

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1977, Paragraph 2. (See end of Document for details)

SCHEDULES

SCHEDULE 1

STATUTORY TENANCIES

PART I

STATUTORY TENANTS BY SUCCESSION

Modifications etc. (not altering text)

C1 Sch. 1 Pt. I: by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), [s. 39\(3\)](#) it is provided that where s. 39(2) of the 1988 Act does not apply but the person who is the first successor, within the meaning of Part I of Sch. 1 of this Act, dies after the commencement of that 1988 Act, Part I shall have effect subject to the amendments in paras. 5 to 9 of Part I of Sch. 4 of that 1988 Act

[^{F12} The surviving spouse^[F2], or surviving civil partner,] (if any) of the original tenant, if residing in the dwelling-house immediately before the death of the original tenant, shall after the death be the statutory tenant if and so long as he or she occupies the dwelling-house as his or her residence.]

[^{F3}(2) For the purposes of this paragraph, a person who was living with the original tenant as if they were a married couple or civil partners is to be treated as the spouse or civil partner of the original tenant.]

(3) If, immediately after the death of the original tenant, there is, by virtue of subparagraph (2) above, more than one person who fulfils the conditions in subparagraph (1) above, such one of them as may be decided by agreement or, in default of agreement, by the county court [^{F4}shall for the purposes of this paragraph be [^{F5}treated as the tenant's spouse [^{F6}or civil partner].]]

Textual Amendments

- F1** Sch. 1 para. 2 substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [s. 76\(1\)\(4\)](#) in relation to deaths occurring after 28.11.1980
- F2** Words in Sch. 1 para. 2(1) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), [Sch. 8 para. 13\(2\)](#); S.I. 2005/3175, art. 2(1), Sch. 1
- F3** Sch. 1 para. 2(2) substituted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), reg. 1(2), [Sch. 3 para. 5\(a\)](#)
- F4** Words in Sch. 1 para. 2(3) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), [Sch. 8 para. 13\(4\)](#); S.I. 2005/3175, art. 2(1), Sch. 1
- F5** Words in Sch. 1 para. 2(3) substituted (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\)](#), art. 1(2), [Sch. 1 para. 16](#)

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F6 Words in Sch. 1 para. 2(3) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 5(b)**

Modifications etc. (not altering text)

C1 Sch. 1 para. 2 modified (1.10.1997) by 1996 c. 27, ss. 53, 63(4), **Sch. 7 Pt. II para. 8(3)** (with Sch. 9 paras. 8, 9, 10); S.I. 1997/1892, **art. 3(1)(a)**

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