



# Rent (Agriculture) Act 1976

## 1976 CHAPTER 80

### PART I

#### PRELIMINARY

##### *Statutory tenancies*

#### **4 Statutory tenants and tenancies.**

- (1) Subject to section 5 below, where a person ceases to be a protected occupier of a dwelling-house on the termination, whether by notice to quit or by virtue of section 16(3) of this Act or otherwise, of his licence or tenancy, he shall, if and so long as he occupies the dwelling-house as his residence, be the statutory tenant of it.
- (2) Subject to section 5 below, subsection (3), <sup>F1</sup> . . . below shall have effect for determining what person (if any) is the statutory tenant of a dwelling-house at any time after the death of a person (“the original occupier”) who was, immediately before his death, a protected occupier or statutory tenant of the dwelling-house in his own right.
- (3) If the original occupier was a man who died leaving a widow who was residing [<sup>F2</sup>in the dwelling-house immediately before his death] then, after his death, unless the widow is a protected occupier of the dwelling-house by virtue of section 3(2) above, she shall be the statutory tenant if and so long as she occupies the dwelling-house as her residence.

This subsection is framed by reference to the case where the original occupier was a man, but is to be read as applying equally in the converse case where the original occupier was a woman.

- (4) Where—
  - (a) the original occupier was not a person who died leaving a surviving spouse who was residing [<sup>F2</sup>in the dwelling-house immediately before his death], but
  - (b) one or more persons who were members of his family were residing with him [<sup>F3</sup>in the dwelling-house] at the time of and for the [<sup>F4</sup>period of 2 years] immediately before his death,

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then, after his death, unless that person or, as the case may be, one of those persons is a protected occupier of the [<sup>F5</sup>entitled to an assured tenancy of the dwelling-house by succession] .

(5) In [<sup>F6</sup>subsections (1) and (3)] above the phrase “if and so long as he occupies the dwelling-house as his residence” shall be construed in accordance with [<sup>F7</sup>section 2(3) of the <sup>M1</sup>Rent Act 1977] (construction of that phrase in the corresponding provisions of that Act).

[<sup>F8</sup>(5A) For the purposes of subsection (3) above, a person who was living with the original occupier as his or her wife or husband shall be treated as the spouse of the original occupier and, subject to subsection (5B) below, the references in subsection (3) above to a widow and in subsection (4) above to a surviving spouse shall be construed accordingly.

(5B) If, immediately after the death of the original occupier, there is, by virtue of subsection (5A) above, more than one person who fulfils the conditions in subsection (3) above, such one of them as may be decided by agreement or, in default of agreement by the county court, shall be the statutory tenant by virtue of that subsection.

(5C) If the original occupier died within the period of 18 months beginning on the operative date, then, for the purposes of subsection (3) above, a person who was residing in the dwelling-house with the original occupier at the time of his death and for the period which began 6 months before the operative date and ended at the time of his death shall be taken to have been residing with the original occupier for the period of 2 years immediately before his death; and in this subsection “the operative date” means the date on which Part I of the Housing Act 1988 came into force.]

(6) A dwelling-house is, in this Act, referred to as subject to a statutory tenancy where there is a statutory tenant of it.

#### Textual Amendments

- F1** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(2), [Sch. 18](#)
- F2** Words substituted by [Housing Act 1980 \(c. 51\)](#), [s. 76\(3\)\(4\)](#) in relation to deaths occurring after 28.11.1980
- F3** Words in s. 4(4)(b) inserted (with effect in accordance with [s. 39\(4\)](#) of the amending Act) by [Housing Act 1988 \(c. 50\)](#), ss. 39(4), 141(3), [Sch. 4 para. 11\(a\)](#)
- F4** Words in s. 4(4)(b) substituted (with effect in accordance with [s. 39\(4\)](#) of the amending Act) by [Housing Act 1988 \(c. 50\)](#), ss. 39(4), 141(3), [Sch. 4 para. 11\(a\)](#)
- F5** Words in s. 4(4) substituted (with effect in accordance with [s. 39\(4\)](#) of the amending Act) by [Housing Act 1988 \(c. 50\)](#), ss. 39(4), 141(3), [Sch. 4 para. 11\(b\)](#)
- F6** Words in s. 4(5) substituted (with effect in accordance with [s. 39\(4\)](#) of the amending Act) by [Housing Act 1988 \(c. 50\)](#), ss. 39(4), 141(3), [Sch. 4 para. 12](#)
- F7** Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 72](#)
- F8** [S. 4\(5A\)-\(5C\)](#) inserted (with effect in accordance with [s. 39\(4\)](#) of the amending Act) by [Housing Act 1988 \(c. 50\)](#), ss. 39(4), 141(3), [Sch. 4 para. 12](#)

#### Marginal Citations

- M1** 1977 c. 42.

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## 5 No statutory tenancy where landlord's interest belongs to Crown or to local authority, etc.

- [<sup>F9</sup>(1) A person shall not at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would, at that time—
- (a) belong to Her Majesty in right of the Crown or to a government department, or
  - (b) be held in trust for Her Majesty for the purposes of a government department; except that an interest belonging to Her Majesty in right of the Crown shall not prevent a person from being a statutory tenant if the interest is under the management of the Crown Estate Commissioners.]
- (2) A person shall not at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would, at that time, belong to any of the bodies specified in subsection (3) below.
- (3) The bodies referred to in subsection (2) above are—
- (a) the council of a county [<sup>F10</sup>, county borough] or district or, in the application of this Act to the Isles of Scilly, the Council of those Isles;
  - (b) .....<sup>F11</sup>the council of a London borough or the Common Council of the City of London;
  - [<sup>F12</sup>(baa) a police authority established under [<sup>F13</sup>section 3 of the Police Act 1996]. . . .]
  - (ba) .....<sup>F14</sup>
  - [<sup>F15</sup>(bb) a joint authority established by Part IV of the Local Government Act 1985;]
  - [<sup>F16</sup>(bbb) the London Fire and Emergency Planning Authority;]
  - [<sup>F17</sup>(bc) the Broads Authority;]
  - [<sup>F18</sup>(bd) any National Park authority;]
  - (c) the Commission for the New Towns
  - (d) the Housing Corporation;
  - <sup>F19</sup>(da) .....
  - (e) a development corporation established by an order made, or having effect as if made, under the [<sup>F20M2</sup>New Towns Act 1981], and
  - (f) a housing trust (as defined in [<sup>F21</sup>section 15(5) of the <sup>M3</sup>Rent Act 1977]) which is a charity within the meaning of the [<sup>F22</sup>the Charities Act 1993].
- (4) If any of the conditions for the time being specified in [<sup>F23</sup>section 15(4) of the <sup>M4</sup>Rent Act 1977] (conditions for the operation of the corresponding provision of that Act) is fulfilled, a person shall not be a statutory tenant of a dwelling-house at any time if the interest of his immediate landlord would, at that time, [<sup>F24</sup>belong to a housing association which—
- (a) is [<sup>F25</sup>a registered social landlord within the meaning of the Housing Act 1985 (see section 5(4) and (5) of that Act)], or
  - (b) is a co-operative housing association within the meaning of [<sup>F26</sup>the Housing Associations Act 1985].]

### Textual Amendments

**F9** S. 5(1) substituted by [Housing Act 1980 \(c. 51\), s. 73\(3\)](#)

**F10** Words in s. 5(3)(a) inserted (1.4.1996) by 1994 c. 19, s. 22(2), [Sch. 8 para. 2](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 3, [Sch. 1](#)

**F11** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)

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- F12** S. 5(3)(baa) inserted (1.10.1994 for specified purposes and otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 52**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, **art. 4, Sch.**
- F13** Words in s. 5(3)(baa) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7 Pt. I para. 1(2)(m)**
- F14** S. 5(3)(ba) (which was inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 55**) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13 Pt. I**
- F15** S. 5(3)(bb) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 55**
- F16** Words in s. 5(3) inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 25** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(a)(h)**
- F17** S. 5(3)(bc) inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), **Sch. 6 para. 17**
- F18** S. 5(3)(bd) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 17** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**
- F19** S. 5(3)(da) repealed (1.11.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F20** Words substituted by New Towns Act 1981 (c. 64, SIF 123:3), s. 81, **Sch. 12 para. 23**
- F21** Words substituted by Rent Act 1977 (c. 42, SIF 75:3), s. 156, **Sch. 23 para. 73(a)**
- F22** Words in s. 5(3)(f) substituted (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), **Sch. 6 para. 30**.
- F23** Words substituted by Rent Act 1977 (c. 42), **Sch. 23 para. 73(b)**
- F24** Words and s. 5(4)(a)(b) substituted for words and s. 5(4)(a)–(d) by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 4, 5(2), **Sch. 2 para. 33(2)**
- F25** Words in s. 5(4)(a) substituted (1.10.1996) by S.I. 1996/2325, **art. 5(1), Sch. 2 para. 5(a)**
- F26** Words in s. 5(4)(b) substituted (1.10.1996) by S.I. 1996/2325, **art. 5(1), Sch. 2 para. 5(b)**

#### Modifications etc. (not altering text)

- C1** S. 5(2) extended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 14(c)**  
S. 5(2) extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 24(e)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- C2** S. 5(3)(bb) extended by S.I. 1985/1884, **art. 10, Sch. 3 para. 4(O)**

#### Marginal Citations

- M2** 1981 c. 64.
- M3** 1977 c. 42.
- M4** 1977 c. 42.

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