



# Rent Act 1977

## 1977 CHAPTER 42

### PART VI

#### RENT LIMIT FOR DWELLINGS LET BY HOUSING ASSOCIATIONS, HOUSING TRUSTS AND THE HOUSING CORPORATION

##### *Registration of rents*

#### **86 Tenancies to which Part VI applies.**

- (1) In this Part of this Act “housing association tenancy” means a tenancy to which this Part of this Act applies.
  - (2) This Part of this Act applies to a tenancy [<sup>F1</sup>(other than a co-ownership tenancy)] where—
    - (a) the interest of the landlord under that tenancy belongs to a housing association or housing trust, or to the Housing Corporation [<sup>F2</sup>or Housing for Wales], and
    - (b) the tenancy would be a protected tenancy but for section 15 or 16 of this Act, and is not a tenancy to which Part II of the <sup>M1</sup>Landlord and Tenant Act 1954 applies.
  - (3) In this Part of this Act “housing association” [<sup>F3</sup>has the same meaning as in the Housing Associations Act 1985]
    - (a) restrict membership to persons who are tenants or prospective tenants of the association, and
    - (b) preclude the granting or assigning of tenancies to persons other than members.
- [<sup>F4</sup>(3A) For the purposes of this section a tenancy is a “co-ownership tenancy” if—
- (a) it was granted by a housing association which [<sup>F5</sup>is a co-operative housing association within the meaning of the Housing Associations Act 1985]; and
  - (b) the tenant (or his personal representatives) will, under the terms of the tenancy agreement or of the agreement under which he became a member of the association, be entitled, on his ceasing to be a member and subject to any

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conditions stated in either agreement, to a sum calculated by reference directly or indirectly to the value of the dwelling-house.]

[<sup>F6</sup>(4) In this Part of this Act “housing trust” has the same meaning as in section 15 of this Act.]

(5) . . . . . <sup>F7</sup>

**Textual Amendments**

- F1** Words inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 10 para. 1(2)**
- F2** Words inserted by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(1), **Sch. 17 para. 100**
- F3** Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 35(5)(a)**
- F4** [S. 86\(3A\)](#) inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 10 para. 1(4)**
- F5** Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 35(5)(b)**
- F6** [S. 86\(4\)](#) substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 10 para. 1(5)**
- F7** [Ss. 15\(6\), 17, 18\(3\)\(4\), 24\(1\)\(2\), 27–43, 50, 53, 67\(6\), 70\(5\), 76, 79\(4\), 86\(5\), 91, 92\(6\)\(7\), 108–113, 115, 117, 130, 133–135, 141\(2\), 155\(1\)](#), [Sch. 1 para. 8](#), [Schs. 3, 4, 6](#), [Sch. 7 para. 4](#), [Sch. 10 para. 10](#), [Sch. 11 paras. 13, 14 and 15–25](#), [Sch. 13](#), [Sch. 14 para. 6](#), [Sch. 17 paras. 10, 11](#), [Sch. 19](#), [Sch. 20 paras. 1\(6\)\(7\), 4](#), [Schs. 21, 22](#), [Sch. 23 paras. 1, 4\(g\)–\(i\)](#), [37, 38](#) repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**

**Modifications etc. (not altering text)**

- C1** [S. 86\(2\)\(b\)](#) modified by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), **s. 35(3)**

**Marginal Citations**

- M1** [1954 c. 56](#).

**87 Rents to be registrable.**

(1) There shall be a part of the register under Part IV of this Act in which rents may be registered for dwelling-houses which are let, or are, or are to be, available for letting, under a housing association tenancy.

(2) In relation to that part of the register the following (and no other) provisions of this Act:—

- (a) sections 67, . . . <sup>F8</sup>[<sup>F9</sup>70 and 72].
- (b) section 71, except subsection (3), and
- (c) Schedules 11 . . . <sup>F8</sup>.

shall apply in relation to housing association tenancies, and in their application to such tenancies shall have effect as if for any reference in those provisions to a regulated tenancy there were substituted a reference to a housing association tenancy.

(3) . . . . . <sup>F10</sup>

(6) A rent registered in any part of the register for a dwelling-house which becomes, or ceases to be, one subject to a housing association tenancy, shall be as effective as if it were registered in any other part of the register.

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### Textual Amendments

- F8** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(2), **Sch. 18**
- F9** Words substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), **s. 61(3)(a)(8)**
- F10** [S. 87\(3\)–\(5\)](#) repealed with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), **s. 61(3)(a)(8)**, Sch. 26

### Modifications etc. (not altering text)

- C2** [S. 87](#) amended by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 74, **Sch. 9 para. 3**

## Rent limit

### 88 Rent limit.

- (1) Where the rent payable under a tenancy would exceed the rent limit determined in accordance with this Part of this Act, the amount of the excess shall be irrecoverable from the tenant.
- (2) Where a rent for the dwelling-house is registered, . . . <sup>F11</sup> the rent limit is the rent so registered.
- (3) Where any rates in respect of the dwelling-house are borne by the landlord, or a superior landlord, the amount of those rates for any rental period, ascertained in accordance with Schedule 5 to this Act, shall be added to the limit imposed by subsection (2) above, and in this Part of this Act references to the amount of the registered rent include any amount to be added under this subsection.
- (4) Where no rent for the dwelling-house is registered, then, subject to subsection (5) below, the rent limit shall be determined as follows:—
  - (a) if the lease or agreement creating the tenancy was made before 1st January 1973, the rent limit is the rent recoverable under the tenancy, as varied by any agreement made before that date (but not as varied by any later agreement);
  - (b) if paragraph (a) above does not apply, and, not more than [<sup>F12</sup>2 years] before the tenancy began, the dwelling-house was subject to another tenancy (whether before 1973 or later) the rent limit is the rent recoverable under that other tenancy (or, if there was more than one, the last of them) for the last rental period thereof;
  - (c) if paragraphs (a) and (b) above do not apply, the rent limit is the rent payable under the terms of the lease or agreement creating the tenancy (and not the rent so payable under those terms as varied by any subsequent agreement).
- (5) The reference in subsection (4)(b) above to another tenancy includes, in addition to a housing association tenancy, a regulated tenancy—
  - (a) which subsisted at any time after 1st April 1975; and
  - (b) under which, immediately before it came to an end, the interest of the landlord belonged to a housing association.
- (6) Where for any period there is a difference between the amount (if any) of the rates borne by the landlord or a superior landlord in respect of the dwelling-house and the amount (if any) so borne in the rental period on which the rent limit is based, the rent limit under this Part of this Act shall be increased or decreased by the amount of the difference.

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(7) A tenancy commencing (whether before or after the coming into force of this Act) while there is in operation a condition imposed under any of the following enactments:

- (a) section 2 of the <sup>M2</sup>Housing (Financial Provisions) Act 1924;
- [<sup>F13</sup>(b) paragraph 2 of Part II of Schedule 15 to the Housing Act 1985, or any corresponding earlier enactment]
- (c) section 23 of the <sup>M3</sup>Housing Act 1949; and
- [<sup>F14</sup>(d) section 33 of the Housing Act 1985, or any corresponding earlier enactment;]  
[<sup>F15</sup>which imposes a rent limit in respect of the dwelling-house] shall be disregarded for the purposes of subsection (4)(b) above in determining the rent limit under any subsequent tenancy of the dwelling-house.

**Textual Amendments**

- F11** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(2), **Sch. 18** (subject to para. 4(2) of the transitional provisions in Sch. 2 to S.I. 1988/2152)
- F12** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 25 Pt. I para. 40** except in any case where, on the determination or confirmation of a rent by the rent officer, the rent determined by him is registered, or his contribution is noted in the register, before 28.11.1980
- F13** [S. 88\(7\)\(b\)](#) substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 35(6)(a)**
- F14** [S. 88\(7\)\(d\)](#) substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 35(6)(b)**
- F15** Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 35(6)(c)**

**Marginal Citations**

- M2** 1924 c. 35.
- M3** 1949 c. 60.

89 ..... <sup>F16</sup>

**Textual Amendments**

- F16** [S. 89](#) repealed (with saving) by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140, **Sch. 17 para. 24**, **Sch. 18** (subject to para. 4(2) of the transitional provisions in Sch. 2 to S.I. 1988/2152)

90 ..... <sup>F17</sup>

**Textual Amendments**

- F17** [S. 90](#) repealed with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 25 Pt. II para. 77**, **Sch. 26**

91 ..... <sup>F18</sup>

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### Textual Amendments

**F18** Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

### *Conversion to regulated tenancies*

## 92 Conversion of housing association tenancies into regulated tenancies.

- (1) If at any time, by virtue of subsections (1) and (3) of section 15 of this Act, a tenancy ceases to be one to which this Part of this Act applies and becomes a protected tenancy, that tenancy shall be a regulated tenancy and the housing association which is the landlord under that tenancy shall give notice in writing to the tenant, in such form as may be prescribed, informing him that his tenancy is no longer excluded from protection under this Act.
- (2) If, without reasonable excuse, a housing association fails to give notice to a tenant under subsection (1) above within the period of 21 days beginning on the day on which his tenancy becomes a protected tenancy, the association shall be liable to a fine not exceeding £100.
- (3) Where an offence under subsection (2) above committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager or secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (4) Schedule 14 to this Act shall have effect for supplementing this section.
- (5) In this section—

“housing association” has the same meaning as in [<sup>F19</sup>the Housing Associations Act 1985]; . . . <sup>F20</sup>
- (6) . . . . . <sup>F21</sup>

### Textual Amendments

**F19** Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, [Sch. 2 para. 35\(7\)](#)

**F20** Word and definition repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

**F21** Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

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### Miscellaneous

#### 93 Increase of rent without notice to quit.

- (1) Subject to subsections (2) and (3) below, where a housing association tenancy is a weekly or other periodical tenancy, the rent payable to the housing association or, as the case may be, the housing trust or the Housing Corporation [<sup>F22</sup>or Housing for Wales] (in this section called “the landlord”) may, without the tenancy being terminated, be increased with effect from the beginning of any rental period by a written notice of increase [<sup>F23</sup>specifying the date on which the increase is to take effect and given by the landlord to the tenant not later than four weeks before that date.].
- [<sup>F24</sup>(2) Where notice of increase is given under subsection (1) above and the tenant, before the date specified in the notice of increase, gives a valid notice to quit, the notice of increase does not take effect unless the tenant, with the written agreement of the landlord, withdraws his notice to quit before that date.]
- (3) . . . . . <sup>F25</sup>
- (4) This section shall apply to a tenancy notwithstanding that the letting took place before the coming into force of this Act.
- (5) Nothing in this section shall authorise any rent to be increased above the rent limit, and any reference in section 88 of this Act to the variation by agreement of the rent recoverable under a tenancy shall include a reference to variation under this section.

#### Textual Amendments

- F22** Words inserted by [Housing Act 1988 \(c. 50, SIF 61, 75: 1\)](#), s. 140(1), **Sch. 17 para. 100**
- F23** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 10 para. 5(2)(5)** in relation to notices of increase given after 28.11.1980
- F24** [S. 93\(2\)](#) substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 10 para. 5(3)(5)** in relation to notices of increase given after 28.11.1980
- F25** [S. 93\(3\)](#) repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 10 para. 5(4)(5)**, **Sch. 26** in relation to notices of increase given after 28.11.1980

#### 94 Recovery from landlord of sums paid in excess of recoverable rent, etc.

- (1) Where a tenant has paid on account of rent any amount which, by virtue of this Part of this Act, is irrecoverable by the landlord, the tenant who paid it shall be entitled to recover that amount from the landlord who received it or his personal representatives.
- (2) Any amount which a tenant is entitled to recover under subsection (1) above may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the landlord.
- (3) No amount which a tenant is entitled to recover under subsection (1) above shall be recoverable at any time after the expiry of 2 years from the date of payment.
- (4) Any person who, in any rent book or similar document, makes an entry showing or purporting to show any tenant as being in arrears in respect of any sum on account of rent which is irrecoverable by virtue of this Part of this Act shall be liable to a fine not exceeding [<sup>F26</sup>level 3 on the standard scale], unless he proves that, at the time of the making of the entry, the landlord had a bona fide claim that the sum was recoverable.

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- (5) If, where any such entry has been made by or on behalf of any landlord, the landlord on being requested by or on behalf of the tenant to do so, refuses or neglects to cause the entry to be deleted within 7 days, the landlord shall be liable to a fine not exceeding [<sup>F26</sup>level 3 on the standard scale], unless he proves that, at the time of the neglect or refusal to cause the entry to be deleted, he had a bona fide claim that the sum was recoverable.

**Textual Amendments**

**F26** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

**95 Duty of landlord to supply statement of rent under previous tenancy.**

- (1) Where the rent payable under a tenancy is subject to the rent limit specified in section 88(4)(b) of this Act, the landlord shall, on being so requested in writing by the tenant, supply him with a statement in writing of the rent which was payable for the last rental period of the other tenancy referred to in that subsection.
- (2) If, without reasonable excuse, a landlord who has received such a request—
  - (a) fails to supply the statement referred to in subsection (1) above within 21 days of receiving the request, or
  - (b) supplies a statement which is false in any material particular,
 he shall be liable on a first conviction to a fine not exceeding £50 and, on a second or subsequent conviction, to a fine not exceeding £100.
- (3) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager or secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Modifications etc. (not altering text)**

**C3** [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

**96 Supplemental.**

- (1) ..... <sup>F27</sup>
- (3) A county court shall have jurisdiction, either in the course of any proceedings relating to a dwelling-house or on an application made for the purpose by the landlord or the tenant, to determine any question as to the rent limit under this Part of this Act, or as to any matter which is or may become material for determining any such question.
- (4) In ascertaining for the purposes of this Part of this Act whether there is any difference with respect to rents or rates between one rental period and another (whether of the same tenancy or not) or the amount of any such difference, any necessary adjustments shall be made to take account of periods of different lengths.

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- (5) For the purposes of such an adjustment a period of one month shall be treated as equivalent to one-twelfth of a year and a period of a week as equivalent to one-fifty-second of a year.

**Textual Amendments**

**F27** S. 96(1)(2) repealed with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), **s. 61(3)(b)(8)**, Sch. 26

**97 Interpretation of Part VI.**

- (1) In this Part of this Act, except where the context otherwise requires—  
“housing association”, “housing association tenancy” and “housing trust”  
have the meanings assigned to them by section 86 of this Act; and  
“tenancy” means a housing association tenancy.
- (2) In this Part of this Act references to registration are, subject to section 87(5) of this Act and unless the context otherwise requires, references to registration pursuant to section 87.
- (3) It is hereby declared that any power of giving directions conferred on the Secretary of State by this Part of this Act includes power to vary or revoke directions so given.



**Status:**

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**Changes to legislation:**

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