



# Rent Act 1977

## 1977 CHAPTER 42

### PART I

#### PRELIMINARY

##### *Protected and statutory tenancies*

#### **1 Protected tenants and tenancies.**

Subject to this Part of this Act, a tenancy under which a dwelling-house (which may be a house or part of a house) is let as a separate dwelling is a protected tenancy for the purposes of this Act.

Any reference in this Act to a protected tenant shall be construed accordingly.

#### **2 Statutory tenants and tenancies.**

(1) Subject to this Part of this Act—

- (a) after the termination of a protected tenancy of a dwelling-house the person who, immediately before that termination, was the protected tenant of the dwelling-house shall, if and so long as he occupies the dwelling-house as his residence, be the statutory tenant of it: and
- (b) Part I of Schedule 1 to this Act shall have effect for determining what person (if any) is the statutory tenant of a dwelling-house [<sup>F1</sup>or, as the case may be, is entitled to an assured tenancy of a dwelling-house by succession] at any time after the death of a person who, immediately before his death, was either a protected tenant of the dwelling-house or the statutory tenant of it by virtue of paragraph (a) above.

(2) In this Act a dwelling-house is referred to as subject to a statutory tenancy when there is a statutory tenant of it.

(3) In subsection (1)(a) above and in Part I of Schedule 1, the phrase “if and so long as he occupies the dwelling-house as his residence” shall be construed as it was immediately

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before the commencement of this Act (that is to say, in accordance with section 3(2) of the <sup>M1</sup>Rent Act 1968).

- (4) A person who becomes a statutory tenant of a dwelling-house as mentioned in subsection (1)(a) above is, in this Act, referred to as a statutory tenant by virtue of his previous protected tenancy.
- (5) A person who becomes a statutory tenant as mentioned in subsection 1(b) above is, in this Act, referred to as a statutory tenant by succession.

#### Textual Amendments

**F1** Words inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), **s. 39(1)**

#### Marginal Citations

**M1** 1968 c. 23.

### 3 Terms and conditions of statutory tenancies.

- (1) So long as he retains possession, a statutory tenant shall observe and be entitled to the benefit of all the terms and conditions of the original contract of tenancy, so far as they are consistent with the provisions of this Act.
- (2) It shall be a condition of a statutory tenancy of a dwelling-house that the statutory tenant shall afford to the landlord access to the dwelling-house and all reasonable facilities for executing therein any repairs which the landlord is entitled to execute.
- (3) Subject to section 5 of the <sup>M2</sup>Protection from Eviction Act 1977 (under which at least 4 weeks' notice to quit is required), a statutory tenant of a dwelling-house shall be entitled to give up possession of the dwelling-house if, and only if, he gives such notice as would have been required under the provisions of the original contract of tenancy, or, if no notice would have been so required, on giving not less than 3 months' notice.
- (4) Notwithstanding anything in the contract of tenancy, a landlord who obtains an order for possession of a dwelling-house as against a statutory tenant shall not be required to give to the statutory tenant any notice to quit.
- (5) Part II of Schedule 1 to this Act shall have effect in relation to the giving up of possession of statutory tenancies and the changing of statutory tenants by agreement.

#### Marginal Citations

**M2** 1977 c. 43.

### *Exceptions*

### 4 Dwelling-houses above certain rateable values.

- (1) A tenancy [<sup>F2</sup>which is entered into before 1st April 1990 or (where the dwelling-house had a rateable value on 31st March 1990) is entered into on or after 1st April 1990 in pursuance of a contract made before that date] is not a protected tenancy if the dwelling-house falls within one of the Classes set out in subsection (2) below.

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- (2) Where alternative rateable values are mentioned in this subsection, the higher applies if the dwelling-house is in Greater London and the lower applies if it is elsewhere.

Class A

The appropriate day in relation to the dwelling-house falls or fell on or after 1st April 1973 and the dwelling-house on the appropriate day has or had a rateable value exceeding £1,500 or £750.

Class B

The appropriate day in relation to the dwelling-house fell on or after 22nd March 1973, but before 1st April 1973, and the dwelling-house—

- (a) on the appropriate day had a rateable value exceeding £600 or £300, and
- (b) on 1st April 1973 had a rateable value exceeding £1,500 or £750.

Class C

The appropriate day in relation to the dwelling-house fell before 22nd March 1973 and the dwelling-house—

- (a) on the appropriate day had a rateable value exceeding £400 or £200, and
- (b) on 22nd March 1973 had a rateable value exceeding £600 or £300, and
- (c) on 1st April 1973 had a rateable value exceeding £1,500 or £750.

- (3) If any question arises in any proceedings whether a dwelling-house falls within a Class in subsection (2) above, by virtue of its rateable value at any time, it shall be deemed not to fall within that Class unless the contrary is shown.

[<sup>F3</sup>(4) A tenancy is not a protected tenancy if—

- (a) it is entered into on or after 1st April 1990 (otherwise than, where the dwelling-house had a rateable value on 31st March 1990, in pursuance of a contract made before 1st April 1990), and
- (b) under it the rent payable for the time being is payable at a rate exceeding £25,000 a year.

- (5) In subsection (4) above “rent” does not include any sum payable by the tenant as is expressed (in whatever terms) to be payable in respect of rates, [<sup>F4</sup>council tax,] services, repairs, maintenance or insurance, unless it could not have been regarded by the parties as a sum so payable.

- (6) If any question arises in any proceedings whether a tenancy is precluded from being a protected tenancy by subsection (4) above, the tenancy shall be deemed to be a protected tenancy unless the contrary is shown.

- (7) The Secretary of State may by order replace the amount referred to in subsection (4) above by an amount specified in the order; and such an order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F2** Words inserted by S.I. 1990/434, reg. 2, Sch. para. 15

**F3** S. 4(4)–(7) inserted by S.I. 1990/434, reg. 2, Sch. para. 16

**F4** Words in s. 4(5) inserted (1.4.1993) by S.I. 1993/651, art. 2(1), Sch. 1 para.3

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## 5 Tenancies at low rents.

(1) A tenancy [<sup>F5</sup>which was entered into before 1st April 1990 or (where the dwelling-house under the tenancy had a rateable value on 31st March 1990) is entered into on or after 1st April 1990 in pursuance of a contract made before that date] is not a protected tenancy if under the tenancy either no rent is payable or, . . . <sup>F6</sup> the rent payable is less than two-thirds of the rateable value which is or was the rateable value of the dwelling-house on the appropriate day.

(2) Where—

- (a) the appropriate day in relation to a dwelling-house fell before 22nd March 1973, and
- (b) the dwelling-house had on the appropriate day a rateable value exceeding, if it is in Greater London, £400 or, if it is elsewhere, £200,

subsection (1) above shall apply in relation to the dwelling-house as if the reference to the appropriate day were a reference to 22nd March 1973.

[<sup>F7</sup>(2A) A tenancy is not a protected tenancy if—

- (a) it is entered into on or after the 1st April 1990 (otherwise than, where the dwelling-house under the tenancy had a rateable value on 31st March 1990, in pursuance of a contract made before 1st April 1990), and
- (b) under the tenancy for the time being either no rent is payable or the rent is payable at a rate of, if the dwelling-house is in Greater London, £1,000 or less a year, and, if the dwelling-house is elsewhere, £250 or less a year.

(2B) Subsection (7) of section 4 above shall apply to any amount referred to in subsection (2A) above as it applies to the amount referred to in subsection (4) of that section.]

(3) In this Act a tenancy falling within subsection (1) above is referred to as a “tenancy at a low rent”.

(4) In determining whether a long tenancy is a tenancy at a low rent, there shall be disregarded such part (if any) of the sums payable by the tenant as is expressed (in whatever terms) to be payable in respect of rates, [<sup>F8</sup>council tax,]services, repairs, maintenance, or insurance, unless it could not have been regarded by the parties as a part so payable.

(5) In subsection (4) above “long tenancy” means a tenancy granted for a term certain exceeding 21 years, other than a tenancy which is, or may become, terminable before the end of that term by notice given to the tenant.

### Textual Amendments

**F5** Words inserted by S.I. 1990/434, reg. 2, **Sch. para. 17**

**F6** Words repealed by **Housing Act 1980 (c. 51, SIF 61)**, Sch. 25 Pt. II para. 75, **Sch. 26**

**F7** **S. 5(2A)(2B)** inserted by S.I. 1990/434, reg. 2, **Sch. para. 18**

**F8** Words in s. 5(4) inserted (1.4.1993) by S.I. 1993/651, art. 2(1), **Sch. 1 para. 4**

### Modifications etc. (not altering text)

**C1** **S. 5** modified by **Housing Act 1980 (c. 51)**, **Sch. 8 para. 1**

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**[<sup>F9</sup>5A Certain shared ownership leases.**

- (1) A tenancy is not a protected tenancy if it is a qualifying shared ownership lease, that is—
  - (a) a lease granted in pursuance of the right to be granted a shared ownership lease under Part V of the Housing Act 1985, or
  - (b) a lease granted by a housing association and which complies with the conditions set out in subsection (2) below.
- (2) The conditions referred to in subsection (1)(b) above are that the lease—
  - (a) was granted for a term of 99 years or more and is not (and cannot become) terminable except in pursuance of a provision for re-entry or forfeiture;
  - (b) was granted at a premium, calculated by reference to the value of the dwelling-house or the cost of providing it, of not less than 25 per cent, or such other percentage as may be prescribed, of the figure by reference to which it was calculated;
  - (c) provides for the tenant to acquire additional shares in the dwellinghouse on terms specified in the lease and complying with such requirements as may be prescribed;
  - (d) does not restrict the tenant’s powers to assign, mortgage or charge his interest in the dwellinghouse;
  - (e) if it enables the landlord to require payment for outstanding shares in the dwellinghouse, does so only in such circumstances as may be prescribed;
  - (f) provides, in the case of a house, for the tenant to acquire the landlord’s interest on terms specified in the lease and complying with such requirements as may be prescribed; and
  - (g) states the landlord’s opinion that by virtue of this section the lease is excluded from the operation of this Act.
- (3) The Secretary of State may by regulations prescribe anything requiring to be prescribed for the purposes of subsection (2) above.
- (4) The regulations may—
  - (a) make different provision for different cases or descriptions of case, including different provision for different areas, and
  - (b) contain such incidental, supplementary or transitional provisions as the Secretary of State considers appropriate,and shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In any proceedings the court may, if of opinion that it is just and equitable to do so, treat a lease as a qualifying shared ownership lease notwithstanding that the condition specified in subsection (2)(g) above is not satisfied.
- (6) In this section—

“house” has the same meaning as in Part I of the Leasehold Reform Act 1967;

“housing association” has the same meaning as in the Housing Associations Act 1985; and

“lease” includes an agreement for a lease, and references to the grant of a lease shall be construed accordingly.]

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### Textual Amendments

**F9** S. 5A inserted by [Housing and Planning Act 1986 \(c. 63, SIF 73:3\)](#), s. 18, [Sch. 4 para. 1\(2\)](#)

## 6 Dwelling-houses let with other land.

Subject to section 26 of this Act, a tenancy is not a protected tenancy if the dwelling-house which is subject to the tenancy is let together with land other than the site of the dwelling-house.

## 7 Payments for board or attendance.

- (1) A tenancy is not a protected tenancy if under the tenancy the dwelling-house is bona fide let at a rent which includes payments in respect of board or attendance.
- (2) For the purposes of subsection (1) above, a dwelling-house shall not be taken to be bona fide let at a rent which includes payments in respect of attendance unless the amount of rent which is fairly attributable to attendance, having regard to the value of the attendance to the tenant, forms a substantial part of the whole rent.

## 8 Lettings to students.

- (1) A tenancy is not a protected tenancy if it is granted to a person who is pursuing, or intends to pursue, a course of study provided by a specified educational institution and is so granted either by that institution or by another specified institution or body of persons.
- (2) In subsection (1) above “specified” means specified, or of a class specified, for the purposes of this section by regulations made by the Secretary of State by statutory instrument.
- (3) A statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## 9 Holiday lettings.

A tenancy is not a protected tenancy if the purpose of the tenancy is to confer on the tenant the right to occupy the dwelling-house for a holiday.

## [<sup>F10</sup>10 Agricultural holdings etc.

- (1) A tenancy is not a protected tenancy if—
  - (a) the dwelling-house is comprised in an agricultural holding and is occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the farming of the holding, or
  - (b) the dwelling-house is comprised in the holding held under a farm business tenancy and is occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the management of the holding.
- (2) In subsection (1) above—

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“agricultural holding” means any agricultural holding within the meaning of the Agricultural Holdings Act 1986 held under a tenancy in relation to which that Act applies, and

“farm business tenancy”, and “holding” in relation to such a tenancy, have the same meaning as in the Agricultural Tenancies Act 1995.]

#### Textual Amendments

**F10** S. 10 substituted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), Sch. para. 27 (with s. 37)

### 11 Licensed premises.

A tenancy of a dwelling-house which consists of or comprises [<sup>F11</sup>premises which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of section 14 of that Act)] for consumption on the premises shall not be a protected tenancy, nor shall such a dwelling-house be the subject of a statutory tenancy.

#### Textual Amendments

**F11** Words in s. 11 substituted (24.11.2005) by Licensing Act 2003 (c. 17), s. 201(2), Sch. 6 para. 67 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)

### 12 Resident landlords.

(1) Subject to subsection (2) below, a tenancy of a dwelling-house granted on or after 14th August 1974 shall not be a protected tenancy at any time if—

[<sup>F12</sup>(a) the dwelling-house forms part only of a building and, except in a case where the dwelling-house also forms part of a flat, the building is not a purpose-built block of flats, and

(b) the tenancy was granted by a person who, at the time when he granted it, occupied as his residence another dwelling-house which—

(i) in the case mentioned in paragraph (a) above, also forms part of the flat; or

(ii) in any other case, also forms part of the building; and

(c) subject to paragraph 1 of Schedule 2 to this Act, at all times since the tenancy was granted the interest of the landlord under the tenancy has belonged to a person who, at the time he owned that interest, occupied as his residence another dwelling-house which—

(i) in the case mentioned in paragraph (a) above, also formed part of the flat; or

(ii) in any other case, also formed part of the building.]

[<sup>F13</sup>(2) This section does not apply to a tenancy of a dwelling-house which forms part of a building if the tenancy is granted to a person who, immediately before it was granted, was a protected or statutory tenant of that dwelling-house or of any other dwelling-house in that building.]

(3) For the purposes of subsection (2) above, a tenancy shall be treated as being for a term of years certain notwithstanding that it is liable to determination by re-entry or on the

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happening of any event other than the giving of notice by the landlord to determine the term.

(4) Schedule 2 to this Act shall have effect for the purpose of supplementing this section.

**Textual Amendments**

**F12** S. 12(1)(a)–(c) substituted by [Housing Act 1980 \(c. 51, SIF 61\), s. 65\(1\)](#)

**F13** S. 12(2) substituted for s. 12(2)(3) with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 69\(4\), Sch. 25 Pt. II para. 67](#)

**[<sup>F14</sup>13 Landlord’s interest belonging to Crown.**

(1) Except as provided by subsection (2) below—

- (a) A tenancy shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to Her Majesty in right of the Crown or to a government department or is held in trust for Her Majesty for the purposes of a government department; and
- (b) 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 or be held as mentioned in paragraph (a) above.

(2) An interest belonging to Her Majesty in right of the Crown shall not prevent a tenancy from being a protected tenancy or a person from being a statutory tenant if the interest is under the management of the Crown Estate Commissioners.]

**Textual Amendments**

**F14** S. 13 substituted by [Housing Act 1980 \(c. 51, SIF 61\), s. 73\(1\)](#)

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

**C2** S. 13 modified by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), s. 60\(2\), Sch. 8 Pt. III para. 19\(2\)\(b\)](#)

**14 Landlord’s interest belonging to local authority, etc.**

A tenancy shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to—

- (a) the council of a county [<sup>F15</sup>or county borough];
- (b) the council of a district or, in the application of this Act to the Isles of Scilly, the Council of the Isles of Scilly;
- [<sup>F16</sup>(bb) the Broads Authority;]
- [<sup>F17</sup>(bc) a National Park authority;]
- (c) .....<sup>F18</sup> the council of a London borough or the Common Council of the City of London;
- [<sup>F19</sup>(caa) a police authority established under [<sup>F20</sup>section 3 of the Police Act 1996];]
- (caaa)<sup>F21</sup> .....
- [<sup>F22</sup>(ca) .....<sup>F23</sup>
- (cb) a joint authority established by Part IV of the Local Government Act 1985;]



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- [<sup>F24</sup>(cc) the London Fire and Emergency Planning Authority;]
- (d) the Commission for the New Towns;
- (e) a development corporation established by an order made, or having effect as if made, under the [<sup>F25</sup>New Towns Act 1981]; or
- <sup>F26</sup>(f) .....
- [<sup>F27</sup>(g) an urban development corporation within the meaning of Part XVI of the Local Government Planning and Land Act 1980;]nor shall a person at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would belong at that time to any of those bodies
- [<sup>F28</sup>(h) a housing action trust established under Part III of the Housing Act 1988].
- [<sup>F29</sup>(i) The Residuary Body for Wales (Corff Gweddilliol Cymru);]

#### Textual Amendments

- F15** Words in s. 14(a) inserted (1.4.1996) by 1994 c. 19, s. 22(2), **Sch. 8 para. 3(1)**; S.I. 1996/396, art. 3, **Sch. 1**
- F16** S. 14(bb) inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), **Sch. 6 para. 18**
- F17** S. 14(bc) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 18** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**
- F18** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**
- F19** S. 14 (caa) inserted (1.10.1994 for certain purposes and otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 53**; S.I. 1994/2025, **art. 6(1)(2)** (with art. 6(6); 1994/3262, art. 4, Sch. (with art. 5)
- F20** Words in s. 14(caa) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7 Pt. I para. 1(2)(n)**
- F21** S. 14(caaa) repealed (1.4.2002) by 2001 c. 16, ss. 128, 137, Sch. 6 Pt. 3 para. 63, Sch. 7 Pt. 5; S.I. 2002/344, **art. 3(j)(k)(m)** (with art. 4)
- F22** S. 14 (ca)(cb) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 56**
- F23** S. 14(ca) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13 Pt. I**
- F24** S. 14(cc) inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 para. 26** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(a)(h)**
- F25** Words substituted by New Towns Act 1981 (c. 64, SIF 123:3), s. 81, **Sch. 12 para. 24**
- F26** S. 14(f) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F27** Word and s. 14(g) inserted by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:2), **s. 155(1)**
- F28** S. 14(h) added by Housing Act 1988 (c. 50, SIF 61), **s. 62(7)**
- F29** S. 14(i) inserted (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 28** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

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

- C3** S. 14 extended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 21**
- C4** S. 14 excluded by Housing Act 1985 (c. 68, SIF 61), **s. 382(3)**
- C5** S. 14 extended (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 7**
- C6** S. 14(cb) extended by S.I. 1985/1884, art. 10, **Sch. 3 para. 4(p)**
- C7** S. 14(cb) extended by S.I. 1987/2110, art. 2, **Sch. 1 para. 8(l)**

## 15 Landlord's interest belonging to housing association, etc.

- (1) A tenancy . . . <sup>F30</sup> shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to a housing association falling within

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subsection (3) below; nor shall a person at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would belong at that time to such a housing association.

(2) A tenancy shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to—

(a) the Housing Corporation

<sup>F31</sup> . . . ; or

(b) a housing trust which is a charity within the meaning of [<sup>F32</sup>the Charities Act 1993];

nor shall a person at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would belong at that time to any of those bodies.

[<sup>F33</sup>(3) A housing association falls within this subsection if—

(a) it is [<sup>F34</sup>a registered social landlord within the meaning of the Housing Act 1985 (see section 5(4) and (5) of that Act)], or

(b) it is a co-operative housing association within the meaning of [<sup>F35</sup>the Housing Associations Act 1985].]

(4) . . . . . <sup>F36</sup>

[<sup>F37</sup>(5) In subsection (2) above “housing trust” means a corporation or body of persons which—

(a) is required by the terms of its constituent instrument to use the whole of its funds, including any surplus which may arise from its operations, for the purpose of providing housing accommodation; or

(b) is required by the terms of its constituent instrument to devote the whole, or substantially the whole, of its funds to charitable purposes and in fact uses the whole, or substantially the whole, of its funds for the purpose of providing housing accommodation.]

(6) . . . . . <sup>F38</sup>

#### Textual Amendments

**F30** Words repealed with saving by Housing Act 1980 (c. 51, SIF 61), s. 74, Sch. 9, Sch. 25 Pt. II para. 68, **Sch. 26**

**F31** It is provided that the words “(aa) Housing for Wales” are repealed (1.11.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**

**F32** Words in s. 15(2)(b) substituted (1.8.1993) by 1993 c. 10, **ss. 98(1), 99(1)** Sch. 6 para. 30

**F33** S. 15(3) substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 35(2)**

**F34** Words in s. 15(3)(a) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 6(a)**

**F35** Words in s. 15(3)(b) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 6(b)**

**F36** S. 15(4) repealed with saving by Housing Act 1980 (c. 51, SIF 61), s. 74, Sch. 9, Sch. 25 Pt. II para. 68, **Sch. 26**

**F37** S. 15(5) substituted by Housing Act 1980 (c. 51, SIF 61), s. 74(2)(3), **Sch. 9**

**F38** S. 15(6) repealed by Housing Act 1980 (c. 51, SIF 61), **Sch. 26**

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

**C8** S. 15 excluded by Housing Act 1985 (c. 68, SIF 61), **s. 382(3)**

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## 16 Landlord’s interest belonging to housing co-operative.

A tenancy shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to a housing co-operative, [<sup>F39</sup>within the meaning of section 27B of the Housing Act 1985 (agreements with housing co-operatives under certain superseded provisions) and the dwelling-house is comprised in a housing co-operative agreement within the meaning of that section].

### Textual Amendments

**F39** Words substituted by virtue of [Housing and Planning Act 1986 \(c. 63, SIF 75:3\)](#), s. 24(1)(2), **Sch. 5 para. 15**

### Modifications etc. (not altering text)

**C9** S. 16 excluded by [Housing Act 1985 \(c. 68, SIF 61\)](#), s. **382(3)**

## 16A ..... <sup>F40</sup>

### Textual Amendments

**F40** S. 16A inserted with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. **56(5)–(7)** and repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140, **Sch. 18**, Note 1

## 17 Controlled tenancies.

..... <sup>F41</sup>

### Textual Amendments

**F41** Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**

## 18 Regulated tenancies.

- (1) Subject to sections 24(3) and 143 of this Act, a “regulated tenancy” is, for the purposes of this Act, a protected or statutory tenancy . . . <sup>F42</sup>
- (2) Where a regulated tenancy is followed by a statutory tenancy of the same dwelling-house, the two shall be treated for the purposes of this Act as together constituting one regulated tenancy.
- (3) ..... <sup>F43</sup>

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**Textual Amendments**  
**F42** Words repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)  
**F43** [Ss. 15\(6\), 17, 18\(3\)\(4\), 24\(1\)\(2\), 27–43, 50, 53, 67\(6\), 70\(5\), 76, 79\(4\), 86\(5\), 91, 92\(6\)\(7\), 108–113, 115, 117, 130, 133–135, 141\(2\), 155\(1\), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1\(6\)\(7\), 4, Schs. 21, 22, Sch. 23 paras. 1, 4\(g\)–\(i\), 37, 38](#) repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

**[<sup>F44</sup>18A Modification of Act for controlled tenancies converted into regulated tenancies.**

Schedule 17 to this Act applies for the purpose of modifying the provisions of this Act in relation to a tenancy Which, by virtue of any of the following enactments, was converted from a controlled tenancy into a regulated tenancy, that is to say—

- (a) section 18(3) of this Act;
- (b) paragraph 5 of Schedule 2 to the <sup>M3</sup> Rent Act 1968 (which was superseded by section 18(3));
- (c) Part VIII of this Act;
- (d) Part 111 of the Housing Finance Act 1972 (which was superseded by Part VIII);
- (e) Part IV of the Act of 1972 (conversion by reference to rateable values);
- (f) section 64 of the Housing Act 1980 (conversion of remaining controlled tenancies into regulated tenancies).]

**Textual Amendments**  
**F44** [S. 18A](#) inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 35](#)  
**Marginal Citations**  
**M3** [1968 c. 23](#).

**19—** ..... <sup>F45</sup>  
**21.**

**Textual Amendments**  
**F45** [Ss. 19–21](#) repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140, [Sch. 18](#), Note 1

*Shared accommodation*

**22 Tenant sharing accommodation with persons other than landlord.**

- (1) Where a tenant has the exclusive occupation of any accommodation (“the separate accommodation”) and—
  - (a) the terms as between the tenant and his landlord on which he holds the separate accommodation include the use of other accommodation (“the shared

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accommodation”) in common with another person or other persons, not being or including the landlord, and

- (b) by reason only of the circumstances mentioned in paragraph (a) above, the separate accommodation would not, apart from this section, be a dwelling-house let on or subject to a protected or statutory tenancy,

the separate accommodation shall be deemed to be a dwelling-house let on a protected tenancy or, as the case may be, subject to a statutory tenancy and the following provisions of this section shall have effect.

- (2) For the avoidance of doubt it is hereby declared that where, for the purpose of determining the rateable value of the separate accommodation, it is necessary to make an apportionment under this Act, regard is to be had to the circumstances mentioned in subsection (1)(a) above.
- (3) While the tenant is in possession of the separate accommodation (whether as a protected or statutory tenant), any term or condition of the contract of tenancy terminating or modifying, or providing for the termination or modification of, his right to the use of any of the shared accommodation which is living accommodation shall be of no effect.
- (4) Where the terms and conditions of the contract of tenancy are such that at any time during the tenancy the persons in common with whom the tenant is entitled to the use of the shared accommodation could be varied, or their number could be increased, nothing in subsection (3) above shall prevent those terms and conditions from having effect so far as they relate to any such variation or increase.
- (5) Without prejudice to the enforcement of any order made under subsection (6) below, while the tenant is in possession of the separate accommodation, no order shall be made for possession of any of the shared accommodation, whether on the application of the immediate landlord of the tenant or on the application of any person under whom that landlord derives title, unless a like order has been made, or is made at the same time, in respect of the separate accommodation; and the provisions of section 98(1) of this Act shall apply accordingly.
- (6) On the application of the landlord, the county court may make such order either—
- (a) terminating the right of the tenant to use the whole or any part of the shared accommodation other than living accommodation, or
- (b) modifying his right to use the whole or any part of the shared accommodation, whether by varying the persons or increasing the number of persons entitled to the use of that accommodation, or otherwise,
- as the court thinks just.
- (7) No order shall be made under subsection (6) above so as to effect any termination or modification of the rights of the tenant which, apart from subsection (3) above, could not be effected by or under the terms of the contract of tenancy.
- (8) In this section “living accommodation” means accommodation of such a nature that the fact that it constitutes or is included in the shared accommodation is (or, if the tenancy has ended, was) sufficient, apart from this section, to prevent the tenancy from constituting a protected tenancy of a dwelling-house.

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### *Sublettings*

#### **23 Certain sublettings not to exclude any part of sub-lessor’s premises from protection.**

- (1) Where the tenant of any premises, consisting of a house or part of a house, has sublet a part but not the whole of the premises, then, as against his landlord or any superior landlord, no part of the premises shall be treated as not being a dwelling-house let on or subject to a protected or statutory tenancy by reason only that—
  - (a) the terms on which any person claiming under the tenant holds any part of the premises include the use of accommodation in common with other persons; or
  - (b) part of the premises is let to any such person at a rent which includes payments in respect of board or attendance.
- (2) Nothing in this section shall affect the rights against, and liabilities to, each other of the tenant and any person claiming under him, or of any 2 such persons.

### *Business premises*

#### **24 Premises with a business use.**

- (1) ..... <sup>F46</sup>
- (3) A tenancy shall not be a regulated tenancy if it is a tenancy to which Part II of the <sup>M4</sup>Landlord and Tenant Act 1954 applies (but this provision is without prejudice to the application of any other provision of this Act to a sub-tenancy of any part of the premises comprised in such a tenancy).

#### **Textual Amendments**

**F46** Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

#### **Marginal Citations**

**M4** 1954 c. 56.

### *Miscellaneous*

#### **25 Rateable value and meaning of “appropriate day”.**

- (1) Except where this Act otherwise provides, the rateable value on any day of a dwelling-house shall be ascertained for the purposes of this Act as follows:—
  - (a) if the dwelling-house is a hereditament for which a rateable value is then shown in the valuation list, it shall be that rateable value;
  - (b) if the dwelling-house forms part only of such a hereditament or consists of or forms part of more than one such hereditament, its rateable value shall be

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taken to be such value as is found by a proper apportionment or aggregation of the rateable value or values so shown.

- (2) Any question arising under this section as to the proper apportionment or aggregation of any value or values shall be determined by the county court, and the decision of the county court shall be final.
- (3) In this Act “the appropriate day”—
  - (a) in relation to any dwelling-house which, on 23rd March 1965, was or formed part of a hereditament for which a rateable value was shown in the valuation list then in force, or consisted or formed part of more than one such hereditament, means that date, and
  - (b) in relation to any other dwelling-house, means the date on which such a value is or was first shown in the valuation list.
- (4) Where, after the date which is the appropriate day in relation to any dwelling-house, the valuation list is altered so as to vary the rateable value of the hereditament of which the dwelling-house consists or forms part and the alteration has effect from a date not later than the appropriate day, the rateable value of the dwelling-house on the appropriate day shall be ascertained as if the value shown in the valuation list on the appropriate day had been the value shown in the list as altered.
- (5) This section applies in relation to any other land as it applies in relation to a dwelling-house.

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

**C10** S. 25(1)(2)(4) applied (with modifications) (1.11.1993) by 1993 c. 28, s. 8(2)(c) (with ss. 94(2), 95); S.I. 1993/2134, arts. 2,5

**26 Land and premises let with dwelling-house.**

- (1) For the purposes of this Act, any land or premises let together with a dwelling-house shall, unless it consists of agricultural land exceeding 2 acres in extent, be treated as part of the dwelling-house.
- (2) For the purposes of subsection (1) above “agricultural land” has the meaning set out in section 26(3)(a) of the <sup>M5</sup>General Rate Act 1967 (exclusion of agricultural land and premises from liability for rating).

**Marginal Citations**

**M5** 1967 c. 9.

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