



Rent Act 1977

1977 CHAPTER 42

PART VII

SECURITY OF TENURE

Restricted contracts

103 Notice to quit served after reference of contract to rent tribunal

- (1) If, after a restricted contract has been referred to a rent tribunal by the lessee or the local authority under section 77 or 80 of this Act, a notice to quit the dwelling to which the contract relates is served by the lessor on the lessee at any time before the decision of the tribunal is given or within the period of 6 months thereafter, then, subject to sections 105 and 106 of this Act, the notice shall not take effect before the expiry of that period.
- (2) In a case falling within subsection (1) above,—
 - (a) the rent tribunal may, if they think fit, direct that a shorter period shall be substituted for the period of 6 months specified in that subsection ; and
 - (b) if the reference to the rent tribunal is withdrawn, the period during which the notice to quit is not to take effect shall end on the expiry of 7 days from the withdrawal of the reference.

104 Application to tribunal for security of tenure where notice to quit is served

- (1) Subject to sections 105 and 106(3) of this Act, where—
 - (a) a notice to quit a dwelling the subject of a restricted contract has been served, and
 - (b) the restricted contract has been referred to a rent tribunal under section 77 or 80 of this Act (whether before or after the service of the notice to quit) and the reference has not been withdrawn, and
 - (c) the period at the end of which the notice to quit takes effect (whether by virtue of the contract, of section 103 of this Act or of this section) has not expired,

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the lessee may apply to the rent tribunal for the extension of that period.

- (2) Where an application is made under this section, the notice to quit to which the application relates shall not have effect before the determination of the application unless the application is withdrawn.
- (3) On an application under this section, the rent tribunal, after making such inquiry as they think fit and giving to each party an opportunity of being heard or, at his option, of submitting representations in writing, may direct that the notice to quit shall not have effect until the end of such period, not exceeding 6 months from the date on which the notice to quit would have effect apart from the direction, as may be specified in the direction.
- (4) If the rent tribunal refuse to give a direction under this section,—
 - (a) the notice to quit shall not have effect before the expiry of 7 days from the determination of the application; and
 - (b) no subsequent application under this section shall be made in relation to the same notice to quit.
- (5) On coming to a determination on an application under this section, the rent tribunal shall notify the parties of their determination.

105 Notices to quit served by owner-occupiers

Where a person who has occupied a dwelling as a residence (in this section referred to as " the owner-occupier ") has, by virtue of a restricted contract, granted the right to occupy the dwelling to another person and—

- (a) at or before the time when the right was granted (or, if it was granted before 8th December 1965, not later than 7th June 1966) the owner-occupier has given notice in writing to that other person that he is the owner-occupier within the meaning of this section, and
- (b) if the dwelling is part of a house, the owner-occupier does not occupy any other part of the house as his residence,

neither section 103 nor 104 of this Act shall apply where a notice to quit the dwelling is served if, at the time the notice is to take effect, the dwelling is required as a residence for the owner-occupier or any member of his family who resided with him when he last occupied the dwelling as a residence.

106 Reduction of period of notice on account of lessee's default

- (1) Subsections (2) and (3) below apply where a restricted contract has been referred to a rent tribunal and the period at the end of which a notice to quit will take effect has been determined by virtue of section 103 of this Act or extended under section 104.
- (2) If, in a case where this subsection applies, it appears to the rent tribunal, on an application made by the lessor for a direction under this section,—
 - (a) that the lessee has not complied with the terms of the contract, or
 - (b) that the lessee or any person residing or lodging with him has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers or has been convicted of using the dwelling, or allowing the dwelling to be used, for an immoral or illegal purpose, or

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- (c) that the condition of the dwelling has deteriorated owing to any act or neglect of the lessee or any person residing or lodging with him, or
- (d) that the condition of any furniture provided for the use of the lessee under the contract has deteriorated owing to any ill-treatment by the lessee or any person residing or lodging with him,

the rent tribunal may direct that the period referred to in subsection (1) above shall be reduced so as to end at a date specified in the direction.

(3) No application may be made under section 104 of this Act with respect to a notice to quit if a direction has been given under subsection (2) above reducing the period at the end of which the notice is to take effect.

(4) In any case where—

- (a) a notice to quit a dwelling which is the subject of a restricted contract has been served, and
- (b) the period at the end of which the notice to quit takes effect is for the time being extended by virtue of section 103 or 104 of this Act, and
- (c) at some time during that period the lessor institutes proceedings in the county court for the recovery of possession of the dwelling, and
- (d) in those proceedings the county court is satisfied that any of paragraphs (a) to (d) of subsection (2) above applies,

the court may direct that the period referred to in paragraph (b) above shall be reduced so as to end at a date specified in the direction.