



Rent Act 1977

1977 CHAPTER 42

PART I

PRELIMINARY

Controlled and regulated tenancies

17 Controlled tenancies

- (1) A protected or statutory tenancy of a dwelling-house is a controlled tenancy for the purposes of this Act if—
 - (a) the rateable value of the dwelling-house on 7th November 1956 (determined under Part I of Schedule 3 to this Act) did not exceed, if it was in the metropolitan police district or the City of London, £40 or, if it was elsewhere, £30, and
 - (b) the tenancy or, in the case of a statutory tenancy, the preceding contractual tenancy, was created by a lease or agreement coming into operation before 6th July 1957 or is or was a tenancy to which subsection (3), (4) or (5) below applies.
- (2) A tenancy of a dwelling-house is a controlled tenancy and not a tenancy at a low rent if, notwithstanding that the rent is less than two-thirds of the rateable value of the dwelling-house on the appropriate day—
 - (a) the rent payable under the tenancy is not less than two-thirds of the 1939 rateable value of the dwelling-house, as determined under Part II of Schedule 3 ; and
 - (b) apart from section 5 of this Act, the tenancy would be a controlled tenancy.
- (3) This subsection applies to a protected tenancy created by a lease or agreement coming into operation after the commencement of this Act if—
 - (a) it is granted to a person who, immediately before it was granted, was the tenant of any premises under a controlled tenancy, and

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- (b) the circumstances are such that the premises comprised in the controlled tenancy referred to in paragraph (a) above and the premises comprised in the protected tenancy granted to the person in question are the same, or that one of those premises consists of or includes part of the other premises.
- (4) Where a controlled tenancy of a dwelling-house comes to an end on the landlord recovering possession of the dwelling-house by virtue of section 101 of this Act, this subsection applies to a protected tenancy created by a lease or agreement coming into operation on or after the commencement of this Act which is—
- (a) a tenancy of the whole or any part of the premises comprised in the previous controlled tenancy, and
 - (b) the first such tenancy created after the recovery of possession.
- (5) This subsection applies to a protected tenancy created by a lease or agreement, coming into operation on or after 6th July 1957 but before the commencement of this Act, which by virtue of—
- (a) sub-paragraph (1) of paragraph 4 of Schedule 2 to the Rent Act 1968 (provision corresponding to subsection (3) above);
 - (b) sub-paragraph (2) of that paragraph (provision corresponding to subsection (4) above); or
 - (c) sub-paragraph (3) of that paragraph (which preserved the effect of provisions of the Rent Act 1957 corresponding to subsections (3) and (4) above),
- was a controlled tenancy for the purposes of the Rent Act 1968.
- (6) Where a controlled tenancy is followed by a statutory tenancy of the same dwelling-house and that statutory tenancy is itself a controlled tenancy, the two shall be treated for the purposes of this Act as together constituting one controlled tenancy.
- (7) A tenancy of a dwelling-house is not a controlled tenancy if—
- (a) it is a long tenancy or, in the case of a statutory tenancy, the preceding contractual tenancy was a long tenancy; or
 - (b) the dwelling-house is one which consists, and consists only, of premises which by virtue of the date of their construction or conversion are excluded by subsection (8) below from being the subject of a controlled tenancy; or
 - (c) it is a protected furnished tenancy or statutory furnished tenancy; or
 - (d) it has ceased to be a controlled tenancy by virtue of section 35 of the Housing Finance Act 1972 (decontrol of tenancies of dwelling-houses which on 31st March 1972 had a rateable value exceeding, in Greater London, £69, or elsewhere, £34); or
 - (e) it has ceased to be a controlled tenancy by virtue of Part III of the Housing Act 1969, Part III of the Housing Finance Act 1972 or Part VIII of this Act (decontrol of tenancies of dwellings in good repair and provided with standard amenities); or
 - (f) it is a regulated tenancy by virtue of section 18(3) of, or paragraph 13 of Schedule 24 to, this Act (decontrol on statutory tenancy passing to second successor).
- (8) Premises which—
- (a) were erected after 29th August 1954, or
 - (b) are separate and self-contained premises produced by conversion, after that date, of other premises, with or without the addition of premises erected after that date,

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are excluded from being the subject of a controlled tenancy unless they consist of a dwelling-house provided by works in respect of which a grant became payable under section 20 of the Housing Act 1949 or section 30 of the Housing (Financial Provisions) Act 1958 (improvement grants).

- (9) For the purposes of subsection (8) above premises shall be treated as converted or erected after 29th August 1954 if the conversion or erection was completed after that date, notwithstanding that it may have been begun on or before that date.

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 which is not (either because it never was or because it has ceased to be) a controlled tenancy.
- (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) If, on the death of a statutory tenant of a dwelling-house whose statutory tenancy was a controlled tenancy, a person becomes statutory tenant of that dwelling-house by virtue of paragraph 6 or 7 of Schedule 1 to this Act, that person's statutory tenancy shall be a regulated tenancy and not a controlled tenancy.
- (4) Schedule 17 to this Act shall apply to a tenancy which has become a regulated tenancy by virtue of—
- (a) subsection (3) above, or
 - (b) paragraph 5 of Schedule 2 to the Rent Act 1968 (which is superseded by subsection (3) above).