SCHEDULES

SCHEDULE 8

Section 73.

CROWN ESTATE AND DUCHIES— CONSEQUENTIAL PROVISIONS

PART I

RENT ACT 1977

1 Where a tenancy granted before the commencement of section 73 of this Act becomes, or would but for its low rent become, a protected tenancy by virtue of that section, section 5 of the 1977 Act applies as if in relation to the dwelling-house the appropriate day were the commencement of that section.

2 In Part I of Schedule 15 to the 1977 Act the following is inserted after paragraph (b) of Case 6:

"(bb) the commencement of section 73 of the Housing Act 1980, in the case of a tenancy which became a regulated tenancy by virtue of that section."

3 In Part II of Schedule 15 to the 1977 Act any reference to the relevant date shall (notwithstanding paragraph 2 of Part III of that Schedule) be construed, in the case of a tenancy which becomes a regulated tenancy by virtue of section 73 of this Act as meaning the date falling six months after the passing of this Act.

4 (1) Part II of Schedule 18 to the 1977 Act applies to a tenancy which becomes a regulated tenancy by virtue of section 73 of this Act (unless it is a tenancy falling within sub-paragraph (2) below).

(2) Nothing in Part IX of the 1977 Act applies to the assignment, before the end of the year 1990, of a tenancy which falls within this sub-paragraph; and a tenancy falls within this sub-paragraph if it was granted for a term certain and its terms do not inhibit both the assignment and the underletting of the whole of the premises comprised in the tenancy, and either—

(a) it was granted before the commencement of section 73 of this Act and became a regulated tenancy by virtue of that section; or

(b) it is a regulated tenancy by virtue of that section and was granted to a person who, at the time of the grant, was the tenant of the premises comprised in it under a regulated tenancy which also fell within this sub-paragraph.

(3) For the purposes of sub-paragraph (2) above the terms of a tenancy inhibit an assignment or underletting if they—

(a) preclude it; or

(b) permit it subject to a consent but exclude section 144 of the Law of Property Act 1925 (no payment in nature of fine); or

(c) permit it subject to a consent but require in connection with a request for consent the making of an offer to surrender the tenancy.

PART II

RENT (AGRICULTURE) ACT 1976

5 Where the question whether a person is a qualifying worker for the purposes of the Rent (Agriculture) Act 1976 arises by virtue of section 73 of this Act, Part II of Schedule 3 to that Act applies as if the date of operation for forestry workers were the commencement of that section.

6 Where a protected occupancy or statutory tenancy within the meaning of the Rent (Agriculture) Act 1976 arises at the commencement of section 73 of this Act, Cases VIII and X in Schedule 4 to that Act apply in relation to it as if the operative date were that commencement.

7 For the purpose of determining whether, at the commencement of section 73 of this Act, a person becomes a statutory tenant for the purposes of the Rent (Agriculture) Act 1976 and of applying that Act to him if he does, paragraph 3 of Schedule 9 to that Act applies as if the operative date were that commencement.

8 Paragraphs 6 and 7 above apply in relation to forestry workers as they apply in relation to other persons and paragraph 7 of Schedule 9 to the Rent (Agriculture) Act 1976 does not apply.

PART III

GENERAL

9 Where an interest belongs to Her Majesty in right of the Duchy of Lancaster, then, for the purposes of Part I of the Landlord and Tenant Act 1954, the Rent (Agriculture) Act 1976 or the 1977 Act, the Chancellor of the Duchy of Lancaster shall be deemed to be the owner of the interest.

10 Where an interest belongs to the Duchy of Cornwall, then, for the purposes of Part I of the Landlord and Tenant Act 1954, the Rent (Agriculture) Act 1976 or the 1977 Act, the Secretary of the Duchy of Cornwall shall be deemed to be the owner of the interest.