



# Rent Act 1977

## 1977 CHAPTER 42

### PART I

#### PRELIMINARY

##### *Protected and statutory tenancies*

#### **1 Protected tenants and tenancies.**

Subject to this Part of this Act, a tenancy under which a dwelling-house (which may be a house or part of a house) is let as a separate dwelling is a protected tenancy for the purposes of this Act.

Any reference in this Act to a protected tenant shall be construed accordingly.

#### **2 Statutory tenants and tenancies.**

(1) Subject to this Part of this Act—

- (a) after the termination of a protected tenancy of a dwelling-house the person who, immediately before that termination, was the protected tenant of the dwelling-house shall, if and so long as he occupies the dwelling-house as his residence, be the statutory tenant of it: and
- (b) Part I of Schedule 1 to this Act shall have effect for determining what person (if any) is the statutory tenant of a dwelling-house [<sup>F1</sup>or, as the case may be, is entitled to an assured tenancy of a dwelling-house by succession] at any time after the death of a person who, immediately before his death, was either a protected tenant of the dwelling-house or the statutory tenant of it by virtue of paragraph (a) above.

(2) In this Act a dwelling-house is referred to as subject to a statutory tenancy when there is a statutory tenant of it.

(3) In subsection (1)(a) above and in Part I of Schedule 1, the phrase “if and so long as he occupies the dwelling-house as his residence” shall be construed as it was immediately

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before the commencement of this Act (that is to say, in accordance with section 3(2) of the <sup>M1</sup>Rent Act 1968).

- (4) A person who becomes a statutory tenant of a dwelling-house as mentioned in subsection (1)(a) above is, in this Act, referred to as a statutory tenant by virtue of his previous protected tenancy.
- (5) A person who becomes a statutory tenant as mentioned in subsection 1(b) above is, in this Act, referred to as a statutory tenant by succession.

#### Textual Amendments

**F1** Words inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), **s. 39(1)**

#### Marginal Citations

**M1** [1968 c. 23](#).

### 3 Terms and conditions of statutory tenancies.

- (1) So long as he retains possession, a statutory tenant shall observe and be entitled to the benefit of all the terms and conditions of the original contract of tenancy, so far as they are consistent with the provisions of this Act.
  - (2) It shall be a condition of a statutory tenancy of a dwelling-house that the statutory tenant shall 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.
  - (3) Subject to section 5 of the <sup>M2</sup>Protection from Eviction Act 1977 (under which at least 4 weeks' notice to quit is required), a statutory tenant of a dwelling-house shall be entitled to give up possession of the dwelling-house if, and only if, he gives such notice as would have been required under the provisions of the original contract of tenancy, or, if no notice would have been so required, on giving not less than 3 months' notice.
  - (4) Notwithstanding anything in the contract of tenancy, 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.
- [<sup>F2</sup>(4A) Proceedings for an order for a landlord to obtain possession of a dwelling-house as against a statutory tenant may not be commenced during the relevant period (see paragraph 1(1) and (2) of Schedule 29 to the Coronavirus Act 2020) unless—
- (a) the landlord has given the statutory tenant a notice of intention to commence possession proceedings;
  - (b) the notice period is a period of—
    - (i) in relation to a dwelling-house in England, at least the relevant notice period, and
    - (ii) in relation to a dwelling-house in Wales—
      - (aa) at least four weeks where the notice of intention to commence possession proceedings specifies a ground that corresponds to Case 2 in Schedule 15 to this Act (whether or not the notice specifies any other ground), and
      - (ab) where sub-paragraph (aa) does not apply, at least six months
  - (c) the proceedings are commenced on or after the intended date for commencing proceedings.

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- (4B) But the proceedings may be commenced without compliance with subsection (4A) if the court considers it just and equitable to dispense with the requirement to comply.
- (4C) For the purposes of this section a “notice of intention to commence possession proceedings”, in relation to a dwelling house and a statutory tenant, is a notice that—
- (a) is in writing;
  - (b) describes the statutory tenancy;
  - (c) states—
    - (i) the address of the dwelling-house,
    - (ii) the name of the statutory tenant, and
    - (iii) the name and address of the landlord;
  - (d) states that the landlord intends to commence proceedings to obtain possession of the dwelling-house as against the statutory tenant;
  - (e) states—
    - (i) the ground or grounds on which the landlord intends to seek possession of the dwelling-house, and
    - (ii) the reason or reasons why the landlord believes the ground or grounds to be applicable;
  - (f) states the date on or after which the landlord intends to commence the possession proceedings;
  - (g) explains that the landlord is prohibited from commencing those proceedings in reliance on the notice—
    - (i) unless that date falls, in relation to a dwelling-house in England, at least the relevant notice period after the date on which the notice is given and, in relation to a dwelling-house in Wales—
      - (aa) at least four weeks after the date on which the notice is given where the notice of intention to commence possession proceedings specifies a ground that corresponds to Case 2 in Schedule 15 to this Act (whether or not the notice specifies any other ground), and
      - (ab) where sub-paragraph (aa) does not apply, at least six months after the date on which the notice is given, and
    - (ii) until that date.
- (4D) A notice of intention to commence possession proceedings may be given by leaving it at, or sending it by post to, the dwelling-house to which it relates.
- (4E) Where subsection (4A) applies and possession proceedings are commenced in reliance on a notice of intention to commence possession proceedings, the court must not make an order for the landlord to obtain possession of the dwelling-house as against the statutory tenant on a particular ground mentioned in Schedule 15 or 16 to this Act unless—
- (a) the notice states the ground and one or more reasons why the landlord believes that the ground is applicable, or
  - (b) the court gives permission for the ground to be raised in the proceedings.
- (4F) In this section, in relation to a notice of intention to commence possession proceedings—
- “intended date for commencing proceedings” means the date stated in accordance with subsection (4C)(f);

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“notice period” means the period that—

- (a) begins with the date on which the notice is given, and
- (b) ends with the intended date for commencing proceedings.

“relevant notice period” means—

- (a) where the notice of intention to commence possession proceedings specifies a ground that corresponds to Case 2 in Schedule 15 to this Act (whether or not the notice specifies any other ground) or at the time the notice is served four months’ or more rent is unpaid, four weeks,
- (b) where paragraph (a) does not apply and the notice of intention to commence possession proceedings specifies a ground that corresponds to Case 10A in Schedule 15 to this Act and no other ground is specified, four weeks
- (c) where paragraphs (a) and (b) do not apply and—
  - (i) the notice of intention to commence possession proceedings specifies a ground that corresponds to Case 1 in Schedule 15 to this Act and no other ground is specified,
  - (ii) at the time the notice is given less than four months’ rent is unpaid, and
  - (iii) the notice is given or after 1 August 2021, two months, and
- (d) where paragraphs (a), (b) and (c) do not apply, four months.]

- (5) Part II of Schedule 1 to this Act shall have effect in relation to the giving up of possession of statutory tenancies and the changing of statutory tenants by agreement.

#### Textual Amendments

**F2** S. 3(4A)-(4F) inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\), s. 87\(1\), Sch. 29 paras. 1, 2\(3\)](#) (with ss. 88-90) (as amended: (E.) (28.8.2020) by [The Coronavirus Act 2020 \(Residential Tenancies: Protection from Eviction\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/914\)](#), regs. 1(2), [3\(2\)\(3\)\(c\)](#) (with reg. 4); (W.) (29.9.2020) by [The Coronavirus Act 2020 \(Residential Tenancies Protection from Eviction\) \(Wales\) Regulations 2020 \(S.I. 2020/1044\)](#), regs. 1(2), [3, 5\(2\)](#) (with reg. 17); (W.) (31.3.2021) by [The Coronavirus Act 2020 \(Residential Tenancies: Extension of Period of Protection from Eviction\) \(Wales\) Regulations 2021 \(S.I. 2021/377\)](#), regs. 1(2), [2](#); (E.) (1.6.2021) by [The Coronavirus Act 2020 \(Residential Tenancies: Protection from Eviction\) \(Amendment\) \(England\) \(No. 2\) Regulations 2021 \(S.I. 2021/564\)](#), regs. 1(2)(3), [2\(2\)\(4\)](#) (with reg. 3); (W.) (30.6.2021) by [The Coronavirus Act 2020 \(Residential Tenancies: Extension of Period of Protection from Eviction\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/708\)](#), regs. 1(2), [2](#); and (W.) (30.9.2021) by [The Coronavirus Act 2020 \(Residential Tenancies: Extension of Period of Protection from Eviction\) \(No. 3\) \(Wales\) Regulations 2021 \(S.I. 2021/1064\)](#), regs. 1(2), [2](#) (which affecting provision is suspended (E.) (1.10.2021) by [The Coronavirus Act 2020 \(Residential Tenancies and Notices\) \(Amendment and Suspension\) \(England\) Regulations 2021 \(S.I. 2021/994\)](#), [reg. 6\(1\)\(3\)](#))

#### Marginal Citations

**M2** 1977 c. 43.

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