



Protection from Eviction Act 1977

1977 CHAPTER 43

PART I

UNLAWFUL EVICTION AND HARASSMENT

4 Special provisions for agricultural employees.

- (1) This section shall apply where the tenant under the former tenancy (within the meaning of section 3 of this Act) occupied the premises under the terms of his employment as a person employed in agriculture, as defined in section 1 of the ^{M1}Rent (Agriculture) Act 1976, but is not a statutory tenant as defined in that Act.
- (2) In this section “the occupier”, in relation to any premises, means—
 - (a) the tenant under the former tenancy; or
 - (b) the [^{F1}surviving spouse or surviving civil partner] of the tenant under the former tenancy residing with him at his death or, if the former tenant leaves no such [^{F1}surviving spouse or surviving civil partner], any member of his family residing with him at his death.

[^{F2}(2A) In accordance with section 3(2B) above, any reference in subsections (1) and (2) above to the tenant under the former tenancy includes a reference to the licensee under a licence (other than an excluded licence) which has come to an end (being a licence to occupy premises as a dwelling); and in the following provisions of this section the expressions “tenancy” and “rent” and any other expressions referable to a tenancy shall be construed accordingly.]

- (3) Without prejudice to any power of the court apart from this section to postpone the operation or suspend the execution of an order for possession, if in proceedings by the owner against the occupier the court makes an order for the possession of the premises the court may suspend the execution of the order on such terms and conditions, including conditions as to the payment by the occupier of arrears of rent, mesne profits and otherwise as the court thinks reasonable.
- (4) Where the order for possession is made within the period of 6 months beginning with the date when the former tenancy came to an end, then, without prejudice to any

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powers of the court under the preceding provisions of this section or apart from this section to postpone the operation or suspend the execution of the order for a longer period, the court shall suspend the execution of the order for the remainder of the said period of 6 months unless the court—

- (a) is satisfied either—
 - (i) that other suitable accommodation is, or will within that period be made, available to the occupier; or
 - (ii) that the efficient management of any agricultural land or the efficient carrying on of any agricultural operations would be seriously prejudiced unless the premises are available for occupation by a person employed or to be employed by the owner; or
 - (iii) that greater hardship (being hardship in respect of matters other than the carrying on of such a business as aforesaid) would be caused by the suspension of the order until the end of that period than by its execution within that period; or
 - (iv) that the occupier, or any person residing or lodging with the occupier, has been causing damage to the premises or has been guilty of conduct which is a nuisance or annoyance to persons occupying other premises; and
 - (b) considers that it would be reasonable not to suspend the execution of the order for the remainder of that period.
- (5) Where the court suspends the execution of an order for possession under subsection (4) above it shall do so on such terms and conditions, including conditions as to the payment by the occupier of arrears of rent, mesne profits and otherwise as the court thinks reasonable.
- (6) A decision of the court not to suspend the execution of the order under subsection (4) above shall not prejudice any other power of the court to postpone the operation or suspend the execution of the order for the whole or part of the period of 6 months mentioned in that subsection.
- (7) Where the court has, under the preceding provisions of this section, suspended the execution of an order for possession, it may from time to time vary the period of suspension or terminate it and may vary any terms or conditions imposed by virtue of this section.
- (8) In considering whether or how to exercise its powers under subsection (3) above, the court shall have regard to all the circumstances and, in particular, to—
- (a) whether other suitable accommodation is or can be made available to the occupier;
 - (b) whether the efficient management of any agricultural land or the efficient carrying on of any agricultural operations would be seriously prejudiced unless the premises were available for occupation by a person employed or to be employed by the owner; and
 - (c) whether greater hardship would be caused by the suspension of the execution of the order than by its execution without suspension or further suspension.
- (9) Where in proceedings for the recovery of possession of the premises the court makes an order for possession but suspends the execution of the order under this section, it shall make no order for costs, unless it appears to the court, having regard to the conduct of the owner or of the occupier, that there are special reasons for making such an order.

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(10) Where, in the case of an order for possession of the premises to which subsection (4) above applies, the execution of the order is not suspended under that subsection or, the execution of the order having been so suspended, the suspension is terminated, then, if it is subsequently made to appear to the court that the failure to suspend the execution of the order or, as the case may be, the termination of the suspension was—

- (a) attributable to the provisions of paragraph (a)(ii) of subsection (4), and
- (b) due to misrepresentation or concealment of material facts by the owner of the premises,

the court may order the owner to pay to the occupier such sum as appears sufficient as compensation for damage or loss sustained by the occupier as a result of that failure or termination.

Textual Amendments

- F1** Words in s. 4(2)(b) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 15**; S.I. 2005/3175, art. 2(1), Sch. 1
- F2** S. 4(2A) inserted by Housing Act 1988 (c. 50, SIF 75:1), **ss. 30(3), 44(2)(b)**

Marginal Citations

- M1** 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\(5\)](#)