



Protection from Eviction Act 1977

1977 CHAPTER 43

PART I

UNLAWFUL EVICTION AND HARASSMENT

3 Prohibition of eviction without due process of law.

- (1) Where any premises have been let as a dwelling under a tenancy which is [^{F1}neither a statutorily protected tenancy nor an excluded tenancy] and—
- (a) the tenancy (in this section referred to as the former tenancy) has come to an end, but
 - (b) the occupier continues to reside in the premises or part of them,
- it shall not be lawful for the owner to enforce against the occupier, otherwise than by proceedings in the court, his right to recover possession of the premises.
- (2) In this section “the occupier”, in relation to any premises, means any person lawfully residing in the premises or part of them at the termination of the former tenancy.

[^{F2}(2A) Subsections (1) and (2) above apply in relation to any restricted contract (within the meaning of the Rent Act 1977) which—

- (a) creates a licence; and
- (b) is entered into after the commencement of section 69 of the Housing Act 1980; as they apply in relation to a restricted contract which creates a tenancy.]

[^{F3}(2B) Subsections (1) and (2) above apply in relation to any premises occupied as a dwelling under a licence, other than an excluded licence, as they apply in relation to premises let as a dwelling under a tenancy, and in those subsections the expressions “let” and “tenancy” shall be construed accordingly.

(2C) References in the preceding provisions of this section and section 4(2A) below to an excluded tenancy do not apply to—

- (a) a tenancy entered into before the date on which the Housing Act 1988 came into force, or

Changes to legislation: Protection from Eviction Act 1977, Section 3 is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) a tenancy entered into on or after that date but pursuant to a contract made before that date,
but, subject to that, “excluded tenancy” and “excluded licence” shall be construed in accordance with section 3A below.]
- (3) This section shall, with the necessary modifications, apply where the owner’s right to recover possession arises on the death of the tenant under a statutory tenancy within the meaning of the ^{M1}Rent Act 1977 or the ^{M2}Rent (Agriculture) Act 1976.

Textual Amendments

- F1** Words substituted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), **ss. 30(1), 44(2)(b)**
F2 [S. 3\(2A\)](#) inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **s. 69(1)**
F3 [S. 3\(2B\)–\(2C\)](#) inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), **ss. 30(2), 44(2)(b)**
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Marginal Citations

- M1** 1977 c. 42.
M2 1976 c. 80.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act modified by [2002 c. 41 s. 32\(4\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3A(7B) inserted by [2002 c. 41 s. 32\(5\)](#)