



# Protection from Eviction Act 1977

## 1977 CHAPTER 43

### PART III

#### SUPPLEMENTAL PROVISIONS

#### 8 Interpretation.

- (1) In this Act “statutorily protected tenancy” means—
- (a) a protected tenancy within the meaning of the <sup>M1</sup>Rent Act 1977 or a tenancy to which Part I of the <sup>M2</sup>Landlord and Tenant Act 1954 applies;
  - (b) a protected occupancy or statutory tenancy as defined in the <sup>M3</sup>Rent (Agriculture) Act 1976;
  - (c) a tenancy to which Part II of the <sup>M4</sup>Landlord and Tenant Act 1954 applies;
  - (d) a tenancy of an agricultural holding within the meaning of the [<sup>F1</sup>Agricultural Holdings Act 1986][<sup>F2</sup>which is a tenancy in relation to which that act applies].
  - [<sup>F3</sup>(e) an assured tenancy or assured agricultural occupancy under Part I of the Housing Act 1988]
  - [<sup>F4</sup>(f) a tenancy to which Schedule 10 to the Local Government and Housing Act 1989 applies].
  - [<sup>F5</sup>(g) a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995.]
  - [<sup>F6</sup>(h) an occupation contract within the meaning of the Renting Homes (Wales) Act 2016 (anaw 1) (see section 7 of that Act).]
- (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.
- [<sup>F7</sup>(4) In this Act “excluded tenancy” and “excluded licence” have the meaning assigned by section 3A of this Act.

*Status: Point in time view as at 01/12/2022.*

*Changes to legislation: Protection from Eviction Act 1977, Section 8 is up to date with all changes known to be in force on or before 24 January 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)*

- (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—
- (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<sup>M5</sup> 1977 (rents under regulated tenancies and housing association tenancies), section 78 of that Act (power of<sup>F8</sup>... tribunal in relation to restricted contracts) or sections 11 to 14 of the Rent (Agriculture) Act<sup>M6</sup> 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<sup>M7</sup> 1977.]

#### Textual Amendments

- F1** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 61**
- F2** 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)
- F3** S. 8(1)(e) inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), ss. 33(2), 44(2)(b)
- F4** S. 8(1)(f) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194(1), **Sch. 11 para. 54**
- F5** S. 8(1)(g) added (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 29(b)** (with s. 37)
- F6** S. 8(1)(h) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **9(3)** (with savings and transitional provisions in S.I. 2022/1172, regs. 14, 19)
- F7** S. 8(4)–(6) added by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), ss. 33(3), 44(2)(b)
- F8** Word in s. 8(6)(a) omitted (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 35** (with Sch. 3)

#### Marginal Citations

- M1** 1977 c. 42.
- M2** 1954 c. 56.
- M3** 1976 c. 80.
- M4** 1954 c. 56.
- M5** 1977 c. 42(75:3).
- M6** 1976 c. 80(75:3).
- M7** 1977 c. 42(75:3).

**Status:**

Point in time view as at 01/12/2022.

**Changes to legislation:**

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