

SCHEDULES

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
 - (b) that the condition in paragraph (b) of subsection (1) of section 5A of the ^{M1}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.

Annotations:

Marginal Citations

M1 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.

Changes to legislation: There are currently no known outstanding effects for the Rent (Agriculture) Act 1976, SCHEDULE 9. (See end of Document for details)

Annotations:

Modifications etc. (not altering text)

C1 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.

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 ^{M2}Rent Act 1968,

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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.

Annotations:

Marginal Citations

M2 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
 - (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.

Annotations:

Modifications etc. (not altering text)

C2 Para. 7 excluded by [Housing Act 1980 \(c. 51\)](#), [Sch. 8 para. 8](#)

Changes to legislation:

There are currently no known outstanding effects for the Rent (Agriculture) Act 1976,
SCHEDULE 9.