



Rent (Agriculture) Act 1976

1976 CHAPTER 80

PART III

PROTECTED OCCUPANCIES AND STATUTORY TENANCIES: SUPPLEMENTAL

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
- 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
 - 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.

- (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—
- the accommodation consists of only one room, and
 - 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

Changes to legislation: There are currently no known outstanding effects for the Rent (Agriculture) Act 1976, Section 23. (See end of Document for details)

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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