

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1977, Part I. (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

- 1 Paragraph 2 . . . ^{F1} below shall have effect, subject to section 2(3) of this Act, for the purpose of determining who is the statutory tenant of a dwelling-house by succession after the death of the person (in this Part of this Schedule referred to as “the original tenant”) who, immediately before his death, was a protected tenant of the dwelling-house or the statutory tenant of it by virtue of his previous protected tenancy.

Textual Amendments

- F1** Words repealed by [Housing Act 1988 \(c. 50, SIF 61\)](#), ss. 39(2), 140(2), **Sch. 4 Pt. I para. 1** (in application as mentioned in s. 39(2)), Sch. 18

Modifications etc. (not altering text)

- C2** Sch. 1 para. 1 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)**

- [^{F2}2 The surviving spouse (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 his or her wife or husband shall be treated as the spouse 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 shall be treated as the surviving spouse for the purposes of this paragraph.]

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Textual Amendments

- F2** 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
- F3** Sub-paragraphs 2(2) and (3) inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 39(2), **Sch. 4 Pt. I para. 2** (in application as mentioned in s. 39(2))

Modifications etc. (not altering text)

- C3** 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)**

3 Where paragraph 2 above does not apply, but a person who was a member of the original tenant's family was residing with him [^{F4}in the dwelling-house] at the time of and for the [^{F5}period of 2 years] immediately before his death then, after his death, that person or if there is more than one such person such one of them as may be decided by agreement, or in default of agreement by the county court, shall be [^{F6}entitled to an assured tenancy of the dwelling-house by succession].

[^{F7}(2) If the original tenant died within the period of 18 months beginning on the operative date, then, for the purposes of this paragraph, a person who was residing in the dwelling-house with the original tenant at the time of his death and for the period which began 6 months before the operative date and ended at the time of his death shall be taken to have been residing with the original tenant for the period of 2 years immediately before his death.]

Textual Amendments

- F4** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 39(2), **Sch. 4 Pt. I para. 3(a)**(in application as mentioned in s. 39(2))
- F5** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 39(2), **Sch. 4 Pt. I para. 3(b)**(in application as mentioned in s. 39(2))
- F6** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 39(2), **Sch. 4 Pt. I para. 3(c)**(in application as mentioned in s. 39(2))
- F7** **Sch. 1 Pt. I Para. 3(2)** added by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 39(2), **Sch. 4 Pt. I para. 3(d)**(in application as mentioned in s. 39(2))

Modifications etc. (not altering text)

- C4** **Sch. 1 para. 3** 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)**

4 A person who becomes the statutory tenant of a dwelling-house by virtue of paragraph 2 . . . ^{F8} above is in this Part of this Schedule referred to as “the first successor”.

Textual Amendments

- F8** Words repealed by [Housing Act 1988 \(c. 50, SIF 61\)](#), ss. 39(2), 140(2), **Sch. 4 Pt. I para. 4**(in application as mentioned in s. 39(2)), Sch. 18

5 If, immediately before his death, the first successor was still a statutory tenant, paragraph 6 [^{F9}below shall have effect], for the purpose of determining who is

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[^{F10}entitled to an assured tenancy of the dwelling-house by succession] after the death of the first successor.

Textual Amendments

- F9** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 39(2), **Sch. 4 Pt. I para. 5(a)**(in application as mentioned in s. 39(2)(3))
- F10** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 39(2), **Sch. 4 Pt. I para. 5(b)**(in application as mentioned in s. 39(2)(3))

Modifications etc. (not altering text)

- C5** [Sch. 1 para. 5](#) 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\(1\)\(a\)](#)

- [^{F116} (1) Where a person who—
- (a) was a member of the original tenant’s family immediately before that tenant’s death, and
 - (b) was a member of the first successor’s family immediately before the first successor’s death,
- was residing in the dwelling-house with the first successor at the time of, and for the period of 2 years immediately before, the first successor’s death, that person or, if there is more than one such person, such one of them as may be decided by agreement or, in default of agreement, by the county court shall be entitled to an assured tenancy of the dwelling-house by succession.
- (2) If the first successor died within the period of 18 months beginning on the operative date, then, for the purposes of this paragraph, a person who was residing in the dwelling-house with the first successor at the time of his death and for the period which began 6 months before the operative date and ended at the time of his death shall be taken to have been residing with the first successor for the period of 2 years immediately before his death.]

Textual Amendments

- F11** [Sch. 1 Pt. 1 para. 6](#) substituted by virtue of [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 39(2)(3), **Sch. 4 Pt. I para. 6**(with application as mentioned in s. 39(2)(3))

Modifications etc. (not altering text)

- C6** [Sch. 1 para. 6](#) 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\(1\)\(a\)](#)

7 ^{F12}

Textual Amendments

- F12** [Sch. 1 Pt. 1 para. 7](#) repealed by [Housing Act 1988 \(c. 50, SIF 61\)](#), ss. 39(2)(3), 140(2), **Sch. 4 Pt. I para. 7**(with application as mentioned in s. 39(2)(3)), [Sch. 18](#)

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Textual Amendments

F13 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**

- 9 Paragraphs 5 to 8 above do not apply where the statutory tenancy of the original tenant arose by virtue of section 4 of the ^{M1}Requisitioned Houses and Housing (Amendment) Act 1955 or section 20 of the ^{M2}Rent Act 1965.

Marginal Citations

M1 1955 c. 24.
M2 1965 c. 75.

- 10 (1) Where after a succession the successor becomes the tenant of the dwelling-house by the grant to him of another tenancy, “the original tenant” and “the first successor” in this Part of this Schedule shall, in relation to that other tenancy, mean the persons who were respectively the original tenant and the first successor at the time of the succession, and accordingly—
- (a) if the successor was the first successor, and, immediately before his death he was still the tenant (whether protected or statutory), [^{F14}paragraph 6] above shall apply on his death,
 - (b) if the successor was not the first successor, no person shall become a statutory tenant on his death by virtue of this Part of this Schedule.
- (2) Sub-paragraph (1) above applies—
- (a) even if a successor enters into more than one other tenancy of the dwelling-house, and
 - (b) even if both the first successor and the successor on his death enter into other tenancies of the dwelling-house.
- (3) In this paragraph “succession” means the occasion on which a person becomes the statutory tenant of a dwelling-house by virtue of this Part of this Schedule and “successor” shall be construed accordingly.
- (4) This paragraph shall apply as respects a succession which took place before 27th August 1972 if, and only if, the tenancy granted after the succession, or the first of those tenancies, was granted on or after that date, and where it does not apply as respects a succession, no account should be taken of that succession in applying this paragraph as respects any later succession.

Textual Amendments

F14 Words substituted as provided by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 39(2), **Sch. 4 Pt. I para. 8**(with application as mentioned in s. 39(2)(3))

- 11 (1) Paragraphs 5 to 8 above do not apply where—
- (a) the tenancy of the original tenant was granted on or after the operative date within the meaning of the ^{M3}Rent (Agriculture) Act 1976, and

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(b) both that tenancy and the statutory tenancy of the first successor were tenancies to which section 99 of this Act applies.

(2) If the tenants under both of the tenancies falling within sub-paragraph (1)(b) above were persons to whom paragraph 7 of Schedule 9 to the ^{M4}Rent (Agriculture) Act 1976 applies, the reference in sub-paragraph (1)(a) above to the operative date shall be taken as a reference to the date of operation for forestry workers within the meaning of that Act.

Marginal Citations

M3 1976 c. 80.

M4 1976 c. 80.

[^{F15}11A In this Part of this Schedule “the operative date” means the date on which Part I of the Housing Act 1988 came into force.]

Textual Amendments

F15 Sch. 1 Pt. I para. 11A inserted by Housing Act 1988 (c. 50, SIF 61), s. 39(2), Sch. 4 Pt. I para. 9 (with application as mentioned in s. 39(2)(3))

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