



# Rent Act 1977

## 1977 CHAPTER 42

### PART III

#### RENTS UNDER REGULATED TENANCIES

##### *Enforcement provisions*

#### **57 Recovery from landlord of sums paid in excess of recoverable rent, etc.**

- (1) Where a tenant has paid on account of rent any amount which, by virtue of this Part of this Act, is irrecoverable by the landlord, the tenant who paid it shall be entitled to recover that amount from the landlord who received it or his personal representatives.
- (2) 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.
- [<sup>F1</sup>(3) No amount which a tenant is entitled to recover under subsection (1) above shall be recoverable at any time after the expiry of —
  - (a) one year, in the case of an amount which is irrecoverable by virtue of section 54 of this Act; or
  - (b) two years, in any other case.]
  - (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 this Part of this Act shall be liable to a fine not exceeding [<sup>F2</sup>level 3 on the standard scale], 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 7 days, the landlord shall be liable to a fine not exceeding [<sup>F2</sup>level 3 on the standard scale], 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.

---

*Changes to legislation: There are currently no known outstanding effects for the Rent Act 1977, Cross Heading: Enforcement provisions. (See end of Document for details)*

---

**Textual Amendments**

- F1** S.57(3) substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. **68(3)**
- F2** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. **38, 46**

**58 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 regulated 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.

**Changes to legislation:**

There are currently no known outstanding effects for the Rent Act 1977, Cross Heading:  
Enforcement provisions.