



Rent Act 1977

1977 CHAPTER 42

PART VII

SECURITY OF TENURE

Restricted contracts

[^{F1}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 ^{M1} Housing Act 1980.
- (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;

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1977, Section 106A. (See end of Document for details)

- (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

F1 S. 106A inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 69(2)

Marginal Citations

M1 1980 c. 51.

Changes to legislation:

There are currently no known outstanding effects for the Rent Act 1977, Section 106A.