



# 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

[<sup>F1</sup>(b) Part 1 of Schedule 1 to this Act shall have effect for determining what person (if any)—

- (i) is the statutory tenant of the dwelling-house, or (as the case may be),
- (ii) in the case of a dwelling-house in England, is entitled to an assured tenancy of a dwelling-house by succession, or
- (iii) in the case of a dwelling-house in Wales, is entitled to a secure contract of a dwelling-house by succession,

at any time after the death of a person who, immediately before that person's death, was either a protected tenant of the dwelling-house or a statutory tenant of it by virtue of paragraph (a) above.]

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*Changes to legislation:* There are currently no known outstanding effects for the Rent Act 1977, Cross Heading: Protected and statutory tenancies. (See end of Document for details)

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- (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 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.

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**Textual Amendments**

- F1** [S. 2\(1\)\(b\)](#) substituted (18.5.2023) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2023 \(S.I. 2023/550\)](#), regs. 1, **2(2)**
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**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.
- (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.

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**Marginal Citations**

- M2** [1977 c. 43](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Rent Act 1977, Cross Heading:  
Protected and statutory tenancies.