

SCHEDULES

SCHEDULE 8

Section 40.

CONSEQUENTIAL AND MINOR AMENDMENTS

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.”

Housing Repairs and Rents Act 1954 (c. 53)

3 In section 50(1) of the Housing Repairs and Rents Act 1954 (exclusion of statutory tenants from receipt of certain notices) after the words " a statutory tenant within the meaning of the Rent Act 1968 " insert the words " or the Rent (Agriculture) Act 1976 ".

Housing Act 1957 (c. 56)

4 In sections 16(5), 22(5), 27(5), 73(4) and 158(1) of the Housing Act 1957 (nothing in the Rent Act 1968 to affect certain proceedings for possession) after the words " the Rent Act 1968" insert " or the Rent (Agriculture) Act 1976 ".

5 In paragraph 7(2) of Schedule 2 to the Housing Act 1957 (interpretation), in the definition of " interest", after the words " the Rent Act 1968 " insert the words " or the Rent (Agriculture) Act 1976 ".

Housing (Financial Provisions) Act 1958 (c. 42)

6 In section 46 of the Housing (Financial Provisions) Act 1958 (Exchequer contributions for agricultural housing accommodation) after subsection (2) insert the following subsection—

“(2A) The condition specified in paragraph (a) of subsection (1) of this section shall be deemed to be observed in relation to any house at any time if, at that time, the house is let on or subject to a protected or statutory tenancy to

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which section 10A of the Rent Act 1968 applies, or is subject to a protected occupancy or statutory tenancy as defined in the Rent (Agriculture) Act 1976.”

County Courts Act 1959 (c. 22)

7 In section 94(1) of the County Courts Act 1959 (cases where trial by jury excluded), at the end of paragraph (b) insert the words " or under Part I, Part II or Part III of the Rent (Agriculture) Act 1976 ".

8 In section 109(4) of the County Courts Act 1959 (cases where appeal on question of fact excluded) for the words from " section 10 of the Rent Act 1968 " to " the Landlord and Tenant Act 1954 " substitute the following paragraphs—

- “(a) section 13(4) of the Landlord and Tenant Act 1954;
- (b) section 10 of the Rent Act 1968, as it applies to Cases 1 to 8 in Schedule 3 to that Act, or that section as extended or applied by any other enactment;
- (c) section 10A of the Rent Act 1968, as it applies to Cases 1 to 6 and Case 8 in Schedule 3 to that Act; or
- (d) Cases III to IX in Schedule 4 to the Rent (Agriculture) Act 1976;”.

Landlord and Tenant Act 1962 (c. 50)

9 In section 2(1) of the Landlord and Tenant Act 1962 (information to be contained in rent books) after paragraph (c) insert the following words—

“and

- (d) if the premises are a dwelling-house subject to a statutory tenancy as defined in the Rent (Agriculture) Act 1976, notice of such matters, in addition to the name and address of the landlord, as may be prescribed”.

Housing Act 1964 (c. 56)

10 In section 74(2) of the Housing Act 1964 (general effect of control order), after the words "the Rent Act 1968" insert the words " and the Rent (Agriculture) Act 1976 ".

11 In section 75 of the Housing Act 1964 (effect of control order on persons occupying house), for subsection (3) substitute the following subsections—

“(3) Section 5 of the Rent Act 1968, that section as applied by Schedule 2 to the Rent (Agriculture) Act 1976 and section 5(2) to (4) of the said Act of 1976 (which exclude lettings by local authorities from being protected or statutory tenancies within the meaning of the said Act of 1968, and from being protected occupancies or statutory tenancies within the meaning of the said Act of 1976) shall not apply to any lease or agreement under which a person to whom this section applies is occupying any part of the house.

(3A) If immediately before the control order came into force any person to whom this section applies was occupying part of the house under—

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

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(b) a protected occupancy or statutory tenancy, within the meaning of the Rent (Agriculture) Act 1976,
nothing in this Part of this Act shall prevent the continuance of that tenancy or occupancy or affect the continued operation of the said Act of 1968 or, as the case may be, of the said Act of 1976 in relation to that tenancy or occupancy after the coming into force of the control Order.”

New Towns Act 1965 (c. 59)

- 12 In section 22(3) of the New Towns Act 1965 (nothing in Rent Act 1968 to affect certain proceedings for possession) after the words "the Rent Act 1968" insert the words " or the Rent (Agriculture) Act 1976 ".

Rent Act 1965 (c. 75)

- 13 In section 32(4) of the Rent Act 1965 (prohibition of eviction without due process of law where owner's right to possession arises on the death of statutory tenant) at end insert the words " or the Rent (Agriculture) Act 1976 ".
- 14 In section 33(1) of the Rent Act 1965 (special provisions with respect to agricultural employees) for the words "section 17(1) of the Agricultural Wages Act 1948 " substitute the words " section 1 of the Rent (Agriculture) Act 1976 " and at the end of that subsection add the words " but is not a statutory tenant as defined in the said Act of 1976 ".
- 15 In section 34 of the Rent Act 1965 (definition of " statutorily protected tenancy") after paragraph (a) insert the following paragraph—
“(aa) a protected occupancy or statutory tenancy as defined in the Rent (Agriculture) Act 1976”.

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

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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 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 ".

Rent Act 1968 (c. 23)

- 19 After section 10 of the Rent Act 1968 insert the following section—

“10A Grounds for possession of certain dwelling-houses let to agricultural workers, etc.

- (1) This section applies to any protected or statutory tenancy 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 as defined in the Rent (Agriculture) Act 1976.

- (2) Notwithstanding anything in section 10 above, the court shall not make an order for possession of a dwelling-house which is for the time being let on or subject to a tenancy to which this section applies unless the court considers it reasonable to make such an order and the circumstances are as specified in any of the Cases (except Case 7) in Part I of Schedule 3 to this Act or in either of the Cases in Schedule 3A to this Act.

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- (3) If, apart from the provisions of subsection (2) above, the landlord would be entitled to recover possession of a dwelling-house which is for the time being let on or subject to a tenancy to which this section applies, the court shall make an order for possession if the circumstances are as specified in any of the Cases (except Cases 12 to 14) in Part II of Schedule 3 to this Act.”

20 For section 18 of the Rent Act 1968 (effect on sub-tenancies of determination of superior tenancy) substitute the following section—

“18 Effect on sub-tenancies of determination of superior tenancy.

- (1) If a court makes an order for possession of a dwelling-house from a protected or statutory tenant, or from a protected occupier or statutory tenant as defined in the Rent (Agriculture) Act 1976, and the order is made by virtue of section 10(1) or 10A(2) of this Act or, as the case may be, under Part I of Schedule 4 to that Act, nothing in the order shall affect the right of any sub-tenant to whom the dwelling-house or any part of it has been lawfully sublet before the commencement of the proceedings to retain possession by virtue of this Part 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 to whom the dwelling-house or any part of it has been lawfully sublet 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.
- (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 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, if the sub-tenancy in question is a protected or statutory tenancy to which section 10A above applies, an agricultural holding within the meaning of the Agricultural Holdings Act 1948.

- (4) In subsections (2) and (3) above 'statutorily protected tenancy' means—
- (a) a protected or statutory tenancy ;
 - (b) a protected occupancy or statutory tenancy as defined in the Rent (Agriculture) Act 1976 ; or
 - (c) if the sub-tenancy in question is a protected or statutory tenancy to which section 10A above applies, a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1948.

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- (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, 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 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) The provisions of this section apply equally where a protected occupier of a dwelling-house, or part of a dwelling-house, has a relevant licence as defined in the Rent (Agriculture) Act 1976, and in this section ' tenancy ' and all cognate expressions shall be construed accordingly.”
- 21 At the end of section 70(3) of the Rent Act 1968 (contracts to which Part VI does not apply) add the following words—
- “nor
- (d) to a protected occupancy as defined in the Rent (Agriculture) Act 1976”.
- 22 At the end of section 100(1) of the Rent Act 1968 (release from rent regulation) add the words " or the subject of a protected occupancy or statutory tenancy under the Rent (Agriculture) Act 1976 ".
- 23 At the end of section 104 of the Rent Act 1968 (obligation to notify sub-lettings of dwelling-houses let on or subject to protected or statutory tenancies) add the following subsection—
- “(4) In this section—
- (a) 'protected tenancy' includes a protected occupancy under the Rent (Agriculture) Act 1976,
 - (b) 'statutory tenancy' includes a statutory tenancy under that Act”
- 24 In section 107(1) of the Rent Act 1968 (powers of local authorities for the purposes of giving information) for paragraph (aa) substitute the following paragraphs—
- “(aa) to publish information, for the assistance of owners and occupiers of dwelling-houses and others, as to their rights and duties under the Rent (Agriculture) Act 1976 and as to the procedure for enforcing those rights or securing the performance of those duties, and
 - (ab) to make any such information as mentioned in paragraph (a) or (aa) above available in any other way”.
- 25 In Schedule 1 to the Rent Act 1968 (statutory tenants by succession) after paragraph 9 insert the following paragraph—
- “9A (1) Paragraphs 5 to 8 above do not apply where—

- (a) the tenancy of the original tenant was granted on or after the operative date within the meaning of the Rent (Agriculture) Act 1976, and
 - (b) both that tenancy and the statutory tenancy of the first successor were tenancies to which section 10A of this Act applies.
- (2) If the tenants under both of the tenancies within sub-paragraph (1)(b) above were persons to whom paragraph 7 of Schedule 9 to the Rent (Agriculture) Act 1976 applies, the reference in sub-paragraph (1)(a) above to the operative date shall be taken as a reference to the date of operation for forestry workers within the meaning of that Act.”
- 26 (1) After Schedule 3 to the Rent Act 1968 insert as Schedule 3A the following Schedule—

“SCHEDULE
3A

FURTHER GROUNDS FOR POSSESSION OF DWELLING-HOUSES LET
ON OR SUBJECT TO TENANCIES TO WHICH SECTION 10A APPLIES

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 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, 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 Part II of this Act in the case of a protected tenancy,
- and, in the opinion of the court, the accommodation fulfils the conditions in paragraph 3 below.
- 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

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- (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 the Housing Act 1957.
- 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.
- 7 In this Case and in Case II below ' the housing authority concerned ' means—
- (a) where the dwelling-house of which vacant possession is required is in a London borough, the council of that borough or the Greater London Council if they have agreed with them to discharge their functions under the Rent (Agriculture) Act 1976,
 - (b) in the Isles of Scilly, the Council of those Isles,
 - (c) in any other area, the local authority having functions under Part V of the Housing Act 1957 in relation to that area.

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.

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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 of 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.”

Housing Act 1969 (c. 33)

27 In section 60(7) of the Housing Act 1969 (power to recover possession to comply with fire escape requirements) after the words "the Rent Act 1968 " insert the words " or in the Rent (Agriculture) Act 1976 ".

28 In paragraph 5(2) of Schedule 5 to the Housing Act 1969 (interpretation), in the definition of " interest", after the words " the Rent Act 1968 " insert the words " or the Rent (Agriculture) Act 1976 ".

Housing Finance Act 1972 (c. 47)

29 In section 91A of the Housing Finance Act 1972 (service charges), as inserted by section 124 of the Housing Act 1974, at the end of subsection (8) (cases unaffected by the section) insert the following words—

“or

(c) where the occupier is a protected occupier or statutory tenant as defined in the Rent (Agriculture) Act 1976”.

Housing Act 1974 (c. 44)

30 In section 104(1) of the Housing Act 1974 (interpretation of Part VIII) at the end of the definition of " occupying tenant" insert the following words—

“or

(e) is a statutory tenant of the dwelling, within the meaning of the Rent (Agriculture) Act 1976”.

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- 31 In section 122(8) of the Housing Act 1974 (duty to inform tenant of assignment of landlord's interest) after the words "Rent (Scotland) Act 1971 " insert the words " and a statutory tenancy within the meaning of the Rent (Agriculture) Act 1976 ".

Rent Act 1974 (c. 51)

- 32 In section 13(2) of the Rent Act 1974 (effect on furnished sub-tenancy of determination of superior unfurnished tenancy) for the words "tenancy or statutory tenancy", in each place where they occur, substitute the words " statutorily protected tenancy " and after that subsection insert the following subsection—

“(3) In this section 'statutorily protected tenancy' has the same meaning as in the said section 18(2).”

Housing Rents and Subsidies Act 1975 (c. 6)

- 33 In section 7(3) of the Housing Rents and Subsidies Act 1975 (phasing of rent increases) for the words from "who" to the end substitute the words " to whom subsection (3A) below applies " and after that subsection insert the following subsection—

“(3A) This subsection applies to a person who, at the date when the tenancy was granted, was either—

- (a) the tenant under a previous regulated tenancy of the dwelling-house, or a person who might succeed the tenant as a statutory tenant, or
- (b) a statutory tenant of the dwelling-house, within the meaning of the Rent (Agriculture) Act 1976, whose rent qualified for phasing under section 15 of that Act, or a person who might succeed such a tenant as a statutory tenant by succession, within the meaning of that Act.”