



Rent Act 1977

1977 CHAPTER 42

PART XI

GENERAL

Sublettings

137 Effect on sub-tenancy of determination of superior tenancy

- (1) If a court makes an order for possession of a dwelling-house from—
- (a) a protected or statutory tenant, or
 - (b) a protected occupier or statutory tenant as defined in the Rent (Agriculture) Act 1976,

and the order is made by virtue of section 98(1) or 99(2) of this Act or, as the case may be, under Part I of Schedule 4 to that Act, nothing in the order shall affect the right of any sub-tenant to whom the dwelling-house or any part of it has been lawfully sublet before the commencement of the proceedings to retain possession by virtue of this Part of this Act, nor shall the order operate to give a right to possession against any such sub-tenant.

- (2) Where a statutorily protected tenancy of a dwelling-house is determined, either as a result of an order for possession or for any other reason, any sub-tenant to whom the dwelling-house or any part of it has been lawfully sublet shall, subject to this Act, be deemed to become the tenant of the landlord on the same terms as if the tenant's statutorily protected tenancy had continued.
- (3) Where a dwelling-house—
- (a) forms part of premises which have been let as a whole on a superior tenancy but do not constitute a dwelling-house let on a statutorily protected tenancy; and
 - (b) is itself subject to a protected or statutory tenancy,

then, from the coming to an end of the superior tenancy, this Act shall apply in relation to the dwelling-house as if, in lieu of the superior tenancy, there had been separate

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tenancies of the dwelling-house and of the remainder of the premises, for the like purposes as under the superior tenancy, and at rents equal to the just proportion of the rent under the superior tenancy.

In this subsection " premises " includes, if the sub-tenancy in question is a protected or statutory tenancy to which section 99 of this Act applies, an agricultural holding within the meaning of the Agricultural Holdings Act 1948.

- (4) In subsections (2) and (3) above " statutorily protected tenancy " means—
- (a) a protected or statutory tenancy;
 - (b) a protected occupancy or statutory tenancy as defined in the Rent (Agriculture) Act 1976 ; or
 - (c) if the sub-tenancy in question is a protected or statutory tenancy to which section 99 of this Act applies, a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1948.
- (5) Subject to subsection (6) below, a long tenancy of a dwelling-house which is also a tenancy at a low rent but which, had it not been a tenancy at a low rent, would have been a protected tenancy, shall be treated for the purposes of subsection (2) above as a statutorily protected tenancy.
- (6) Notwithstanding anything in subsection (5) above, subsection (2) above shall not have effect where the sub-tenancy in question was created (whether immediately or derivatively) out of a long tenancy falling within subsection (5) above and, at the time of the creation of the sub-tenancy—
- (a) a notice to terminate the long tenancy had been given under section 4(1) of the Landlord and Tenant Act 1954; or
 - (b) the long tenancy was being continued by section 3(1) of that Act;
- unless the sub-tenancy was created with the consent in writing of the person who at the time when it was created was the landlord, within the meaning of Part I of that Act.
- (7) This section shall apply equally where a protected occupier of a dwelling-house, or part of a dwelling-house, has a relevant licence as defined in the Rent (Agriculture) Act 1976, and in this section " tenancy " and all cognate expressions shall be construed accordingly.

138 Effect on furnished sub-tenancy of determination of superior unfurnished tenancy

- (1) If, in a case where section 137(2) of this Act applies, the conditions mentioned in subsection (2) below are fulfilled, the terms on which the sub-tenant is, by virtue of section 137(2), deemed to become the tenant of the landlord shall not include any terms as to the provision by the landlord of furniture or services.
- (2) The conditions are:—
- (a) that the statutorily protected tenancy which is determined as mentioned in section 137(2) was neither a protected furnished tenancy nor a statutory furnished tenancy; and
 - (b) that, immediately before the determination of that statutorily protected tenancy, the sub-tenant referred to in section 137(2) was the tenant under a protected furnished tenancy or a statutory furnished tenancy; and
 - (c) that the landlord, within the period of 6 weeks beginning with the day on which the statutorily protected tenancy referred to in section 137(2) is

determined, serves notice on the sub-tenant that this section is to apply to his tenancy or statutory tenancy.

- (3) In this section " statutorily protected tenancy" has the meaning given to it, for the purposes of subsection (2) of section 137 of this Act, by subsection (4) of that section.

139 Obligation to notify sublettings of dwelling-houses let on or subject to protected or statutory tenancies

- (1) If the tenant of a dwelling-house let on or subject to a protected or statutory tenancy sublets any part of the dwelling-house on a protected tenancy, then, subject to subsection (2) below, he shall, within 14 days after the subletting, supply the landlord with a statement in writing of the subletting giving particulars of occupancy, including the rent charged.
- (2) Subsection (1) above shall not require the supply of a statement in relation to a subletting of any part of a dwelling-house if the particulars which would be required to be included in the statement as to the rent and other conditions of the subtenancy would be the same as in the last statement supplied in accordance with that subsection with respect to a previous subletting of that part.
- (3) A tenant who is required to supply a statement in accordance with subsection (1) above and who, without reasonable excuse—
- (a) fails to supply a statement, or
 - (b) supplies a statement which is false in any material particular,
- shall be liable to a fine not exceeding £25.
- (4) In this section—
- (a) " protected tenancy" includes a protected occupancy under the Rent (Agriculture) Act 1976 ;
 - (b) " statutory tenancy " includes a statutory tenancy under that Act.

Fire Precautions

140 Modification of Act in relation to fire precautions

Schedule 20 to this Act shall have effect for the purpose of modifying this Act in connection with certain provisions of the Fire Precautions Act 1971.

Jurisdiction and procedure

141 County court jurisdiction

- (1) A county court shall have jurisdiction, either in the course of any proceedings relating to a dwelling or on an application made for the purpose by the landlord or the tenant, to determine any question—
- (a) as to whether a tenancy is a protected tenancy or whether any person is a statutory tenant of a dwelling-house, or whether a mortgage is a controlled mortgage within the meaning of Part X of this Act; or
 - (b) as to the rent limit; or
 - (c) as to the rent actually recoverable under a controlled tenancy; or

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- (d) as to the application of Part V and sections 103 to 106 of this Act to a contract;
or
 - (e) as to whether a protected, statutory or regulated tenancy is a protected, statutory or regulated furnished tenancy;
- or as to any matter which is or may become material for determining any such question.
- (2) In subsection (1) above "dwelling" and "the rent limit" have, in relation to a controlled tenancy, the same meanings as in Part II of this Act.
 - (3) A county court shall have jurisdiction to deal with any claim or other proceedings arising out of any of the provisions of this Act specified in subsection (5) below, notwithstanding that by reason of the amount of the claim or otherwise the case would not, apart from this subsection, be within the jurisdiction of a county court.
 - (4) If, under any of the provisions of this Act specified in subsection (5) below, a person takes proceedings in the High Court which he could have taken in the county court, he shall not be entitled to recover any costs.
 - (5) The provisions referred to in subsections (3) and (4) above are—
 - (a) Part II;
 - (b) in Part III, section 57 ;
 - (c) Part VII, except sections 98(2) and 101;
 - (d) in Part IX, sections 125 and 126;
 - (e) in Part X, sections 133(1), 134 and 135 ; and
 - (f) in this Part of this Act, sections 145 and 147.

142 Rules as to procedure

- (1) The Lord Chancellor may make such rules and give such directions as he thinks fit for the purpose of giving effect to the provisions of this Act and may, by those rules or directions, provide for the conduct so far as desirable in private of any proceedings for the purposes of those provisions and for the remission of any fees.
- (2) The power vested in the Lord Chancellor by subsection (1) above may, when the Great Seal is in commission, be exercised by any Lord Commissioner.
- (3) The power conferred by subsection (1) above shall not be exercisable in relation to the following provisions of this Act:—
 - (a) Part IV, except section 75(2);
 - (b) Part V;
 - (c) Part VI;
 - (d) sections 103 to 106, except subsection (4).
- (4) Any rules made under this section shall be contained in a statutory instrument.

Release from provisions of Act

143 Release from rent regulation

- (1) Where the Secretary of State is satisfied with respect to every part of any area that the number of persons seeking to become tenants there—
 - (a) of dwelling-houses exceeding a specified rateable value, or

(b) of any class or description of dwelling-house or of dwelling-house exceeding a specified rateable value,

is not substantially greater than the number of such dwelling-houses in that part, he may by order provide that no such dwelling-house in the area shall be the subject of a regulated tenancy or the subject of a protected occupancy or statutory tenancy under the Rent (Agriculture) Act 1976.

- (2) An order under this section may contain such transitional provisions, including provisions to avoid or mitigate hardship, as appear to the Secretary of State to be desirable.
- (3) The power to make an order under this section shall be exercisable by statutory instrument and no such order shall have effect unless it is approved by a resolution of each House of Parliament.

144 Release from restricted contract provisions

- (1) The Secretary of State may by order provide that, as from such date as may be specified in the order, section 19 of this Act shall not apply to a dwelling the rateable value of which on such day as may be specified in the order exceeds such amount as may be so specified.
- (2) An order under this section—
 - (a) may be made so as to relate to the whole of England and Wales or to such area in England and Wales as may be specified in the order, and so as to apply generally or only to, or except to, such classes or descriptions of dwellings as may be specified in the order; and
 - (b) may contain such transitional provisions as appear to the Secretary of State to be desirable.
- (3) The power to make an order under this section shall be exercisable by statutory instrument and no such order shall have effect unless it is approved by a resolution of each House of Parliament.

145 Rents of subsidised private houses

- (1) This section applies to any condition mentioned in any of the enactments specified in subsection (2) below which limits the rent to be charged in respect of any dwelling.
- (2) The enactments referred to in subsection (1) above are—
 - (a) section 3 of the Housing (Financial Provisions) Act 1938;
 - (b) section 46 of the Housing (Financial Provisions) Act 1958;
 - (c) section 104 of the Housing Act 1957.
- (3) Subject to subsection (4) below, in so far as any condition to which this section applies limits the rent under a controlled tenancy, the condition shall limit, or as the case may be shall have effect as if it limited, that rent to the amount of the rent limit, within the meaning of Part II of this Act.
- (4) If any condition to which this section applies was imposed before 6th July 1957 and then limited the rent to an amount exceeding what would be the rent limit if ascertained under subsections (1) and (2) of section 27 of this Act, the rent limit under a controlled tenancy shall be that amount, subject to the provisions of subsection (3) of that section and of paragraph 7(2) of Schedule 6 to this Act.

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- (5) Schedule 21 to this Act shall have effect, to the extent therein specified, in relation to any condition to which this section applies which limits the rent under a tenancy which is not a controlled tenancy.

Miscellaneous

146 Long tenancies at a low rent

- (1) In determining whether a long tenancy was, at any time,—
- (a) a tenancy at a low rent within the meaning of the Rent Act 1968; or
 - (b) a tenancy to which, by virtue of section 12(7) of the Act of 1920, the Rent Acts did not apply ;

there shall be disregarded such part (if any) of the sums payable by the tenant as is expressed (in whatever terms) to be payable in respect of rates, services, repairs, maintenance, or insurance, unless it could not have been regarded by the parties as a part so payable.

- (2) In subsection (1) above—
- " long tenancy " means a tenancy granted for a term certain exceeding 21 years, other than a tenancy which is, or may become, terminable before the end of that term by notice given to the tenant;
 - " the Act of 1920 " means the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 ; and
 - " the Rent Acts " means the Rent and Mortgage Interest Restrictions Acts 1920 to 1939.

147 Restriction on levy of distress for rent

- (1) No distress for the rent of any dwelling-house let on a protected tenancy or subject to a statutory tenancy shall be levied except with the leave of the county court; and the court shall, with respect to any application for such leave, have the same or similar powers with respect to adjournment, stay, suspension, postponement and otherwise as are conferred by section 100 of this Act in relation to proceedings for possession of such a dwelling-house.
- (2) Nothing in subsection (1) above shall apply to distress levied under section 137 of the County Courts Act 1959.

148 Implied term in all protected tenancies

It shall be a condition of a protected tenancy of a dwelling-house that the 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.

Supplemental

149 Powers of local authorities for purposes of giving information

- (1) Any local authority to which this section applies shall have power—

- (a) to publish information, for the assistance of landlords and tenants and others, as to their rights and duties under—
 - (i) the Landlord and Tenant Act 1962,
 - (ii) the Protection from Eviction Act 1977,
 - (iii) section 90 of the Housing Finance Act 1972, and
 - (iv) this Act,and as to the procedure for enforcing those rights or securing the performance of those duties, and
 - (b) to publish information, for the assistance of owners and occupiers of dwelling-houses and others, as to their rights and duties under the Rent (Agriculture) Act 1976 and as to the procedure for enforcing those rights or securing the performance of those duties, and
 - (c) to make any such information as is mentioned in paragraph (a) or (b) above available in any other way, and
 - (d) to furnish particulars as to the availability, extent and character of alternative accommodation.
- (2) This section applies to the following local authorities:—
- (a) councils of districts and of London boroughs;
 - (b) the Common Council of the City of London ; and
 - (c) the Council of the Isles of Stilly.

150 Prosecution of offences

- (1) Offences under this Act are punishable summarily.
- (2) Proceedings for an offence under this Act (other than one under section 31(9)) may be instituted by any local authority to which section 149 of this Act applies.

151 Service of notices on landlord's agents

- (1) Any document required or authorised by this Act to be served by the tenant of a dwelling-house on the landlord thereof shall be deemed to be duly served on him if it is served—
 - (a) on any agent of the landlord named as such in the rent book or other similar document; or
 - (b) on the person who receives the rent of the dwelling-house.
- (2) Where a dwelling-house is subject to a regulated tenancy, subsection (1) above shall apply also in relation to any document required or authorised by this Act to be served on the landlord by a person other than the tenant.
- (3) If for the purpose of any proceedings (whether civil or criminal) brought or intended to be brought under this Act, any person serves upon any such agent or other person as is referred to in paragraph (a) or paragraph (b) of subsection (1) above a notice in writing requiring the agent or other person to disclose to him the full name and place of abode or place of business of the landlord, that agent or other person shall forthwith comply with the notice.
- (4) If any such agent or other person as is referred to in subsection (3) above fails or refuses forthwith to comply with a notice served on him under that subsection, he shall be liable to a fine not exceeding £25, unless he shows to the satisfaction of the court

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that he did not know, and could not with reasonable diligence have ascertained, such of the facts required by the notice to be disclosed as were not disclosed by him.

- (5) So far as this section relates to Part V or IX or sections 103 to 107, of this Act, references to a landlord and to a tenant shall respectively include references to a lessor and to a lessee as defined by section 85 of this Act.

152 Interpretation

- (1) In this Act, except where the context otherwise requires,—

" the appropriate day " has the meaning assigned to it by section 25(3) of this Act;

" controlled tenancy " shall be construed in accordance with section 17 of this Act;

" landlord " includes any person from time to time deriving title under the original landlord and also includes, in relation to any dwelling-house, any person other than the tenant who is, or but for Part VII of this Act would be, entitled to possession of the dwelling-house;

" let " includes " sublet " ;

" long tenancy " means a tenancy granted for a term of years certain exceeding 21 years, whether or not subsequently extended by act of the parties or by any enactment;

" protected furnished tenancy ", " regulated furnished tenancy " and " statutory furnished tenancy " mean a protected or, as the case may be, regulated or statutory tenancy—

(a) under which the dwelling-house concerned is bona fide let at a rent which includes payments in respect of furniture, and

(b) in respect of which the amount of rent which is fairly attributable to the use of furniture, having regard to the value of that use to the tenant, forms a substantial part of the whole rent;

" protected tenant " and " protected tenancy " shall be construed in accordance with section 1 of this Act;

" rates " includes water rates and charges but does not include an owner's drainage rate as defined in section 63(2)(a) of the Land Drainage Act 1976;

" rateable value " shall be construed in accordance with section 25 of this Act;

" regulated tenancy " shall be construed in accordance with section 18 of this Act;

" rent tribunal " has the meaning given by section 76(1) of this Act;

" rental period " means a period in respect of which a payment of rent falls to be made ;

" restricted contract " shall be construed in accordance with section 19 of this Act;

" statutory tenant " and " statutory tenancy " shall be construed in accordance with section 2 of this Act;

" tenant " includes statutory tenant and also includes a sub-tenant and any person deriving title under the original tenant or sub-tenant;

" tenancy " includes " sub-tenancy " ;

" tenancy at a low rent " has the meaning assigned to it by section 5 of this Act.

- (2) Except in so far as the context otherwise requires, any reference in this Act to any other enactment shall be taken as referring to that enactment as amended by or under any other enactment, including this Act.

153 Application to Isles of Scilly

- (1) With the exception of Part V, and sections 103 to 106, of this Act (which do not apply to the Isles of Stilly) this Act applies to the Isles subject to such exceptions, adaptations and modifications as the Secretary of State may by order direct.
- (2) The power to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) An order under this section may be varied or revoked by a subsequent order.

154 Application to Crown property

- (1) Subject to sections 13 and 19(5)(b) of this Act this Act shall apply in relation to premises in which there subsists, or at any material time subsisted, a Crown interest as it applies in relation to premises in which no such interest subsists or ever subsisted.
- (2) In this section " Crown interest" means an interest which belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster or to the Duchy of Cornwall, or to a government department, or which is held in trust for Her Majesty for the purposes of a government department.

155 Modifications, amendments, transitional provisions, repeals etc.

- (1) In relation to such protected and statutory tenancies in existence at the commencement of this Act as are specified in Schedule 22 thereto, the provisions of this Act specified in that Schedule shall have effect subject to the modifications so specified.
- (2) Subject to subsection (3) below, the enactments specified in Schedule 23 to this Act shall have effect subject to the amendments specified in that Schedule.
- (3) The savings and transitional provisions in Schedule 24 to this Act shall have effect.
- (4) The inclusion in this Act of any express saving, transitional provision or amendment shall not be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).
- (5) Subject to subsection (3) above, the enactments specified in Schedule 25 to this Act (which include enactments which were spent before the passing of this Act) are hereby repealed to the extent specified in the third column of that Schedule.

156 Short title, commencement and extent

- (1) This Act may be cited as the Rent Act 1977.
- (2) This Act shall come into force on the expiry of the period of one month beginning with the date on which it is passed.
- (3) This Act does not extend to Scotland or Northern Ireland.