



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 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 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.

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 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.

Exceptions

4 Dwelling-houses above certain rateable values

- (1) A tenancy is not a protected tenancy if the dwelling-house falls within one of the Classes set out in subsection (2) below.
- (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.

5 Tenancies at low rents

- (1) A tenancy is not a protected tenancy if under the tenancy either no rent is payable or, subject to section 17(2) of this Act, 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.
- (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, 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.

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.

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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.

10 Agricultural holdings

A tenancy is not a protected tenancy if the dwelling-house is comprised in an agricultural holding (within the meaning of the Agricultural Holdings Act 1948) 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.

11 Licensed premises

A tenancy of a dwelling-house which consists of or comprises premises licensed for the sale of intoxicating liquors for consumption on the premises shall not be a protected tenancy, nor shall such a dwelling-house be the subject of a statutory tenancy.

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—
 - (a) the dwelling-house forms part only of a building and that building is not a purpose-built block of flats; and
 - (b) the tenancy was granted by a person who, at the time that he granted it, occupied as his residence another dwelling-house which also forms part of that 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 also formed part of that building.
- (2) This section does not apply to a tenancy of a dwelling-house which forms part of a building if—
 - (a) 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, or
 - (b) the tenancy is a tenancy for a term of years certain and is granted to a person who, immediately before it was granted, was the tenant under an earlier

tenancy of that dwelling-house or any other dwelling-house in that building and, by virtue of this section or of section 5A of the Rent Act 1968 (which is superseded by this section), that earlier tenancy was not a protected tenancy for the purposes of this Act or, as the case may be, of the Act of 1968.

(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 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.

13 Landlord's interest belonging to Crown

(1) 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 of the Duchy of Lancaster or to the Duchy of Cornwall, or to a government department or is held in trust for Her Majesty for the purposes of a government department.

(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 or be held as mentioned in subsection (1) above.

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;
- (b) the council of a district or, in the application of this Act to the Isles of Stilly, the Council of the Isles of Stilly;
- (c) the Greater London Council, the council of a London borough or the Common Council of the City of London;
- (d) the Commission for the New Towns ;
- (e) a development corporation established by an order made, or having effect as if made, under the New Towns Act 1965 ; or
- (f) the Development Board for Rural Wales;

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.

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

(1) A tenancy in respect of which any of the conditions specified in subsection (4) below is fulfilled 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 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; or
- (b) a housing trust which is a charity within the meaning of the Charities Act 1960;

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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.

- (3) A housing association falls within this subsection if—
- (a) it is for the time being registered in the register of housing associations established under section 13 of the Housing Act 1974 ; or
 - (b) it has made an application to the Housing Corporation, before 1st April 1975, for registration in that register and the application has not been disposed of by the Corporation; or
 - (c) it is for the time being specified in an order made by the Secretary of State under section 80 of the Housing Finance Act 1972 or paragraph 23 of Schedule 1 to the Housing Rents and Subsidies Act 1975; or
 - (d) it is a registered society within the meaning of section 74 of the Industrial and Provident Societies Act 1965 and its rules restrict membership to persons who are tenants or prospective tenants of the association and preclude the granting or assignment of tenancies to persons other than members.

In this subsection " housing association" has the same meaning as in section 189(1) of the Housing Act 1957.

- (4) The conditions referred to in subsection (1) above are—
- (a) that the dwelling-house was provided by the housing association with assistance under section 2 of the Housing &c. Act 1923, section 93(3) of the Housing Act 1936 or section 119(3) of the Housing Act 1957 (powers of local authorities to assist housing associations generally);
 - (b) that the dwelling-house was provided by the housing association in pursuance of an arrangement under section 29 of the Housing Act 1930, section 27 of the Housing Act 1935, section 94 of the Housing Act 1936, or section 120 of the Housing Act 1957 (local authority arrangements for provision of housing);
 - (c) that the dwelling-house was provided or improved by the housing association in accordance with arrangements under section 31 of the Housing Act 1949 or section 121 of the Housing Act 1957 (local authority arrangements for improvement of housing);
 - (d) that the dwelling-house was comprised in a scheme approved for the purpose of section 75 of the Housing Finance Act 1972;
 - (e) that the dwelling-house was comprised in a housing project approved for the purposes of section 29 of the Housing Act 1974;
 - (f) that the housing association is a registered society within the meaning of section 74 of the Industrial and Provident Societies Act 1965 and the provision of the dwelling-house forms part of the purposes for which its business is mainly conducted.
- (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 devote the whole of its funds, including any surplus which may arise from its operations, to the following purposes, that is to say, the provision of houses for persons the majority of whom are in fact members of the working classes, and other purposes incidental thereto; 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 devotes

the whole or substantially the whole of its funds to the purposes set out in paragraph (a) of this subsection.

- (6) In subsection (5) above " house " includes—
- (a) any yard, garden, outhouses and appurtenances belonging thereto or usually enjoyed therewith; and
 - (b) any part of a building which is occupied or intended to be occupied as a separate dwelling.

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, as defined in paragraph 9 of Schedule 1 to the Housing Rents and Subsidies Act 1975 (housing subsidy where local authority housing functions are exercised by such co-operatives) and the dwelling-house is comprised in an agreement to which that paragraph applies.

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
 - (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

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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,

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).

Restricted contracts

19 Restricted contracts

- (1) A contract to which this section applies is, in this Act, referred to as a "restricted contract".
- (2) Subject to section 144 of this Act, this section applies to a contract, whether entered into before or after the commencement of this Act, whereby one person grants to another person, in consideration of a rent which includes payment for the use of furniture or for services, the right to occupy a dwelling as a residence.
- (3) A contract is not a restricted contract if the dwelling falls within one of the Classes set out in subsection (4) below.
- (4) Where alternative rateable values are mentioned in this subsection, the higher applies if the dwelling is in Greater London and the lower applies if it is elsewhere.

Class D

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

Class E

The appropriate day in relation to the dwelling fell before, 1st April 1973 and the dwelling—

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

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- (5) A contract is not a restricted contract if—
- (a) it creates a regulated tenancy; or
 - (b) under the contract the interest of the lessor belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster or to the Duchy of Cornwall or to a government department, or is held in trust for Her Majesty for the purposes of a government department ; or
 - (c) it is a contract for the letting of any premises at a rent which includes payment in respect of board if the value of the board to the lessee forms a substantial proportion of the whole rent;
 - (d) it is a protected occupancy as defined in the Rent (Agriculture) Act 1976 ; or
 - (e) it creates a tenancy to which Part VI of this Act applies.
- (6) Subject to subsections (3) to (5) above, and to paragraph 17 of Schedule 24 to this Act, a contract falling within subsection (2) above and relating to a dwelling which consists of only part of a house is a restricted contract whether or not the lessee is entitled, in addition to exclusive occupation of that part, to the use in common with any other person of other rooms or accommodation in the house.
- (7) No right to occupy a dwelling for a holiday shall be treated for the purposes of this section as a right to occupy it as a residence.
- (8) In this section—
- " dwelling " means a house or part of a house;
 - " lessee " means the person to whom is granted, under a restricted contract, the right to occupy the dwelling in question as a residence and any person directly or indirectly deriving title from the grantee; and
 - " lessor " means the person who, under a restricted contract, grants to another the right to occupy the dwelling in question as a residence and any person directly or indirectly deriving title from the grantor; and
 - " services " includes attendance, the provision of heating or lighting, the supply of hot water and any other privilege or facility connected with the occupancy of a dwelling, other than a privilege or facility requisite for the purposes of access, cold water supply or sanitary accommodation.

20 Certain unfurnished tenancies to be treated as restricted contracts

If and so long as a tenancy is, by virtue only of section 12 of this Act, precluded from being a protected tenancy it shall be treated as a restricted contract notwithstanding that the rent may not include payment for the use of furniture or for services.

Shared accommodation

21 Tenant sharing accommodation with landlord

Where under any contract—

- (a) a tenant has the exclusive occupation of any accommodation, and
- (b) the terms on which he holds the accommodation include the use of other accommodation in common with his landlord or in common with his landlord and other persons, and

- (c) by reason only of the circumstances mentioned in paragraph (b) above, or by reason of those circumstances and the operation of section 12 of this Act, the accommodation referred to in paragraph (a) above is not a dwelling-house let on a protected tenancy,

the contract is a restricted contract notwithstanding that the rent does not include payment for the use of furniture or for services.

22 Tenant sharing accommodation with person 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 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,

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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.

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) Subject to section 11 of this Act, the fact that part of the premises comprised in a dwelling-house is used as a shop or office or for business, trade or professional purposes shall not prevent the dwelling-house from being let on or subject to a controlled tenancy.
- (2) Part II of the Landlord and Tenant Act 1954 (which gives security of tenure to business tenants) shall not apply to a tenancy where the property comprised therein is let under a tenancy which either is a controlled tenancy or would be such a tenancy if it were not a tenancy at a low rent.
- (3) A tenancy shall not be a regulated tenancy if it is a tenancy to which Part II of the 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).

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 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.

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 General Rate Act 1967 (exclusion of agricultural land and premises from liability for rating).