



# Rent Act 1977

## 1977 CHAPTER 42

### PART VI

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

##### *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 [<sup>F1</sup>but not an occupation contract], the rent payable to the housing association or, as the case may be, the housing trust or the [<sup>F2</sup>Regulator of Social Housing][<sup>F3</sup>or the Secretary of State]<sup>F4</sup>... ([<sup>F5</sup>in this section][<sup>F5</sup>in this subsection and subsection (2)] 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>F6</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>F7</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.]

[<sup>F8</sup>(2A) Where a housing association tenancy is a secure contract or a periodic standard contract, the rent payable to the housing association or, as the case may be, the housing trust or the Welsh Ministers (in this subsection called “the landlord”), may be increased with effect from the beginning of any rental period by a written notice of increase specifying the date on which the increase is to take effect, and given by the landlord to the contract-holder not later than four weeks before that date.

(2B) A notice of increase given under subsection (2A) does not take effect if, before the date specified in that notice, the contract-holder gives a notice to end the contract.

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

(2C) But the notice of increase does take effect if, before the date specified in that notice, the notice to end the contract ceases to have effect (see section 167(3) or 172(3) of the Renting Homes (Wales) Act 2016 (anaw 1)).]

<sup>F9</sup>(3) .....

(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.

[<sup>F10</sup>(6) In this section, the following terms have the same meaning as in the Renting Homes (Wales) 2016 (anaw 1) (see sections 7 and 8 of that Act)—

- (a) contract-holder;
- (b) occupation contract;
- (c) periodic standard contract;
- (d) secure contract,

and “notice to end the contract” means a notice under section 163 or 168 of that Act.]

#### Textual Amendments

- F1** Words in s. 93(1) inserted (W.) (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Housing Association Tenancies: Fundamental Provisions\) Regulations 2022 \(S.I. 2022/799\)](#), regs. 1, **6(2)(a)** (as amended by [S.I. 2022/906](#), arts. 1(2), 14)
- F2** Words in s. 93(1) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 12** (with art. 6, Sch. 3)
- F3** Words in s. 93(1) inserted (15.1.1999) by [S.I. 1999/61](#), art. 2, **Sch. para. 1(4)**
- F4** Words in s. 93(1) repealed (1.11.1998) by [Government of Wales Act 1998 \(c. 38\)](#), s. 152, **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 143(2)); [S.I. 1998/2244](#), **art. 5**
- F5** Words in s. 93(1) substituted (W.) (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Housing Association Tenancies: Fundamental Provisions\) Regulations 2022 \(S.I. 2022/799\)](#), regs. 1, **6(2)(b)** (as amended by [S.I. 2022/906](#), arts. 1(2), 14)
- F6** 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
- F7** 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
- F8** [S. 93\(2A\)-\(2C\)](#) inserted (W.) (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Housing Association Tenancies: Fundamental Provisions\) Regulations 2022 \(S.I. 2022/799\)](#), regs. 1, **6(3)** (as amended by [S.I. 2022/906](#), arts. 1(2), 14)
- F9** 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
- F10** [S. 93\(6\)](#) inserted (W.) (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Housing Association Tenancies: Fundamental Provisions\) Regulations 2022 \(S.I. 2022/799\)](#), regs. 1, **6(4)** (as amended by [S.I. 2022/906](#), arts. 1(2), 14)

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

- C1** S. 93(1) modified (1.12.2008) by [Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 3, **Sch. para. 1** (with art. 6)

#### **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 [F11]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.
- (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 [F11]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**

**F11** 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.

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

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

- C2** 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>F12</sup>
- (3) [<sup>F13</sup>The 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.
- (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**

- F12** S. 96(1)(2) repealed with saving by Housing Act 1980 (c. 51, SIF 61), s. 61(3)(b)(8), Sch. 26
- F13** Words in s. 96(3) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

**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.

**Changes to legislation:**

There are currently no known outstanding effects for the Rent Act 1977, Cross Heading:  
Miscellaneous.