



# Rent (Agriculture) Act 1976

## 1976 CHAPTER 80

### PART III

#### PROTECTED OCCUPANCIES AND STATUTORY TENANCIES : SUPPLEMENTAL

##### *Recovery of rent*

#### **20 Avoidance of requirements for advance payment of rent**

- (1) Any requirement that rent under a protected occupancy, or under a statutory tenancy, shall be payable—
  - (a) before the beginning of the rental period in respect of which it is payable, or
  - (b) earlier than 6 months before the end of the rental period in respect of which it is payable (if that period is more than 6 months),shall be void, and any requirement avoided by this section is referred to in this section as a "prohibited requirement".
- (2) Rent for any rental period to which a prohibited requirement relates shall be irrecoverable from the tenant.
- (3) A person who purports to impose a prohibited requirement shall be liable on summary conviction to a fine not exceeding £100 and the court by which he is convicted may order the amount of rent paid in compliance with the prohibited requirement to be repaid to the person by whom it was paid.
- (4) In this section "rental period" means a period in respect of which a payment of rent falls to be made.
- (5) For the avoidance of doubt it is hereby declared that this section does not render any amount recoverable more than once.

## **21 Recovery from landlord of sums paid in excess of recoverable rent**

- (1) Where a tenant has paid on account of rent any amount which, by virtue of Part II of this Act or this Part, is irrecoverable by the landlord, then, subject to subsection (3) below, the tenant who paid it shall be entitled to recover that amount from the landlord who received it or his personal representatives.
- (2) Subject to subsection (3) below, any amount which a tenant is entitled to recover under subsection (1) above may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the landlord.
- (3) No amount which a tenant is entitled to recover under subsection (1) above shall be recoverable at any time after the expiry of two years from the date of payment.
- (4) Any person who, in any rent book or similar document, makes an entry showing or purporting to show any tenant as being in arrears in respect of any sum on account of rent which is irrecoverable by virtue of Part II of this Act or this Part shall be liable on summary conviction to a fine not exceeding £50, unless he proves that, at the time of the making of the entry, the landlord had a bona fide claim that the sum was recoverable.
- (5) If, where any such entry has been made by or on behalf of any landlord, the landlord on being requested by or on behalf of the tenant to do so, refuses or neglects to cause the entry to be deleted within seven days, the landlord shall be liable on summary conviction to a fine not exceeding £50, unless he proves that, at the time of the neglect or refusal to cause the entry to be deleted, he had a bona fide claim that the sum was recoverable.

## **22 Rectification of rent books in light of determination of recoverable rent**

Where, in any proceedings, the recoverable rent of a dwelling-house subject to a statutory tenancy is determined by a court, then, on the application of the tenant (whether in those or in any subsequent proceedings) the court may call for the production of the rent book or any similar document relating to the dwelling-house and may direct the registrar or clerk of the court to correct any entries showing, or purporting to show, the tenant as being in arrears in respect of any sum which the court has determined to be irrecoverable.