occupier.
- (13) In this section and section 27 of this Act references to the authority providing housing accommodation are references to its provision by any means open to the authority, whether direct or indirect.
- (14) If in or in connection with an application under this section the applicant or any other person knowingly or recklessly makes a false statement for the purpose of inducing the authority to provide housing accommodation, he shall be liable on summary conviction to a fine not exceeding [<sup>F62</sup>level 5 on the standard scale].
- [<sup>F63</sup>(14A) Notwithstanding anything in section 127(1) of the Magistrates' Courts Act 1980, an information relating to an offence under this section may be tried if it is laid at any time within two years after the commission of the offence and within six months after the date on which evidence sufficient in the opinion of the housing authority concerned to justify the proceedings comes to its knowledge.]

#### Textual Amendments

**F61** S. 28(6)(6A) substituted for s. 28(6) by [Rent \(Agriculture\) Amendment Act 1977 \(c. 17\)](#), s. 1 except where the application under s. 27 of this Act is received by the housing authority concerned before 9.6.1977

**F62** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46



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**F63** S. 28(14A) inserted by Housing Act 1988 (c. 50, SIF 61, 75:1), s. 140, Sch. 17 para. 21

## 29 Agricultural dwelling-house advisory committees.

- (1) In the area of each agricultural wages committee established under the<sup>M18</sup> Agricultural Wages Act 1948 there shall be one or more agricultural dwelling-house advisory committees (in this section called “committees”) to perform the functions given them under section 28 of this Act.
- (2) An application under section 28 of this Act for advice may be made to the chairman of the agricultural wages committee for the area in question for the appointment or designation of a committee to give the advice.
- (3) Each committee shall be appointed by the chairman of the agricultural wages committee, and he may include persons who are not members of the agricultural wages committee.
- (4) If there is no chairman, or if the chairman is unable to act, a vice-chairman of the agricultural wages committee may act in his place under this section.
- (5) Each committee shall be composed of an independent member, who is the chairman, a member representing employers and a member representing workers in agriculture.
- (6) The chairman of the committee shall be appointed from a panel of persons approved by the Minister.
- (7) All three members of a committee must be present at any meeting of the committee, and no meeting shall be held during a vacancy in the membership.
- (8) In carrying out their functions under section 28 of this Act committees shall act in accordance with any directions, whether general or specific, given to them by the Minister.
- (9) The Minister may, if he thinks fit, make regulations contained in a statutory instrument regulating the procedure and meetings of committees, and may from time to time give directions, whether specific or general, regarding their procedure.
- (10) Subject to regulations, or any direction, under subsection (9) above the procedure of any committee shall be such as the chairman of that committee may direct.
- (11) The Minister may appoint a secretary for a committee, and there shall be paid to the members of a committee, and to the person who appoints or designates a committee, such fees and allowances by way of compensation for expenses incurred and time lost by them in the performance of their duties as the Minister may sanction with the consent of [<sup>F64</sup>the Treasury].
- (12) The Minister may with the consent of [<sup>F64</sup>the Treasury] make payments to persons other than members of a committee by way of fees or compensation for expenses incurred and time lost by them in or in connection with their giving, at the request of the committee, any advice or information.
- (13) Payments made by the Minister under this section shall be defrayed out of money provided by Parliament.
- (14) In this section “the Minister” means the Minister of Agriculture, Fisheries and Food.

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### Textual Amendments

**F64** Words substituted by virtue of S.I. 1981/1670, arts. 2(2), 3(5)

### Modifications etc. (not altering text)

**C10** Certain functions of Minister of Agriculture, Fisheries and Food under s. 29 now exercisable (W.) by Secretary of State or Minister and Secretary of State jointly: S.I. 1978/272, art. 2, Sch. 1

**C11** Ss. 29-31: certain functions transferred (27.12.1999) by S.I. 1999/3141, arts. 2(1)(5), 3, Sch.

### Marginal Citations

**M18** 1948 c. 47.

## PART V

### POWER TO OBTAIN INFORMATION

VALID FROM 27/12/1999

#### 30 Information about housing accommodation.

- (1) The Minister may exercise the powers conferred on him by section 31 of this Act for the purpose of obtaining information about the housing accommodation which is on, or held in connection with, or used for, agricultural or forestry land.
- (2) The Minister may give information so obtained—
  - (a) to the housing authority concerned for any part of the area to which the information relates, and
  - (b) where, since the giving of the information, other land has come into common ownership or occupation with the first-mentioned land, to the housing authority concerned for any part of the other land,
 and information so given may be transmitted to any other authority to whom the Minister may give it under this subsection.
- (3) The Minister may also give the information so obtained to any agricultural dwelling-house advisory committee which is to give advice under section 29 of this Act concerning any part of the area to which the information relates.
- (4) No information relating to any particular land or business which has been obtained under section 31 of this Act shall be published or otherwise disclosed without the previous consent in writing—
  - (a) of the person giving the information, or
  - (b) (if different) of any person who at the time of the disclosure is the owner or occupier of the land, or as the case may be, the owner of the business.
- (5) Subsection (4) does not apply—
  - (a) to disclosure under subsection (2) or (3) (but does apply to those to whom disclosure is so made),
  - (b) to disclosure for the purposes of any criminal proceedings, or of any report of those proceedings.

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- (6) A person who contravenes subsection (4) shall be liable on summary conviction to a fine not exceeding [<sup>F65</sup>level 5 on the standard scale].
- (7) In this section and in section 31 of this Act—  
“agricultural land” means land used for agriculture as defined in section 109 of the <sup>M19</sup>Agriculture Act 1947,  
“forestry land” does not include agricultural land,  
“occupier” includes a person responsible for the carrying on of any activity on agricultural or forestry land as servant or agent of the occupier,  
“owner” includes a person exercising, as servant or agent of the owner, functions of estate management in relation to the land.
- (8) In this section and in section 31 of this Act reference to the Minister are references to the Minister of Agriculture, Fisheries and Food and, so far as the reference relates to forestry land, to the Forestry Commissioners.

#### Textual Amendments

**F65** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)

#### Modifications etc. (not altering text)

**C12** Certain functions of Minister of Agriculture, Fisheries and Food under ss. 30, 31 now exercisable (W.) by Secretary of State or Minister and Secretary of State jointly: [S.I. 1978/272](#), [art. 2](#), [Sch. 1](#)

**C13** [S. 30](#): certain functions transferred (27.12.1999) by [S.I. 1999/3141](#), [arts. 2\(1\)\(5\), 3](#), [Sch.](#)

#### Marginal Citations

**M19** [1947 c. 48](#).

### 31 Kinds of information obtainable.

- (1) The Minister may serve on any owner or occupier of agricultural or forestry land a notice requiring him to give such information as is specified in the notice concerning housing accommodation on, or held in connection with, or used for, the land, being information within section 30 of this Act.
- (2) The notice shall be complied with within such period, being not less than four weeks from service of the notice, as may be specified in the notice.
- (3) The notice may in particular require information about—  
(a) the extent and nature of the accommodation,  
(b) the condition and location of the accommodation, including the state of repair of any dwelling-house, and the means of access to it,  
(c) whether any accommodation is wholly or partly occupied by a person who is or has been employed in agriculture or by a person who has been married to such a person, or whether the accommodation is vacant, and any impending change in the state of occupation,  
(d) so far as it lies within the knowledge of the person on whom the notice is served, facts about, or related to, housing accommodation on, or held in connection with, or used for, the land at some time or times prior to the service

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of the notice, or even prior to the operative date, but not at a time more than 5 years before the service of the notice.

- (4) If the person served is not the owner or occupier of the land, the notice may require him to give any information in his possession which may identify the true owner or occupier and his address, or to state that he has no such information.
- (5) The notice may be served either—
- (a) by delivering it to the person on whom it is to be served, or
  - (b) by leaving it at the usual or last known place of abode of that person, or
  - (c) by sending it by the recorded delivery service or by registered post in a prepaid letter addressed to that person at his usual or last known place of abode, or
  - (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it, by the recorded delivery service or by registered post, in a prepaid letter addressed to the secretary or clerk of the company or body at that office, or
  - (e) if it is not practicable after reasonable inquiry to ascertain the name or address of an owner or occupier of the land, as being a person having any interest in the land or having particular functions or responsibilities, by addressing it to him by the description of the person having that interest in the land (naming it), or as the case may be having that function or responsibility (naming it), and delivering the notice to some responsible person on the land, or by affixing it, or a copy of it, to some conspicuous object on the land.
- (6) If any person—
- (a) without reasonable excuse fails in any respect to comply with a notice under this section, or
  - (b) in purported compliance with a notice under this section knowingly or recklessly furnishes any information which is false in a material particular,
- he shall be liable on summary conviction to a fine not exceeding [<sup>F66</sup>level 5 on the standard scale].

#### **Textual Amendments**

**F66** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

#### **Modifications etc. (not altering text)**

**C14** Certain functions of Minister of Agriculture, Fisheries and Food under ss. 30, 31 now exercisable (W.) by Secretary of State or Minister and Secretary of State jointly: [S.I. 1978/272](#), **art. 2, Sch. 1**

**C15** S. 31: certain functions transferred (27.12.1999) by [S.I. 1999/3141](#), **arts. 2(1)(5), 3, Sch.**

## **PART VI**

### MISCELLANEOUS AND SUPPLEMENTAL

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#### Textual Amendments

**F67** S. 32 repealed by [Social Security and Housing Benefits Act 1982 \(c. 24, SIF 113:1\)](#), s. 48(6), [Sch. 5](#)

### 33 Suspension of condition attached to planning permission.

- (1) This section applies where planning permission as respects a dwelling-house is or has been granted subject to a condition that the occupation of the dwelling-house is limited to a person employed in agriculture or forestry.
- (2) If and so long as the dwelling-house is subject to a protected occupancy or statutory tenancy, or is let on or subject to <sup>F68</sup>an assured agricultural occupancy, within the meaning of Chapter III of Part I of the Housing Act 1988, or] a tenancy to which subsection (3) below applies, the condition shall be suspended.
- (3) This subsection applies to any tenancy which is a protected or statutory tenancy for the purposes of <sup>F69</sup>the <sup>M20</sup>Rent Act 1977] and which—
  - (a) if it were a tenancy at a low rent, and
  - (b) if (where relevant) any earlier tenancy granted to the tenant, or to a member of his family, had been a tenancy at a low rent,would be a protected occupancy or statutory tenancy.
- (4) Suspension of the condition shall not affect the operation of <sup>F70</sup>section 73A of the Town and Country Planning Act 1990].
- (5) Subsection (1) applies irrespective of the degree to which the condition circumscribes the employment in agriculture or forestry, irrespective of the other persons covered by the condition, and irrespective of the way in which agriculture or forestry is defined.

#### Textual Amendments

**F68** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194(1), [Sch. 11 para. 49](#)

**F69** Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 77](#)

**F70** Words in s. 33(4) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\)](#), s. 32, [Sch. 7 para. 4](#) (with s. 84(5)); S.I. 1991/2905, art. 3, [Sch. 1](#)

#### Marginal Citations

**M20** [1977 c. 42](#).

### 34 Interpretation.

- (1) In this Act, unless the context otherwise requires—

“landlord” includes any person from time to time deriving title under the original landlord and also includes, in relation to any dwelling-house, any person other than the tenant who is, or but for Part II of this Act would be, entitled to possession of the dwelling-house,

“licence” means any contract whereby (whether or not the contract contains other terms) one person grants to another, whether or not for any consideration, the right to occupy a dwelling-house as a residence, and references to the granting of a licence shall be construed accordingly,

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“rates” includes water rates and charges and an occupier’s drainage rate,  
“tenancy” includes sub-tenancy,

“tenancy at a low rent” means a tenancy under which either no rent is payable or the rent payable is less than two-thirds of the rateable value which is or was the rateable value of the dwelling-house on the appropriate day for the purposes of [<sup>F71</sup>the <sup>M21</sup>Rent Act 1977],

“tenant” includes statutory tenant and also includes a sub-tenant and any person deriving title under the original tenant or sub-tenant.

- (2) In this Act references to tenancies include, unless the context otherwise requires, references to licences, and cognate expressions, including those in subsection (1) above, shall be construed accordingly.
- (3) For the purposes of this Act a dwelling-house may be a house or part of a house.
- (4) It is hereby declared that any power of giving directions conferred by this Act includes power to vary or revoke directions so given.
- (5) Except in so far as the context otherwise requires, any reference in this Act to any other enactment shall be taken as referring to that enactment as amended by or under any other enactment, including this Act.

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**Textual Amendments**

**F71** Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 77](#)

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**Marginal Citations**

**M21** [1977 c. 42.](#)

**35 Isles of Scilly.**

- (1) The Secretary of State and the Minister of Agriculture, Fisheries and Food acting jointly may by order direct that any of the provisions of this Act shall, in their application to the Isles of Scilly, have effect subject to such exceptions, adaptations and modifications as may be specified in the order.
- (2) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament and may be varied or revoked by a subsequent order so made.

**36 Application to Crown property.**

- (1) Subject to section 5(1) of this Act, this Act shall apply in relation to premises in which there subsists, or at any material time subsisted, a Crown interest as it applies in relation to premises in which no such interest subsists or ever subsisted.
- (2) In this section “Crown interest” means an interest which belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster or to the Duchy of Cornwall or to a government department, or which is held in trust for Her Majesty for the purposes of a Government department.

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### 37 Offences by bodies corporate.

- (1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

### 38 Prosecution of offences.

Without prejudice to section 222 of the <sup>M22</sup>Local Government Act 1972 (power of local authorities to prosecute or defend legal proceedings), proceedings for an offence under any provision of this Act except section 31(6) may be instituted by the housing authority concerned.

#### Marginal Citations

M22 1972 c. 70.

### 39 Expenses.

There shall be paid out of moneys provided by Parliament—

- (a) any expenses incurred by a Minister, or Government department, in consequence of the provisions of this Act, and
- (b) any increase in sums so payable under any other Act which is attributable to the provisions of this Act.

### 40 Short title, etc.

- (1) This Act may be cited as the Rent (Agriculture) Act 1976.
- (2) Schedule 8 to this Act contains consequential and minor amendments of other Acts.
- (3) Schedule 9 to this Act contains transitional provisions.
- (4) ..... <sup>F72</sup>
- (5) This Act shall not extend to Scotland or Northern Ireland.

#### Textual Amendments

F72 S. 40(4) repealed by Rent Act 1977 (c. 42), Sch. 25

#### Modifications etc. (not altering text)

C16 The text of s. 40(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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## SCHEDULES

### SCHEDULE 1

Section 1.

#### INDEX OF GENERAL DEFINITIONS

<i>Expression defined</i>	<i>Provisions in Act</i>
Agricultural dwelling-house advisory committee	Section 29(1).
Agriculture	Section 1(1).
Date of operation for forestry workers	Schedule 3 Part II.
Dwelling-house	Section 34(3).
Dwelling-house in qualifying ownership	Schedule 3 Part I.
Forestry	Section 1(1).
Housing authority concerned	Section 27(3).
Incapable of whole-time work in agriculture, or work in agriculture as a permit worker, in consequence of a qualifying injury or disease	Schedule 3 Part I.
Landlord	Section 34(1).
Licence	Section 34(1).
Operative date	Section 1(6).
Protected occupier	Sections 2 and 3.
Protected occupier by succession	Section 3(5).
Protected occupier in his own right	Section 2(4).
Rates	Section 34(1).
Relevant licence	Schedule 2.
Relevant tenancy	Schedule 2.
Qualifying worker	Schedule 3 Part I.
Statutory tenant	Sections 4 and 5.
Statutory tenant by succession	Section 3(5).
Statutory tenant in his own right	Section 2(4).
Subject to a protected occupancy	Section 3(6).
Subject to a statutory tenancy	Section 4(6).
Tenancy	Section 34(1).
Tenancy at a low rent	Section 34(1).



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**Changes to legislation:** There are currently no known outstanding effects for the Rent (Agriculture) Act 1976. (See end of Document for details)

Tenant

Section 34(1).

## SCHEDULE 2

Section 1.

### MEANING OF “RELEVANT LICENCE” AND “RELEVANT TENANCY”

#### *Relevant licence*

- 1 In this Act “relevant licence” means any licence under which a person has the exclusive occupation of a dwelling-house as a separate dwelling and which—
- (a) if it were a tenancy, and
  - [<sup>F73</sup>(b) if the provisions of Part I of the <sup>M23</sup>Rent Act 1977 relating to exceptions to the definition of “protected tenancy” were modified as mentioned in paragraph 3 below,]
- would be a protected tenancy for the purposes of that Act.

#### **Textual Amendments**

**F73** Para. 1(b) substituted by Rent Act 1977 (c. 42), Sch. 23 para. 78

#### **Marginal Citations**

**M23** 1977 c. 42.

#### *Relevant tenancy*

- 2 In this Act “relevant tenancy” means any tenancy under which a dwelling-house is let as a separate dwelling and which—
- (a) is not a protected tenancy for the purposes of [<sup>F74</sup>the Rent Act 1977], but
  - (b) would be such a tenancy if [<sup>F75</sup>the provisions of that Act mentioned in paragraph 1(b) above] were modified as mentioned in paragraph 3 below, other than a tenancy to which Part I or Part II of the <sup>M24</sup>Landlord and Tenant Act 1954 applies [<sup>F76</sup>a tenancy to which Schedule 10 to the Local Government and Housing Act 1989 applies][<sup>F77</sup>, a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1986 which is a tenancy in relation to which that Act applies, and a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995.].

#### **Textual Amendments**

**F74** Words substituted by Rent Act 1977 (c. 42), Sch. 23 para. 79(a)

**F75** Words substituted by Rent Act 1977 (c. 42), Sch. 23 para. 79(b)

**F76** Words inserted by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194(1), Sch. 11 para. 50

**F77** Words in Sch. 2 para. 2 substituted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), Sch. para. 26 (with s. 37)

#### **Marginal Citations**

**M24** 1954 c. 56.

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### *Supplemental*

[<sup>F78</sup>3 (1) For the purposes of this Schedule the modifications of Part I of the Rent Act 1977 are as follows.

(2) Omit sections 5 (tenancies at low rents) and 10 (tenancy of a dwelling-house comprised in any agricultural holding etc.).

[ In section 5A (exclusion of certain shared ownership leases), in subsection (2)(g)  
<sup>F79</sup>(2A) (condition that lease states landlord’s opinion that 1977 Act does not apply) for the reference to the 1977 Act substitute a reference to this Act.]

(3) For section 7 (payments for board or attendance) substitute:—

“7 (1) A tenancy is not a protected tenancy if it is a bona fide term of the tenancy that the landlord provides the tenant with board or attendance.

(2) For the avoidance of doubt it is hereby declared that meals provided in the course of a person’s employment in agriculture do not constitute board for the purposes of this section; and a term that the landlord provides the tenant with attendance shall not be taken to be a bona fide term for those purposes unless, having regard to its value to the tenant, the attendance is substantial.”]

#### **Textual Amendments**

**F78** Para. 3 substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 80](#)

**F79** Sch. 2 para. 3(2A) inserted by [Housing and Planning Act 1986 \(c. 63, SIF 75:3\)](#), s. 18, [Sch. 4 para. 2](#)

4 The other provisions of [<sup>F80</sup>the Rent Act 1977] which are relevant for the purposes of the above definitions, and which are therefore also applied by this Schedule, include—

section 1 (definition of “protected tenancy”);

[<sup>F81</sup>section 13] (no protected or statutory tenancy where landlord’s interest belongs to Crown);

[<sup>F81</sup>sections 14 to 16] (no protected or statutory tenancy where landlord’s interest belongs to local authority, etc.);

[<sup>F81</sup>section 12] (no protected tenancy in certain cases where landlord’s interest belongs to resident landlord);

[<sup>F81</sup>section 25] (rateable value and appropriate day).

#### **Textual Amendments**

**F80** Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 75\(c\)](#)

**F81** Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 81\(b\)](#)

*Status:* Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.

*Changes to legislation:* There are currently no known outstanding effects for the Rent (Agriculture) Act 1976. (See end of Document for details)

## SCHEDULE 3

Section 1.

### PROTECTED OCCUPIERS IN THEIR OWN RIGHT

#### Modifications etc. (not altering text)

C17 Sch. 3 applied by Housing Act 1988 (c. 50, SIF 75:1), s. 24, Sch. 3 para. 1(3)

## PART I

### DEFINITIONS

#### *Qualifying worker*

1 A person is a qualifying worker for the purposes of this Act at any time if, at that time, he has worked whole-time in agriculture, or has worked in agriculture as a permit worker, for not less than 91 out of the last 104 weeks.

#### *Incapable of whole-time work in agriculture, or work in agriculture as a permit worker, in consequence of a qualifying injury or disease*

2 (1) A person is, for the purposes of this Act, incapable of whole-time work in agriculture in consequence of a qualifying injury or disease if—

(a) he is incapable of such work in consequence of—

(i) an injury or disease prescribed in relation to him, by reason of his employment in agriculture, under section 76(2) of the <sup>M25</sup>Social Security Act 1975, or

(ii) an injury caused by an accident arising out of and in the course of his employment in agriculture, and

(b) at the time when he became so incapable, he was employed in agriculture as a whole-time worker.

(2) A person is, for the purposes of this Act, incapable of work in agriculture as a permit worker in consequence of a qualifying injury or disease if—

(a) he is incapable of such work in consequence of any such injury or disease as is mentioned in sub-paragraph (1) above, and

(b) at the time when he became so incapable, he was employed in agriculture as a permit worker.

(3) Where—

(a) a person has died in consequence of any such injury or disease as is mentioned in sub-paragraph (1) above, and

(b) immediately before his death, he was employed in agriculture as a whole-time worker, or as a permit worker,

he shall be regarded for the purposes of this Act as having been, immediately before his death, incapable of whole-time work in agriculture, or work in agriculture as a permit worker, in consequence of a qualifying injury or disease.

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### Marginal Citations

M25 1975 c. 14.

### *Dwelling-house in qualifying ownership*

- 3 (1) A dwelling-house in relation to which a person (“the occupier”) has a licence or tenancy is in qualifying ownership for the purposes of this Act at any time if, at that time, the occupier is employed in agriculture and the occupier’s employer either—
- (a) is the owner of the dwelling-house, or
  - (b) has made arrangements with the owner of the dwelling-house for it to be used as housing accommodation for persons employed by him in agriculture.
- (2) In this paragraph—
- “employer”, in relation to the occupier, means the person or, as the case may be, one of the persons by whom he is employed in agriculture;
- “owner”, in relation to the dwelling-house, means the occupier’s immediate landlord or, where the occupier is a licensee, the person who would be the occupier’s immediate landlord if the licence were a tenancy.

### *Supplemental*

- 4 (1) The provisions of this paragraph shall have effect for determining what is whole-time work in agriculture for the purposes of this Part of this Schedule.
- (2) A person works whole-time in agriculture for any week in which—
- (a) he is employed to work in agriculture, and
  - (b) the number of hours for which he works in agriculture, or in activities incidental to agriculture, for the person or persons by whom he is so employed is not less than the standard number of hours.
- (3) Where a person is employed in agriculture as a whole-time worker, any week in which by agreement with his employer or, where he has two or more employers, by agreement with the employer or employers concerned he works less than the standard number of hours shall count as a week of whole-time work in agriculture.
- (4) If in any week a person who is employed in agriculture as a whole-time worker is, for the whole or part of the week—
- (a) absent from work in agriculture by reason of his taking a holiday to which he is entitled, or
  - (b) absent from work in agriculture with the consent of his employer or, where he has two or more employers, with the consent of the employer or employers concerned, or
  - (c) incapable of whole-time work in agriculture in consequence of an injury or disease (whether a qualifying injury or disease or not),
- that week shall count as a week of whole-time work in agriculture.
- (5) If in any week a person (whether employed in agriculture as a whole-time worker or not) is, for the whole or part of the week, incapable of whole-time work in agriculture in consequence of a qualifying injury or disease, that week shall count as a week of whole-time work in agriculture.

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- 5 (1) The provisions of this paragraph shall have effect for determining what is work in agriculture as a permit worker for the purposes of this Part of this Schedule.
- (2) A person works in agriculture as a permit worker for any week in which he works in agriculture as an employee for the whole or part of the week and there is in force in relation to him a permit granted under section 5 of the <sup>M26</sup>Agricultural Wages Act 1948.
- (3) If in any week a person who is employed in agriculture as a permit worker is, for the whole or part of the week—
- (a) absent from work in agriculture by reason of his taking a holiday to which he is entitled, or
  - (b) absent from work in agriculture with the consent of his employer or, where he has two or more employers, with the consent of the employer or employers concerned, or
  - (c) incapable of work in agriculture as a permit worker in consequence of an injury or disease (whether a qualifying injury or disease or not),
- that week shall count as a week of work in agriculture as a permit worker.
- (4) If in any week a person (whether employed in agriculture as a permit worker or not) is, for the whole or part of the week, incapable of work in agriculture as a permit worker in consequence of a qualifying injury or disease, that week shall count as a week of work in agriculture as a permit worker.

#### Marginal Citations

M26 1948 c. 47.

- 6 For the purposes of this Part of this Schedule a person is employed in agriculture as a whole-time worker if he is employed to work in agriculture by the week, or by any period longer than a week, and the number of hours for which he is employed to work in agriculture, or in activities incidental to agriculture, in any week is not less than the standard number of hours.
- 7 For the purposes of this Part of this Schedule a person is employed in agriculture as a permit worker if he is employed in agriculture and there is in force in relation to him a permit granted under section 5 of the Agricultural Wages Act 1948.

## PART II

### TEMPORARY PROVISIONS AS RESPECTS CERTAIN FORESTRY WORKERS

#### Modifications etc. (not altering text)

C18 Pt. II modified by Housing Act 1980 (c. 51), Sch. 8 para. 5

- 8 In this Act “the date of operation for forestry workers” means such date after the operative date as the Secretary of State and the Minister of Agriculture, Fisheries and Food acting jointly may appoint by order contained in a statutory instrument.

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**Modifications etc. (not altering text)**

**C19** 1.10.1977 appointed under para. 8 by [S.I. 1977/1268](#), [art. 2](#)

- 9 (1) Whole-time work in forestry, and work in forestry as a permit worker, shall be left out of account in determining for the purposes of this Act whether, at a date before the date of operation for forestry workers, a person is a qualifying worker.
- (2) Employment in forestry as a whole-time worker, or as a permit worker, shall be left out of account in determining for the purposes of this Act whether, at a date before the date of operation for forestry workers, a person is incapable of whole-time work in agriculture or work in agriculture as a permit worker, in consequence of a qualifying injury or disease.
- 10 (1) The question of what is whole-time work in forestry, or work in forestry as a permit worker, for the purposes of this Part of this Schedule shall be determined in the same way as what is whole-time work in agriculture, or work in agriculture as a permit worker, is determined for the purposes of Part I of this Schedule, and for that purpose all work which is not work in forestry shall be disregarded.
- (2) For the purposes of this Part of this Schedule a person is employed in forestry as a whole-time worker if he is employed to work in forestry by the week, or by any period longer than a week, and the number of hours for which he is employed to work in forestry, or in activities incidental to forestry, in any week is not less than the standard number of hours.
- (3) For the purposes of this Part of this Schedule a person is employed in forestry as a permit worker if he is employed in forestry and there is in force in relation to him a permit granted under section 5 of the <sup>M27</sup>Agricultural Wages Act 1948.

**Marginal Citations**

**M27** 1948 c. 47.

**PART III**

SUPPLEMENTAL

- 11 (1) In this Schedule “employment” means employment under one or more contracts of employment, and cognate expressions shall be construed accordingly.
- (2) For the purposes of the definition in sub-paragraph (1) above “contract of employment” means a contract of employment or apprenticeship (whether express or implied and, if express, whether oral or in writing).
- 12 (1) In this Schedule “the standard number of hours” means 35 hours or such other number of hours as may be specified in an order made by the Secretary of State and the Minister of Agriculture, Fisheries and Food acting jointly.
- (2) An order under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) An order made under this paragraph—

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- (a) may contain transitional and other supplemental and incidental provisions, and
- (b) may be varied or revoked by a subsequent order so made.

**Modifications etc. (not altering text)**

**C20** Certain functions of Minister of Agriculture, Fisheries and Food under para. 12 now exercisable (W.) by Secretary of State or Minister and Secretary of State jointly: [S.I. 1978/272](#), [art. 2](#), [Sch. 1](#)

- 13 Any reference in this Schedule to work in agriculture or in forestry, or to employment in agriculture or in forestry, is a reference to such work, or such employment, in the United Kingdom (including the Channel Islands and the Isle of Man) or in the territory of any other State which is a member of the European Economic Community.

SCHEDULE 4

Section 6.

GROUND FOR POSSESSION OF DWELLING-HOUSE SUBJECT  
TO PROTECTED OCCUPANCY OR STATUTORY TENANCY

PART I

CASES WHERE COURT HAS A DISCRETION

CASE I

*Alternative accommodation not provided or arranged by housing authority*

- 1 The court is satisfied that suitable alternative accommodation is available for the tenant, or will be available for him when the order for possession takes effect.

- 2 <sup>F82</sup>(1) Accommodation shall be deemed suitable in this Case if it consists of—
- (a) premises which are to be let as a separate dwelling such that they will then be let on a protected tenancy within the meaning of <sup>F83</sup>the <sup>M28</sup>Rent Act 1977], or
  - (b) premises which are to be let as a separate dwelling on terms which will, in the opinion of the court, afford to the tenant security of tenure reasonably equivalent to the security afforded by <sup>F84</sup>Part VII of the Rent Act 1977] in the case of a protected tenancy,

and, in the opinion of the court, the accommodation fulfils the conditions in paragraph 3 below.

- (2) ..... <sup>F85</sup>

**Textual Amendments**

**F82** [Sch. 4 Pt. I Case I para. 2\(1\)](#) renumbered from para. 2 by [Housing and Planning Act 1986 \(c. 63, SIF 75:3\)](#), [s. 13\(3\)](#)



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**Changes to legislation:** There are currently no known outstanding effects for the Rent (Agriculture) Act 1976. (See end of Document for details)

- F83** Words substituted by [Rent Act 1977 \(c. 42\), Sch. 23 para. 82\(a\)](#)  
**F84** Words substituted by [Rent Act 1977 \(c. 42\), Sch. 23 para. 82\(b\)](#)  
**F85** [Sch. 4 Pt. I Case I para. 2\(2\)](#) inserted by [Housing and Planning Act 1986 \(c. 63, SIF 75:3\), s. 13\(3\)](#) and repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\), s. 140, Sch. 18](#)

#### Marginal Citations

**M28** [1977 c. 42.](#)

- 3 (1) The accommodation must be reasonably suitable to the needs of the tenant and his family as regards proximity to place of work and either—
- (a) similar as regards rental and extent to the accommodation afforded by dwelling-houses provided in the neighbourhood by the housing authority concerned for persons whose needs as regards extent are similar to those of the tenant and his family, or
  - (b) reasonably suitable to the means of the tenant, and to the needs of the tenant and his family as regards extent and character.
- (2) For the purposes of sub-paragraph (1)(a) above, a certificate of the housing authority concerned stating—
- (a) the extent of the accommodation afforded by dwelling-houses provided by the authority to meet the needs of tenants with families of such number as may be specified in the certificate, and
  - (b) the amount of the rent charged by the housing authority concerned for dwelling-houses affording accommodation of that extent,
- shall be conclusive evidence of the facts so stated.
- (3) If any furniture was provided by the landlord for use under the tenancy, furniture must be provided for use in the alternative accommodation which is either similar, or is reasonably suitable to the needs of the tenant and his family.
- 4 Accommodation shall not be deemed to be suitable to the needs of the tenant and his family if the result of their occupation of the accommodation would be that it would be an overcrowded dwelling-house for the purposes of [<sup>F86</sup>Part X of the Housing Act 1985].

#### Textual Amendments

**F86** Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 4, Sch. 2 para. 33\(4\)\(a\)](#)

- 5 Any document purporting to be a certificate of the housing authority concerned issued for the purposes of this Case and to be signed by the proper officer of the authority shall be received in evidence and, unless the contrary is shown, shall be deemed to be such a certificate without further proof.
- 6 In this Case no account shall be taken of accommodation as respects which an offer has been made, or notice has been given, as mentioned in paragraph 1 of Case II below.



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## CASE II

### *Alternative accommodation provided or arranged by housing authority*

- 1 The housing authority concerned have made an offer in writing to the tenant of alternative accommodation which appears to them to be suitable, specifying the date when the accommodation will be available and the date (not being less than 14 days from the date of offer) by which the offer must be accepted.

OR

The housing authority concerned have given notice in writing to the tenant that they have received from a person specified in the notice an offer in writing to rehouse the tenant in alternative accommodation which appears to the housing authority concerned to be suitable, and the notice specifies both the date when the accommodation will be available and the date (not being less than 14 days from the date when the notice was given to the tenant) by which the offer must be accepted.

- 2 The landlord shows that the tenant accepted the offer (by the housing authority or other person) within the time duly specified in the offer.

OR

The landlord shows that the tenant did not so accept the offer, and the tenant does not satisfy the court that he acted reasonably in failing to accept the offer.

- 3 (1) The accommodation offered must in the opinion of the court fulfil the conditions in this paragraph.
- (2) The accommodation must be reasonably suitable to the needs of the tenant and his family as regards proximity to place of work.
- (3) The accommodation must be reasonably suitable to the means of the tenant, and to the needs of the tenant and his family as regards extent.
- 4 If the accommodation offered is available for a limited period only, the housing authority's offer or notice under paragraph 1 above must contain an assurance that other accommodation—
- (a) the availability of which is not so limited,
  - (b) which appears to them to be suitable, and
  - (c) which fulfils the conditions in paragraph 3 above,
- will be offered to the tenant as soon as practicable.

## CASE III

Rent lawfully due from the tenant has not been paid,

OR

Any other lawful obligation of the tenancy, whether or not it is an obligation created by this Act, has been broken or not performed.

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#### CASE IV

The tenant, or any person residing or lodging with him or sub-tenant of his, has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers, or has been convicted of using the dwelling-house, or allowing the dwelling-house to be used, for immoral or illegal purposes.

#### CASE V

- 1 The condition of the dwelling-house has, in the opinion of the court, deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any person residing or lodging with him, or any sub-tenant of his.
- 2 If the person at fault is not the tenant, the court must be satisfied that the tenant has not, before the making of the order for possession, taken such steps as he ought reasonably to have taken for the removal of the person at fault.

#### CASE VI

- 1 The condition of any furniture provided by the landlord for use under the tenancy has, in the opinion of the court, deteriorated owing to ill-treatment by the tenant or any person residing or lodging with him, or any sub-tenant of his.
- 2 If the person at fault is not the tenant, the court must be satisfied that the tenant has not, before the making of the order for possession, taken such steps as he ought reasonably to have taken for the removal of the person at fault.

#### CASE VII

- 1 The tenant has given notice to quit and in consequence of that notice the landlord has contracted to sell or let the dwelling-house, or has taken any other steps as a result of which he would, in the opinion of the court, be seriously prejudiced if he could not obtain possession.
- 2 This Case does not apply where the tenant has given notice to terminate his employment and that notice has operated to terminate the tenancy.

#### CASE VIII

**Modifications etc. (not altering text)**

**C21** Case VIII modified by [Housing Act 1980 \(c. 51\), Sch. 8 paras. 6, 8](#)

- 1 The tenant has, without the consent of the landlord, assigned, sub-let or parted with possession of the dwelling-house, or any part of it.
- 2 This Case does not apply if the assignment, sub-letting or parting with possession was effected before the operative date.

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### CASE IX

- 1 The dwelling-house is reasonably required by the landlord for occupation as a residence for—
  - (a) himself, or
  - (b) any son or daughter of his over 18 years of age, or
  - (c) his father or mother, or the father or mother of his wife, or husband, or
  - (d) his grandfather or grandmother, or the grandfather or grandmother of his wife, or husband,

and the landlord did not become landlord by purchasing the dwelling-house, or any interest in it, after 12th April 1976.
- 2 The court, having regard to all the circumstances of the case, including the question whether other accommodation is available for the landlord or tenant, is satisfied that no greater hardship would be caused by granting the order than by refusing to grant it.

### CASE X

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**Modifications etc. (not altering text)**

**C22** Case X modified by [Housing Act 1980 \(c. 51\)](#), [Sch. 8 paras. 6, 8](#)

- 1 Any part of the dwelling-house is sublet.
- 2 The court is satisfied that the rent charged by the tenant is or was in excess of the maximum rent recoverable for that part, having regard to the provisions of [<sup>F87</sup> . . . <sup>F88</sup>, Part III or Part V of the <sup>M29</sup>Rent Act 1977] or Part II of this Act, as the case may require.

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**Textual Amendments**

**F87** Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 82\(c\)](#)

**F88** Words repealed by [Housing Act 1980 \(c. 51\)](#), [Sch. 26](#)

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**Marginal Citations**

**M29** [1977 c. 42](#).

- 3 Paragraph 2 does not apply to a rental period beginning before the operative date.

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**Changes to legislation:** There are currently no known outstanding effects for the Rent (Agriculture) Act 1976. (See end of Document for details)

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## PART II

### CASES IN WHICH COURT MUST ORDER POSSESSION

#### CASE XI

- 1 The person who granted the tenancy or, as the case may be, the original tenancy (“the original occupier”) was, prior to granting it, occupying the dwelling-house as his residence.
- 2 The court is satisfied that the dwelling-house is required as a residence for the original occupier or any member of his family who resided with the original occupier when he last occupied the dwelling-house as his residence.
- 3 Not later than the relevant date the original occupier gave notice in writing to the tenant that possession might be recovered under this Case.
- 4 The dwelling-house has not since the operative date been let by the original occupier to a tenant as respects whom the condition mentioned in paragraph 3 above was not satisfied.
- 5 The court may dispense with the requirements of either or both of paragraphs 3 and 4 if of opinion that it is just and equitable so to do.
- 6 In this case and in Case XII below—
  - “original tenancy”, in relation to a statutory tenancy, means the tenancy on the termination of which the statutory tenancy arose;
  - “the relevant date” means the date of the commencement of the tenancy or, as the case may be, the original tenancy, or the expiration of the period of six months beginning with the operative date, whichever is the later.

#### CASE XII

- 1 The person who granted the tenancy or, as the case may be, the original tenancy (“the owner”) acquired the dwelling-house, or any interest in it, with a view to occupying it as his residence at such time as he should retire from regular employment.
- 2 The court is satisfied—
  - (a) that the owner has retired from regular employment and requires the dwelling-house as his residence, or
  - (b) 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.
- 3 Not later than the relevant date the owner gave notice in writing to the tenant that possession might be recovered under this Case.
- 4 The dwelling-house has not since the operative date been let by the owner to a tenant as respects whom the condition mentioned in paragraph 3 above was not satisfied.
- 5 The court may dispense with the requirements of either or both of paragraphs 3 and 4 if of opinion that it is just and equitable so to do.

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### CASE XIII

The dwelling-house is overcrowded, within the meaning of [F89Part X of the Housing Act 1985], in such circumstances as to render the occupier guilty of an offence.

#### Textual Amendments

**F89** Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, [Sch. 2 para. 33\(4\)\(b\)](#)

## SCHEDULE 5

Section 10.

### TERMS OF THE STATUTORY TENANCY

#### *Preliminary*

- 1 (1) In this Schedule the “original contract”, in relation to a statutory tenancy, means the licence or tenancy on the termination of which the statutory tenancy arose.
- (2) No account shall be taken for the purposes of this Schedule of any term of the original contract under which the right of occupation depended, or which itself depended, on the occupier being employed in agriculture or in some other way.
- (3) In this Schedule “term”, in relation to the statutory tenancy, or in relation to the original contract, includes a condition of the tenancy or contract.

#### *Terms derived from the original licence or tenancy*

- 2 (1) So long as he retains possession, the statutory tenant shall observe, and be entitled to the benefit of, all the terms of the original contract.
- (2) Sub-paragraph (1) applies whether or not the terms are express or implied or statutory.
- (3) Sub-paragraph (1) applies subject to the provisions of this Schedule, and of Part II of this Act.

#### *Tenancy derived from licence*

- 3 If the original contract was a licence, the statutory tenancy shall be a weekly tenancy.

#### *Covenant for quiet enjoyment, etc.*

- 4 (1) If the original contract was a licence, the terms of the statutory tenancy shall include any term which would be implied if the contract had been a contract of tenancy.
- (2) This applies in particular to the landlord’s covenant for quiet enjoyment and the tenant’s obligation to use the premises in a tenant-like manner, which are implied in any tenancy.

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#### *Non-contractual arrangements*

- 5 (1) It shall be a term of the statutory tenancy that the landlord provides the tenant with any services or facilities—
- (a) which the landlord was providing for the occupier before the beginning of the statutory tenancy, though not under the original contract, or which he had provided for the occupier, but was not providing when the original contract terminated, and
  - (b) which are reasonably necessary for any person occupying the dwelling-house as a statutory tenant, but which such a tenant cannot reasonably be expected to provide for himself.
- (2) This paragraph may apply, for example, where the only convenient electricity or water supplies, or the only convenient sewage disposal facilities, are those provided by the landlord from his own installations.

#### *Landlord's obligation to repair:*

- 6 (1) [<sup>F90</sup>Section 11 of the Landlord and Tenant Act 1985] shall apply to the dwelling-house so long as it is subject to the statutory tenancy.
- (2) This paragraph is without prejudice to the operation of paragraph 2 above where the original contract was a tenancy to which [<sup>F91</sup>the said section 11] applied.

#### **Textual Amendments**

**F90** Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 4, Sch. 2 para. 33\(5\)\(a\)](#)

**F91** Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 4, Sch. 2 para. 33\(5\)\(b\)](#)

#### *Tenant's obligations*

- 7 (1) It shall be a condition of the statutory tenancy that the tenant will not use the dwelling-house, or any part of it, for purposes other than those of a private dwelling-house.
- (2) It shall be a condition of the statutory tenancy that the tenant will not assign, sub-let, or part with possession of, the dwelling-house, or any part of it.
- (3) Sub-paragraph (2) does not affect anything lawfully done before the beginning of the statutory tenancy.

#### *Access by landlord*

- 8 It shall be a condition of the statutory tenancy that the tenant will afford to the landlord access to the dwelling-house and all reasonable facilities for executing therein any repairs which the landlord is entitled to execute.

#### *Access by tenant*

- 9 (1) The landlord shall afford any such right of access to the dwelling-house as is reasonable in the circumstances.

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- (2) In applying sub-paragraph (1) account shall be taken of any right of access to be afforded under paragraph 2 or 4 of this Schedule.
- (3) Without prejudice to the definition of original contract in paragraph 1 of this Schedule, any right of access to be afforded under paragraph 2 of this Schedule shall be confined to such right of access to the dwelling-house as is reasonable in the circumstances, and without regard to any right of access afforded wholly or mainly because the occupier of the dwelling-house, or his predecessor, was employed on the land.
- (4) Paragraph 5 of this Schedule shall not apply to facilities for access to the dwelling-house.
- (5) If it is reasonably necessary in order to prevent the spread of disease which might otherwise affect livestock or crops, whether on the landlord's land or elsewhere, the landlord may temporarily restrict access to the dwelling-house made available in pursuance of this Schedule so long as suitable alternative access is available or is made available.
- (6) If it is reasonably necessary in the interests of efficient agriculture, the landlord may permanently or temporarily deprive the dwelling-house of access made available in pursuance of this Schedule so long as suitable alternative access is available or is made available.

*Notice to quit served on landlord*

- 10 (1) If the original contract—
- (a) was not a tenancy, or
  - (b) was a tenancy the provisions of which did not require the tenant to give notice to quit before giving up possession,
- the statutory tenant shall be entitled to give up possession of the dwelling-house if, and only if, he gives not less than four weeks' notice to quit.
- (2) If the original contract required the tenant to give notice to quit before giving up possession, the statutory tenant shall be entitled to give up possession of the dwelling-house if, and only if, he gives that notice, or, if longer, the notice required by [F92]section 5 of the M30Protection from Eviction Act 1977] (four weeks' notice).

**Textual Amendments**

**F92** Words substituted by Protection from Eviction Act 1977 (c. 43), Sch. 1 para. 4

**Marginal Citations**

**M30** 1977 c. 43.

*Rates, water rates, etc.*

- 11 (1) Paragraph 2 of this Schedule shall not impose any liability on the tenant to make payments to the landlord in respect of rates borne by the landlord or a superior landlord.

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- (2) The following provisions of this paragraph shall apply as respects any rental period of the statutory tenancy, including one as respects which an agreement under section 11 of this Act either fixes the rent or provides that no rent is payable.
- (3) Subject to sub-paragraph (4) below, where any rates in respect of the dwelling-house are borne by the landlord or a superior landlord, the amount of the rates for the rental period, as ascertained in accordance with [F93Schedule 5 to the M31Rent Act 1977], shall be recoverable from the statutory tenant as if it were rent payable under the statutory tenancy.
- (4) The tenant's liability under sub-paragraph (3) above shall not arise unless notice in writing to that effect is served by the landlord on the tenant, and that notice shall take effect from such date as may be specified in the notice, which shall not be earlier than four weeks before service of the notice.
- (5) If the dwelling-house forms part only of a hereditament in respect of which any rates are charged, the proportion for which the statutory tenant is liable under this paragraph shall be such as may be agreed by him with the landlord, or as may be determined by the county court; and the decision of the county court shall be final.
- (6) In this paragraph "rental period" means, in relation to a statutory tenancy under which no rent is payable, any period of the statutory tenancy which would be a rental period if a rent were payable under that tenancy; and in [F93Schedule 5 to the M32Rent Act 1977] as applied by sub-paragraph (3) above any reference to a rental period, or to a rating period during which the rent for a rental period is payable, shall be construed accordingly.

#### Textual Amendments

**F93** Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 83](#)

#### Marginal Citations

**M31** [1977 c. 42](#).

**M32** [1977 c. 42](#).

#### *Variation of statutory tenancy*

- 12 (1) Subject to the provisions of this paragraph, the landlord and the statutory tenant may by agreement in writing vary any of the provisions of the statutory tenancy.
- (2) An agreement under this paragraph may be made at any time, including a time before the beginning of the statutory tenancy.
- (3) So far as a variation of the provisions of the statutory tenancy concerns rent it shall be effected in accordance with section 11 of this Act, and no agreement under that section may conflict with any of the provisions of this Act.
- (4) This paragraph shall not authorise an agreement which results in—
  - (a) a substantial addition to the land or premises which the statutory tenant is entitled to occupy, or
  - (b) the breach of any obligation implied by law, and in particular the breach of the obligation imposed by [F94section 11 of the Landlord and Tenant Act 1985] (landlord's obligation to repair), or



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- (c) the circumstances in which the statutory tenant can give notice to quit, or
  - (d) the inclusion of any term which relates to the employment by the landlord of the tenant, or of any other term unrelated to the occupation of the dwelling-house.
- (5) The following bind any successor of the landlord or the tenant under a statutory tenancy to the same extent as they bind the landlord, or as the case may be the tenant—
- (a) an agreement under this paragraph,
  - (b) an agreement under section 10(3)(b) or section 11 of this Act,
  - (c) section 11(9) (rent payable after termination of agreement),
  - (d) a notice of increase by the landlord under section 12 or section 14 of this Act,
  - (e) a notice under paragraph 11 of this Schedule (rates recoverable by landlord from statutory tenant).

#### Textual Amendments

**F94** Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, [Sch. 2 para. 33\(5\)\(a\)](#)

## SCHEDULE 6

. . . **F95**

#### Textual Amendments

**F95** [Sch. 6](#) repealed (with saving) by [S.I. 1987/264](#), arts. 2(2)(b), 3, [Sch. 2](#)

## SCHEDULE 7

. . . **F96**

#### Textual Amendments

**F96** [Sch. 7](#) repealed by [Social Security and Housing Benefits Act 1982 \(c. 24, SIF 113:1\)](#), s. 48(6), [Sch. 5](#)

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SCHEDULE 8

Section 40.

CONSEQUENTIAL AND MINOR AMENDMENTS

**Modifications etc. (not altering text)**

**C23** The text of Sch. 8 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

*Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)*

1 At the end of section 14(2) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 add the following words—

“or

(c) is a dwelling-house which is subject to a protected occupancy or statutory tenancy as defined in the Rent (Agriculture) Act 1976.”

2 At the end of section 18(3) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 add the following words—

“or

(c) where the premises are a dwelling-house subject to a protected occupancy or statutory tenancy as defined in the Rent (Agriculture) Act 1976.”

3 ..... **F97**

**Textual Amendments**

**F97** Sch. 8 para. 3 repealed by Acquisition of Land Act 1981 (c. 67), Sch. 6

4—6. .... **F98**

**Textual Amendments**

**F98** Sch. 8 paras. 4–6, 9–11, 27–31 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 3, 5, Sch. 1 Pt. I, Sch. 4

7, 8. .... **F99**

**Textual Amendments**

**F99** Sch. 8 paras. 7, 8 repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), Sch. 4

9—11. .... **F100**

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**Textual Amendments**

**F100** Sch. 8 paras. 4–6, 9–11, 27–31 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4**

12 ..... **F101**

**Textual Amendments**

**F101** Sch. 8 para. 12 repealed by New Towns Act 1981 (c. 64), **Sch. 13**

13—15 ..... **F102**

**Textual Amendments**

**F102** Sch. 8 paras. 13–15 repealed by Protection from Eviction Act 1977 (c. 43), **Sch. 3**

*Matrimonial Homes Act 1967 (c. 75)*

16 In section 7 of the Matrimonial Homes Act 1967 (provision for case where Rent Act applies and marriage is terminated by divorce etc.)—

(a) in subsection (1) for the words “a protected tenancy or of a statutory tenancy” substitute the words—

“(a) a protected tenancy or statutory tenancy within the meaning of the Rent Act 1968, or

(b) a statutory tenancy within the meaning of the Rent (Agriculture) Act 1976”;

(b) in subsection (2) after the words “protected tenancy” insert the words “within the meaning of the Rent Act 1968”;

(c) in subsection (3) after the words “statutory tenancy”, in the first place where they occur, insert the words “within the meaning of the Rent Act 1968”;

(d) after subsection (3) insert the following subsection—

“(3A) Where the spouse is entitled as aforesaid to occupy the dwelling-house by virtue of a statutory tenancy within the meaning of the Rent (Agriculture) Act 1976, the court may by order direct that, as from the date on which the decree is made absolute, that spouse shall cease to be entitled to occupy the dwelling-house and that his or her former spouse shall be deemed to be the tenant or, as the case may be, the sole tenant under that statutory tenancy; and a spouse who is deemed as aforesaid to be the tenant under a statutory tenancy shall be (within the meaning of that Act) a statutory tenant in his own right, or a statutory tenant by succession, according as his or her former spouse was a statutory tenant in his own right, or a statutory tenant by succession.”;

(e) for subsection (8) substitute the following subsection—

“(8) In this section— “landlord” includes any person from time to time deriving title under the original landlord and also includes, in relation to any dwelling-house, any person other than the tenant

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who is, or but for Part II of the Rent Act 1968 or Part II of the Rent (Agriculture) Act 1976 would be, entitled to possession of the dwelling-house; “tenancy” includes sub-tenancy.”

*Leasehold Reform Act 1967 (c. 88)*

- 17 In section 16(1) of the Leasehold Reform Act 1967 (exclusion of further right after extension), at the end of paragraph (d) add the words “or under the Rent (Agriculture) Act 1976”.
- 18 In paragraph 3 of Schedule 2 to the Leasehold Reform Act 1967 (provisions applicable on termination of tenancy)—
  - (a) in sub-paragraph (2) for the words “subsection (3)” substitute the words “subsection 5” and after the words “applying or extending it” insert the words “or under subsection (2) of section 9 of the Rent (Agriculture) Act 1976 as extended by subsection (5) of that section”, and
  - (b) in sub-paragraph (3) after the words “that part of that Act” insert the words “or of the Rent (Agriculture) Act 1976”.

19—26. . . . . F103

**Textual Amendments**  
F103 Sch. 8 paras. 19–26, 32, 33 repealed by Rent Act 1977 (c. 42), Sch. 25

27—31. . . . . F104

**Textual Amendments**  
F104 Sch. 8 paras. 4–6, 9–11, 27–31 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 3, 5, Sch. 1 Pt. I, Sch. 4

32, 33. . . . . F105

**Textual Amendments**  
F105 Sch. 8 paras. 19–26, 32, 33 repealed by Rent Act 1977 (c. 42), Sch. 25

SCHEDULE 9

Section 40.

TRANSITIONAL

*Licence or tenancy granted before operative date: resident landlord on and after that date*

- 1 A licence or tenancy which was granted before the operative date shall not be a relevant licence or tenancy if, on the assumption—
  - (a) that it was granted on the operative date, and

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- (b) that the condition in paragraph (b) of subsection (1) of section 5A of the <sup>M33</sup>Rent Act 1968 (no protected tenancy in certain cases where landlord's interest belongs to resident landlord) was fulfilled,  
it would be precluded from being a relevant licence or tenancy by virtue of the said section 5A as applied by Schedule 2 to this Act.

#### Marginal Citations

M33 1968 c. 23.

#### *Protected occupancy arising on or after operative date*

- 2 (1) This paragraph applies as respects the question whether at any date which is on or after the operative date a person who has, in relation to a dwelling-house, a relevant licence or tenancy is a protected occupier of the dwelling-house.
- (2) So far as the question depends on prior circumstances, they shall be taken into account even if occurring before the operative date.
- (3) In applying this paragraph to section 2(3) or to section 3 of this Act (so that the question whether a person is a protected occupier depends on whether he or another person was, at a time before the material date, a protected occupier or statutory tenant) it shall be assumed that this Act and the provisions of the Rent Act 1968 which are applied by Schedule 2 to this Act, including (where relevant) any amendments to those provisions, were in force at all material times before the operative date.

#### *Statutory tenancy arising on operative date*

- 3 A person who is occupying a dwelling-house as his residence on the operative date shall become the statutory tenant of the dwelling-house if, on the assumption that this Act and the provisions of the Rent Act 1968 which are applied by Schedule 2 to this Act, including (where relevant) any amendments to those provisions, were in force at all material times before that date, he would be a statutory tenant of the dwelling-house on that date, and this Act shall thereafter apply to him, and by reference to him, on that assumption.

#### Modifications etc. (not altering text)

C24 Para. 3 amended by [Housing Act 1980 \(c. 51\)](#), Sch. 8 paras. 7, 8

#### *Statutory tenancy: order for possession before operative date*

- 4 (1) Where before the operative date a court has made an order for possession of a dwelling-house which on the operative date is subject to a statutory tenancy and the order has not been executed, the court may, on the application of the person against whom the order was made, rescind or vary the order in such manner as the court thinks fit for the purpose of giving effect to this Act.
- (2) If proceedings for possession of the dwelling-house are pending on the operative date, Part II of this Act shall apply as it would apply to proceedings commenced on the operative date.

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*Dwelling subject to Part VI contract: pending notice to quit*

- 5 (1) In any case where—
- (a) before the operative date a notice to quit has been served in respect of a dwelling to which a Part VI contract then related, and
  - (b) the period at the end of which that notice to quit takes effect had, before the operative date, been extended under Part VI of the Rent Act 1968, and
  - (c) that period had not expired before the operative date, and
  - (d) on the operative date the Part VI contract becomes a protected occupancy,
- the notice to quit shall take effect on the day following the operative date (whenever it would otherwise take effect) and, accordingly, on that day the protected occupancy shall become a statutory tenancy.
- (2) In this paragraph “Part VI contract” has the meaning given by section 70(6) of the Rent Act 1968.

*Section 10A tenancy: order for possession before operative date*

- 6 (1) This paragraph applies to a dwelling-house which is let on or subject to a tenancy which is a protected or statutory tenancy for the purposes of the Rent Act 1968 and which—
- (a) if it were a tenancy at a low rent, and
  - (b) if (where relevant) any earlier tenancy granted to the tenant, or to a member of his family, had been a tenancy at a low rent,
- would be a protected occupancy or statutory tenancy (that is to say a tenancy to which section 10A of that Act, inserted by this Act, applies).
- (2) Where—
- (a) before the operative date a court has made an order for possession of the dwelling-house, and
  - (b) the order has not been executed, and
  - (c) the order was made under Case 7, 12, 13 or 14 of Schedule 3 to the <sup>M34</sup>Rent Act 1968,
- the court shall on the application of the person against whom the order was made rescind the order, or vary it in such manner as the court thinks fit for the purposes of giving effect to the said section 10A.
- (3) If proceedings for an order for possession of a dwelling-house are pending on the operative date, the said section 10A shall apply to the proceedings as it would apply to proceedings commenced on the operative date.

**Marginal Citations**

**M34** 1968 c. 23.

*Forestry workers*

- 7 (1) This paragraph applies to a person—
- (a) who becomes a protected occupier or statutory tenant at a time on or after the date of operation for forestry workers, and

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- (b) who, if the date of operation for forestry workers fell after that time, would not at that time (having regard to the provisions of paragraph 9 of Schedule 3 to this Act) have become a protected occupier or statutory tenant.
- (2) In relation to such a person references to the operative date in—
  - (a) Cases VIII, X, XI and XII of Schedule 4, and
  - (b) paragraphs 4 and 5 of this Schedule,shall be taken as references to the date of operation for forestry workers.
- (3) In determining in accordance with paragraphs 1, 2 and 3 of this Schedule whether a person is a protected occupier or statutory tenant who would be a person to whom this paragraph applies, references in those paragraphs to the operative date shall be taken as references to the date of operation for forestry workers.
- (4) If, on the assumptions in paragraphs (a) and (b) of paragraph 6(1) of this Schedule the tenant would be a person to whom this paragraph applies, references to the operative date in sub-paragraphs (2) and (3) of that paragraph shall be taken as references to the date of operation for forestry workers.

**Modifications etc. (not altering text)**

**C25** Para. 7 excluded by [Housing Act 1980 \(c. 51\)](#), [Sch. 8 para. 8](#)

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