



Rent (Agriculture) Act 1976

1976 CHAPTER 80

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 £100 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.

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.
- (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 £50, 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 £50, 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.

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,

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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.

- (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.

24 Certain sublettings not to exclude any part of the sublessor'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 £5 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.

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).
- (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.

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- (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.