



# Rent Act 1977

## 1977 CHAPTER 42

### PART VII

#### SECURITY OF TENURE

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

**C1** Pt. VII (ss. 98-107) restricted (1.11.1993) by 1993 c. 28, s. 59(2)(c)(i) (with ss. 94(2), 95); S.I. 1993/2134, arts. 2,5

*Limitations on recovery of possession of dwelling-houses  
let on protected tenancies or subject to statutory tenancies*

**98 Grounds for possession of certain dwelling-houses.**

- (1) Subject to this Part of this Act, a court shall not make an order for possession of a dwelling-house which is for the time being let on a protected tenancy or subject to a statutory tenancy unless the court considers it reasonable to make such an order and either—
  - (a) the court is satisfied that suitable alternative accommodation is available for the tenant or will be available for him when the order in question takes effect, or
  - (b) the circumstances are as specified in any of the Cases in Part I of Schedule 15 to this Act.
- (2) If, apart from subsection (1) above, the landlord would be entitled to recover possession of a dwelling-house which is for the time being let on or subject to a regulated tenancy, the court shall make an order for possession if the circumstances of the case are as specified in any of the Cases in Part II of Schedule 15.
- (3) Part III of Schedule 15 shall have effect in relation to Case 9 in that Schedule and for determining the relevant date for the purposes of the Cases in Part II of that Schedule.

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(4) Part IV of Schedule 15 shall have effect for determining whether, for the purposes of subsection (1)(a) above, suitable alternative accommodation is or will be available for a tenant.

[<sup>F1</sup>(5) Part V of Schedule 15 shall have effect for the purpose of setting out conditions which are relevant to Cases 11 and 12 of that Schedule.]

#### Textual Amendments

**F1** S. 98(5) added with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 66\(3\)\(5\)](#)

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

**C2** S. 98(1)(a) modified by [Housing Act 1985 \(c. 68, SIF 61\), s. 309\(1\)](#)

**C3** S. 98(1)(a) restricted by [S.I. 1986/2092, art. 9](#)

### 99 Grounds for possession of certain dwelling-houses let to agricultural workers, etc.

- (1) This section applies to any protected or statutory tenancy which—
- (a) if it were a tenancy at a low rent, and
  - (b) if (where relevant) any earlier tenancy granted to the tenant, or to a member of his family, had been a tenancy at a low rent,
- would be a protected occupancy or statutory tenancy as defined in the <sup>M1</sup>Rent (Agriculture) Act 1976.
- (2) Notwithstanding anything in section 98 of this Act, the court shall not make an order for possession of a dwelling-house which is for the time being let on or subject to a tenancy to which this section applies unless the court considers it reasonable to make such an order and the circumstances are as specified in any of the Cases (except Case 8) in Part I of Schedule 15 to this Act or in either of the Cases in Schedule 16 to this Act.
- (3) If, apart from subsection (2) above, the landlord would be entitled to recover possession of a dwelling-house which is for the time being let on or subject to a tenancy to which this section applies, the court shall make an order for possession if the circumstances are as specified in any of the Cases (except Cases 16 to 18) in Part II of Schedule 15 to this Act.

#### Marginal Citations

**M1** 1976 c. 80.

### 100 Extended discretion of court in claims for possession of certain dwelling-houses.

- (1) Subject to subsection (5) below, a court may adjourn for such period or periods as it thinks fit, proceedings for possession of a dwelling-house which is let on a protected tenancy or subject to a statutory tenancy.
- (2) On the making of an order for possession of such a dwelling-house, or at any time before the execution of such an order (whether made before or after the commencement of this Act), the court, subject to subsection (5) below, may—
- (a) stay or suspend execution of the order, or

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(b) postpone the date of possession,  
for such period or periods as the court thinks fit.

[<sup>F2</sup>(3) On any such adjournment as is referred to in subsection (1) above or any such stay, suspension or postponement as is referred to in subsection (2) above, the court shall, unless it considers that to do so would cause exceptional hardship to the tenant or would otherwise be unreasonable, impose conditions with regard to payment by the tenant of arrears of rent (if any) and rent or payments in respect of occupation after termination of the tenancy (mesne profits) and may impose such other conditions as it thinks fit.]

(4) If any such conditions as are referred to in subsection (3) above are complied with, the court may, if it thinks fit, discharge or rescind any such order as is referred to in subsection (2) above.

[<sup>F3</sup>(4A) Subsection (4B) below applies in any case where—

- (a) proceedings are brought for possession of a dwelling-house which is let on a protected tenancy or subject to a statutory tenancy;
- (b) the tenant's spouse or former spouse, having rights of occupation under the Matrimonial Homes Act 1967, is then in occupation of the dwelling-house; and
- (c) the tenancy is terminated as a result of those proceedings.

(4B) In any case to which this subsection applies, the spouse or former spouse shall, so long as he or she remains in occupation, have the same rights in relation to, or in connection with, any such adjournment as is referred to in subsection (1) above or any such stay, suspension or postponement as is referred to in subsection (2) above, as he or she would have if those rights of occupation were not affected by the termination of the tenancy.]

(5) This section shall not apply if the circumstances are as specified in any of the Cases in Part II of Schedule 15.

#### Textual Amendments

- F2** S. 100(3) substituted by [Housing Act 1980 \(c. 51, SIF 61\), s. 75\(2\)](#)
- F3** S. 100(4A)(4B) inserted by [Housing Act 1980 \(c. 51, SIF 61\), s. 75\(3\)](#)

#### [<sup>F4</sup>101 Overcrowded dwelling-houses.

At any time when a dwelling-house is over-crowded within the meaning of Part X of the Housing Act 1985 in such circumstances as to render the occupier guilty of an offence, nothing in this Part of this Act shall prevent the immediate landlord of the occupier from obtaining possession of the dwelling-house.]

#### Textual Amendments

- F4** S. 101 substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 4, Sch. 2 para. 35\(8\), Sch. 3 para. 3](#)

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## 102 Compensation for misrepresentation or concealment in Cases 8 and 9.

Where, in such circumstances as are specified in Case 8 or Case 9 in Schedule 15 to this Act, a landlord obtains an order for possession of a dwelling-house let on a protected tenancy or subject to a statutory tenancy and it is subsequently made to appear to the court that the order was obtained by misrepresentation or concealment of material facts, the court may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by that tenant as a result of the order.

### [<sup>F5</sup>102A Restricted application of sections 103 to 106.

Sections 103 to 106 of this Act apply only to restricted contracts entered into before the commencement of section 69 of the <sup>M2</sup> Housing Act 1980.]

#### Textual Amendments

**F5** S. 102A inserted by [Housing Act 1980 \(c. 51, SIF 61\), s. 69\(3\)](#)

#### Marginal Citations

**M2** 1980 c. 51

### *Restricted contracts*

## 103 Notice to quit served after reference of contract to rent tribunal.

- (1) If, after a restricted contract has been referred to a rent tribunal by the lessee . . . <sup>F6</sup> under section 77 or 80 of this Act, a notice to quit the dwelling to which the contract relates is served by the lessor on the lessee at any time before the decision of the tribunal is given or within the period of 6 months thereafter, then, subject to sections 105 and 106 of this Act, the notice shall not take effect before the expiry of that period.
- (2) In a case falling within subsection (1) above,—
- (a) the rent tribunal may, if they think fit, direct that a shorter period shall be substituted for the period of 6 months specified in that subsection; and
  - (b) if the reference to the rent tribunal is withdrawn, the period during which the notice to quit is not to take effect shall end on the expiry of 7 days from the withdrawal of the reference.

#### Textual Amendments

**F6** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\), s. 140\(2\), Sch. 18](#)

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

**C4** Ss. 103–106 excluded by [Housing Act 1980 \(c. 51, SIF 61\), s. 69\(3\)](#)

## 104 Application to tribunal for security of tenure where notice to quit is served.

- (1) Subject to sections 105 and 106(3) of this Act, where—

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- (a) a notice to quit a dwelling the subject of a restricted contract has been served, and
  - (b) the restricted contract has been referred to a rent tribunal under section 77 or 80 of this Act (whether before or after the service of the notice to quit) and the reference has not been withdrawn, and
  - (c) the period at the end of which the notice to quit takes effect (whether by virtue of the contract, of section 103 of this Act or of this section) has not expired,
- he lessee may apply to the rent tribunal for the extension of that period.
- (2) Where an application is made under this section, the notice to quit to which the application relates shall not have effect before the determination of the application unless the application is withdrawn.
  - (3) On an application under this section, the rent tribunal, after making such inquiry as they think fit and giving to each party an opportunity of being heard or, at his option, of submitting representations in writing, may direct that the notice to quit shall not have effect until the end of such period, not exceeding 6 months from the date on which the notice to quit would have effect apart from the direction, as may be specified in the direction.
  - (4) If the rent tribunal refuse to give a direction under this section,—
    - (a) the notice to quit shall not have effect before the expiry of 7 days from the determination of the application; and
    - (b) no subsequent application under this section shall be made in relation to the same notice to quit.
  - (5) On coming to a determination on an application under this section, the rent tribunal shall notify the parties of their determination.

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

C5 Ss. 103–106 excluded by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 69(3)

## **105 Notices to quit served by owner-occupiers.**

Where a person who has occupied a dwelling as a residence (in this section referred to as “the owner-occupier”) has, by virtue of a restricted contract, granted the right to occupy the dwelling to another person and—

- (a) at or before the time when the right was granted (or, if it was granted before 8th December 1965, not later than 7th June 1966) the owner-occupier has given notice in writing to that other person that he is the owner-occupier within the meaning of this section, and
- (b) if the dwelling is part of a house, the owner-occupier does not occupy any other part of the house as his residence,

neither section 103 nor 104 of this Act shall apply where a notice to quit the dwelling is served if, at the time the notice is to take effect, the dwelling is required as a residence for the owner-occupier or any member of his family who resided with him when he last occupied the dwelling as a residence.

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

C6 Ss. 103–106 excluded by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 69(3)

**106 Reduction of period of notice on account of lessee’s default.**

- (1) Subsections (2) and (3) below apply where a restricted contract has been referred to a rent tribunal and the period at the end of which a notice to quit will take effect has been determined by virtue of section 103 of this Act or extended under section 104.
- (2) If, in a case where this subsection applies, it appears to the rent tribunal, on an application made by the lessor for a direction under this section,—
- (a) that the lessee has not complied with the terms of the contract, or
  - (b) that the lessee or any person residing or lodging with him has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers or has been convicted of using the dwelling, or allowing the dwelling to be used, for an immoral or illegal purpose, or
  - (c) that the condition of the dwelling has deteriorated owing to any act or neglect of the lessee or any person residing or lodging with him, or
  - (d) that the condition of any furniture provided for the use of the lessee under the contract has deteriorated owing to any ill-treatment by the lessee or any person residing or lodging with him,
- the rent tribunal may direct that the period referred to in subsection (1) above shall be reduced so as to end at a date specified in the direction.
- (3) No application may be made under section 104 of this Act with respect to a notice to quit if a direction has been given under subsection (2) above reducing the period at the end of which the notice is to take effect.
- (4) In any case where—
- (a) a notice to quit a dwelling which is the subject of a restricted contract has been served, and
  - (b) the period at the end of which the notice to quit takes effect is for the time being extended by virtue of section 103 or 104 of this Act, and
  - (c) at some time during that period the lessor institutes proceedings in the county court for the recovery of possession of the dwelling, and
  - (d) in those proceedings the county court is satisfied that any of paragraphs (a) to (d) of subsection (2) above applies,
- the court may direct that the period referred to in paragraph (b) above shall be reduced so as to end at a date specified in the direction

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

C7 Ss. 103–106 excluded by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 69(3)

**[<sup>F7</sup>106A Discretion of court in certain proceedings for possession.**

- (1) This section applies to any dwelling-house which is the subject of a restricted contract entered into after the commencement court in certain of section 69 of the <sup>M3</sup> Housing Act 1980.

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- (2) On the making of an order for possession of such a dwelling-house, or at any time before the execution of such an order, the court may—
  - (a) stay or suspend execution of the order, or
  - (b) postpone the date of possession,for such period or periods as, subject to subsection (3) below, the court thinks fit.
- (3) Where a court makes an order for possession of such a dwelling-house, the giving up of possession shall not be postponed (whether by order or any variation, suspension or stay of execution) to a date later than 3 months after the making of the order.
- (4) On any such stay, suspension or postponement as is referred to in subsection (2) above, the court shall, unless it considers that to do so would cause exceptional hardship to the lessee or would otherwise be unreasonable, impose conditions with regard to payment by the lessee of arrears of rent (if any) and rent or payments in respect of occupation after termination of the tenancy (mesne profits) and may impose such other conditions as it thinks fit.
- (5) Subsection (6) below applies in any case where—
  - (a) proceedings are brought for possession of such a dwelling-house;
  - (b) the lessee's spouse or former spouse, having rights of occupation under the Matrimonial Homes Act 1967, is then in occupation of the dwelling-house; and
  - (c) the restricted contract is terminated as a result of those proceedings.
- (6) In any case to which this subsection applies, the spouse or former spouse shall, so long as he or she remains in occupation, have the same rights in relation to, or in connection with, any such stay, suspension or postponement as is referred to in subsection (2) above, as he or she would have if those rights of occupation were not affected by the termination of the restricted contract.]

#### Textual Amendments

F7 S. 106A inserted by [Housing Act 1980 \(c. 51, SIF 61\), s. 69\(2\)](#)

#### Marginal Citations

M3 1980 c. 51.

### Miscellaneous

#### 107 Interpretation of Part VII.

- (1) In this Part of this Act, except where the context otherwise requires—
  - “dwelling” means a house or part of a house;
  - “lessee” means the person to whom is granted, under a restricted contract, the right to occupy the dwelling in question as a residence and any person directly or indirectly deriving title from the grantee; and
  - “lessor” means the person who, under a restricted contract, grants to another the right to occupy the dwelling in question as a residence and any person directly or indirectly deriving title from the grantor.

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- (2) References in this Part of this Act to a party to a contract include references to any person directly or indirectly deriving title from such a party.



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