



Protection from Eviction Act 1977

1977 CHAPTER 43

PART III

SUPPLEMENTAL PROVISIONS

6 Prosecution of offences.

Proceedings for an offence under this Act may be instituted by any of the following authorities:—

- (a) councils of districts and London boroughs;
- [^{F1}(aa) councils of Welsh counties and county boroughs;]
- (b) the Common Council of the City of London;
- (c) the Council of the Isles of Scilly.

Textual Amendments

- F1** S. 6(aa) inserted (1.4.1996) by 1994 c. 19, s. 22(2), **Sch. 8 para. 4(2)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2); S.I. 1996/396, art. 3, **Sch. 1**)

7 Service of Notices.

- (1) If for the purpose of any proceedings (whether civil or criminal) brought or intended to be brought under this Act, any person serves upon—
- (a) any agent of the landlord named as such in the rent book or other similar document, or
 - (b) the person who receives the rent of the dwelling,
- 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.
- (2) If any such agent or other person as is referred to in subsection (1) above fails or refuses forthwith to comply with a notice served on him under that subsection, he shall

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be liable on summary conviction to a fine not exceeding [^{F2}level 4 on the standard scale], unless he shows to the satisfaction of the court 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.

- (3) In this section “landlord” includes—
- (a) any person from time to time deriving title under the original landlord,
 - (b) in relation to any dwelling-house, any person other than the tenant who is or, but for Part VII of the ^{M1}Rent Act 1977 would be, entitled to possession of the dwelling-house, and
 - (c) any person who, . . . ^{F3} 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.

Textual Amendments

F2 Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 39, 46, [Sch. 3](#)

F3 Words repealed by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1)(2), [Sch. 17 para. 26](#), [Sch. 18](#)

Marginal Citations

M1 [1977 c. 42](#).

8 Interpretation.

- (1) In this Act “statutorily protected tenancy” means—
- (a) a protected tenancy within the meaning of the ^{M2}Rent Act 1977 or a tenancy to which Part I of the ^{M3}Landlord and Tenant Act 1954 applies;
 - (b) a protected occupancy or statutory tenancy as defined in the ^{M4}Rent (Agriculture) Act 1976;
 - (c) a tenancy to which Part II of the ^{M5}Landlord and Tenant Act 1954 applies;
 - (d) a tenancy of an agricultural holding within the meaning of the [^{F4}Agricultural Holdings Act 1986][^{F5}which is a tenancy in relation to which that act applies].
 - [^{F6}(e) an assured tenancy or assured agricultural occupancy under Part I of the Housing Act 1988]
 - [^{F7}(f) a tenancy to which Schedule 10 to the Local Government and Housing Act 1989 applies].
 - [^{F8}(g) a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995.]
- (2) For the purposes of Part I of this Act a person who, under the terms of his employment, had exclusive possession of any premises other than as a tenant shall be deemed to have been a tenant and the expressions “let” and “tenancy” shall be construed accordingly.
- (3) In Part I of this Act “the owner”, in relation to any premises, means the person who, as against the occupier, is entitled to possession thereof.
- [^{F9}(4) In this Act “excluded tenancy” and “excluded licence” have the meaning assigned by section 3A of this Act.
- (5) If, on or after the date on which the Housing Act 1988 came into force, the terms of an excluded tenancy or excluded licence entered into before that date are varied, then—

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- (a) if the variation affects the amount of the rent which is payable under the tenancy or licence, the tenancy or licence shall be treated for the purposes of sections 3(2C) and 5(1B) above as a new tenancy or licence entered into at the time of the variation; and
 - (b) if the variation does not affect the amount of the rent which is so payable, nothing in this Act shall affect the determination of the question whether the variation is such as to give rise to a new tenancy or licence.
- (6) Any reference in subsection (5) above to a variation affecting the amount of the rent which is payable under a tenancy or licence does not include a reference to—
- (a) a reduction or increase effected under Part III or Part VI of the Rent Act ^{M6}1977 (rents under regulated tenancies and housing association tenancies), section 78 of that Act (power of rent tribunal in relation to restricted contracts) or sections 11 to 14 of the Rent (Agriculture) Act ^{M7}1976; or
 - (b) a variation which is made by the parties and has the effect of making the rent expressed to be payable under the tenancy or licence the same as a rent for the dwelling which is entered in the register under Part IV or section 79 of the Rent Act ^{M8}1977.]

Textual Amendments

- F4** Words substituted by Agricultural Holdings Act 1986 (c. 5, SIF 2:3), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 61**
- F5** Words in s. 8(1)(d) inserted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 29(a)** (with s. 37)
- F6** S. 8(1)(e) inserted by Housing Act 1988 (c. 50, SIF 75:1), **ss. 33(2), 44(2)(b)**
- F7** S. 8(1)(f) inserted by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194(1), **Sch. 11 para. 54**
- F8** S. 8(1)(g) added (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 29(b)** (with s. 37)
- F9** S. 8(4)–(6) added by Housing Act 1988 (c. 50, SIF 75:1), **ss. 33(3), 44(2)(b)**

Marginal Citations

- M2** 1977 c. 42.
- M3** 1954 c. 56.
- M4** 1976 c. 80.
- M5** 1954 c. 56.
- M6** 1977 c. 42(75:3).
- M7** 1976 c. 80(75:3).
- M8** 1977 c. 42(75:3).

9 The court for purposes of Part I.

- (1) The court for the purposes of Part I of this Act shall, subject to this section, be—
- (a) the county court, in relation to premises with respect to which the county court has for the time being jurisdiction in actions for the recovery of land; and
 - (b) the High Court, in relation to other premises.
- (2) Any powers of a county court in proceedings for the recovery of possession of any premises in the circumstances mentioned in section 3(1) of this Act may be exercised with the leave of the judge by any registrar of the court, except in so far as rules of court otherwise provide.

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- (3) Nothing in this Act shall affect the jurisdiction of the High Court in proceedings to enforce a lessor's right of re-entry or forfeiture or to enforce a mortgagee's right of possession in a case where the former tenancy was not binding on the mortgagee.
- (4) Nothing in this Act shall affect the operation of—
- (a) section 59 of the ^{M9}Pluralities Act 1838;
 - (b) section 19 of the ^{M10}Defence Act 1842;
 - (c) section 6 of the ^{M11}Lecturers and Parish Clerks Act 1844;
 - (d) paragraph 3 of Schedule 1 to the ^{M12}Sexual Offences Act 1956; or
 - (e) section 13 of the ^{M13}Compulsory Purchase Act 1965.

Marginal Citations

- M9** 1838 c. 106.
M10 1842 c. 94.
M11 1844 c. 59.
M12 1956 c. 69.
M13 1965 c. 56.

10 Application to Crown.

In so far as this Act requires the taking of proceedings in the court for the recovery of possession or confers any powers on the court it shall (except in the case of section 4(10)) be binding on the Crown.

11 Application to Isles of Scilly.

- (1) In its application to the Isles of Scilly, this Act (except in the case of section 5) shall have effect 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.

12 Consequential amendments, etc.

- (1) Schedule 1 to this Act contains amendments consequential on the provisions of this Act.
- (2) Schedule 2 to this Act contains transitional provisions and savings.
- (3) The enactments mentioned in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (4) The inclusion in this Act of any express saving, transitional provision or amendment shall not be taken to affect the operation in relation to this Act of section 38 of the ^{M14}Interpretation Act 1889 (which relates to the effect of repeals).

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Modifications etc. (not altering text)

- C1** The text of s. 12(1)(3) and Schs. 1 and 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as indicated, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
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Marginal Citations

- M14** 1889 c. 63.

13 Short title etc.

- (1) This Act may be cited as the Protection from Eviction 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.
- (4) References in this Act to any enactment are references to that enactment as amended, and include references thereto as applied by any other enactment including, except where the context otherwise requires, this Act.

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