



# Rent Act 1977

## 1977 CHAPTER 42

### PART III

#### RENTS UNDER REGULATED TENANCIES

##### *Rent agreements with tenants having security of tenure*

#### **51 Protection of tenants with security of tenure.**

- (1) In this Part of this Act a “rent agreement with a tenant having security of tenure” means—
- (a) an agreement increasing the rent payable under a protected tenancy which is a regulated tenancy, or
  - (b) the grant to the tenant under a regulated tenancy, or to any person who might succeed him as a statutory tenant, of another regulated tenancy of the dwelling-house at a rent exceeding the rent under the previous tenancy.
- (2) Where any rates in respect of the dwelling-house are borne by the landlord or a superior landlord, any increase or rent shall be disregarded for the purposes of the definition in subsection (1) above if the increase is no more than one corresponding to an increase in the rates borne by the landlord or a superior landlord in respect of the dwelling-house.
- (3) If—
- (a) a rent agreement with a tenant having security of tenure takes effect on or after the commencement of this Act, and was made at a time when no rent was registered for the dwelling-house under Part IV of this Act, . . . <sup>F1</sup>
  - (b) . . . . . <sup>F1</sup>
- the requirements of subsection (4) below shall be observed as respects the agreement.
- (4) The requirements are that—
- (a) the agreement is in writing signed by the landlord and the tenant, and
  - (b) the document containing the agreement contains a statement, in characters not less conspicuous than those used in any other part of the agreement—

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- (i) that the tenant's security of tenure under this Act will not be affected if he refuses to enter into the agreement, and
- (ia) .....<sup>F2</sup>
- (ii) that entry into the agreement will not deprive the tenant or landlord of the right to apply at any time to the rent officer for the registration of a fair rent under Part IV of this Act,
- or words to that effect, and
- (c) the statement mentioned in paragraph (b) above is set out at the head of the document containing the agreement.

#### Textual Amendments

- F1** Word "and" and s. 51(3)(b) repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)
- F2** [S. 51\(4\)\(b\)\(ia\)](#) was inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [s. 68\(1\)](#) and repealed (with saving) by [S.I. 1987/264](#), arts. 2(3), 3, Sch. 1 para. 3, [Sch. 2](#)

#### [<sup>F3</sup>52 **Protection: special provisions following conversion.**

- (1) This section applies to an agreement with a tenant having security of tenure which is entered into after the commencement of provisions following section 68(2) of the <sup>M1</sup>Housing Act 1980 if the tenancy has become or, conversion. as the case may be, the previous tenancy became a regulated tenancy by conversion.
- (2) Any such agreement which purports to increase the rent payable under a protected tenancy shall, if entered into at a time when no rent is registered for the dwelling-house under Part IV of this Act, be void.
- (3) If any such agreement constitutes a grant of a regulated tenancy and is made at a time when no rent is so registered, any excess of the rent payable under the tenancy so granted (for any contractual or statutory period of the tenancy) over the rent limit applicable to the previous tenancy, shall be irrecoverable from the tenant; but this subsection ceases to apply if a rent is subsequently so registered.
- (4) For the purposes of this section a tenancy is a regulated tenancy by conversion if it has become a regulated tenancy by virtue of—
- Part VIII of this Act, section 43 of the <sup>M2</sup> Housing Act 1969 or Part 111 or IV of the <sup>M3</sup> Housing Finance Act 1972) (conversion of controlled tenancies into regulated tenancies); or
  - section 18(3) of this Act or paragraph 5 of Schedule 2 to the <sup>M4</sup> Rent Act 1968 (conversion on death of first successor); or
  - section 64 of the Housing Act 1980 (conversion of all remaining controlled tenancies).
- (5) This section does not apply to any agreement where the tenant is neither the person who, at the time of the conversion, was the tenant nor a person who might succeed the tenant at that time as a statutory tenant.
- (6) Where a rent is registered for the dwelling-house and the registration is subsequently cancelled, this section shall not apply to the agreement submitted to the rent officer in connection with the cancellation nor to any agreement made so as to take effect after the cancellation.]

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**Textual Amendments**

**F3** S. 52 substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 68(2), [Sch. 25 Pt.II para. 65](#)

**Marginal Citations**

- M1** 1980 c. 51.
- M2** 1969 c. 33
- M3** 1972 c. 47
- M4** 1968 c. 23.

**53** ..... **F4**

**Textual Amendments**

**F4** 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](#)

**54 Failure to comply with provisions for protection of tenants.**

- (1) If, in the case of a variation of the terms of a regulated tenancy, there is a failure to observe any of the requirements of section 51, . . . <sup>F5</sup> of this Act, any excess of the rent payable under the terms as varied over the terms without the variation shall be irrecoverable from the tenant.
- (2) If, in the case of the grant of a tenancy, there is a failure to observe any of those requirements, any excess of the rent payable under the tenancy so granted (for any contractual or any statutory period of the tenancy) over the previous limit shall be irrecoverable from the tenant.
- (3) In subsection (2) above the “previous limit” shall be taken to be the amount which (taking account of any previous operation of this section or of section 46 of the <sup>M5</sup>Housing Finance Act 1972, which is superseded by this section) was recoverable by way of rent for the last rental period of the previous tenancy of the dwelling-house, or which would have been so recoverable if all notices of increase authorised by this Act, the <sup>M6</sup>Rent Act 1968 and section 37(3) of the Act of 1972 had been served.
- (4) ..... **F6**

**Textual Amendments**

**F5** Words repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)  
**F6** S. 54(4)(5) repealed with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), Sch. 25 Pt. II para. 66, [Sch. 26](#)

**Marginal Citations**

- M5** 1972 c. 47.
- M6** 1968 c. 23.

**Status:**

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**Changes to legislation:**

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