



# Rent Act 1977

## 1977 CHAPTER 42

### PART XI

#### GENERAL

##### *Sublettings*

#### **137 Effect on sub-tenancy of determination of superior tenancy**

- (1) If a court makes an order for possession of a dwelling-house from—
- (a) a protected or statutory tenant, or
  - (b) a protected occupier or statutory tenant as defined in the Rent (Agriculture) Act 1976,

and the order is made by virtue of section 98(1) or 99(2) of this Act or, as the case may be, under Part I of Schedule 4 to that Act, nothing in the order shall affect the right of any sub-tenant to whom the dwelling-house or any part of it has been lawfully sublet before the commencement of the proceedings to retain possession by virtue of this Part of this Act, nor shall the order operate to give a right to possession against any such sub-tenant.

- (2) Where a statutorily protected tenancy of a dwelling-house is determined, either as a result of an order for possession or for any other reason, any sub-tenant to whom the dwelling-house or any part of it has been lawfully sublet shall, subject to this Act, be deemed to become the tenant of the landlord on the same terms as if the tenant's statutorily protected tenancy had continued.
- (3) Where a dwelling-house—
- (a) forms part of premises which have been let as a whole on a superior tenancy but do not constitute a dwelling-house let on a statutorily protected tenancy; and
  - (b) is itself subject to a protected or statutory tenancy,

then, from the coming to an end of the superior tenancy, this Act shall apply in relation to the dwelling-house as if, in lieu of the superior tenancy, there had been separate

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*Status: This is the original version (as it was originally enacted).*

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tenancies of the dwelling-house and of the remainder of the premises, for the like purposes as under the superior tenancy, and at rents equal to the just proportion of the rent under the superior tenancy.

In this subsection " premises " includes, if the sub-tenancy in question is a protected or statutory tenancy to which section 99 of this Act applies, an agricultural holding within the meaning of the Agricultural Holdings Act 1948.

- (4) In subsections (2) and (3) above " statutorily protected tenancy " means—
- (a) a protected or statutory tenancy;
  - (b) a protected occupancy or statutory tenancy as defined in the Rent (Agriculture) Act 1976 ; or
  - (c) if the sub-tenancy in question is a protected or statutory tenancy to which section 99 of this Act applies, a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1948.
- (5) Subject to subsection (6) below, a long tenancy of a dwelling-house which is also a tenancy at a low rent but which, had it not been a tenancy at a low rent, would have been a protected tenancy, shall be treated for the purposes of subsection (2) above as a statutorily protected tenancy.
- (6) Notwithstanding anything in subsection (5) above, subsection (2) above shall not have effect where the sub-tenancy in question was created (whether immediately or derivatively) out of a long tenancy falling within subsection (5) above and, at the time of the creation of the sub-tenancy—
- (a) a notice to terminate the long tenancy had been given under section 4(1) of the Landlord and Tenant Act 1954; or
  - (b) the long tenancy was being continued by section 3(1) of that Act;
- unless the sub-tenancy was created with the consent in writing of the person who at the time when it was created was the landlord, within the meaning of Part I of that Act.
- (7) This section shall apply equally where a protected occupier of a dwelling-house, or part of a dwelling-house, has a relevant licence as defined in the Rent (Agriculture) Act 1976, and in this section " tenancy " and all cognate expressions shall be construed accordingly.

### **138 Effect on furnished sub-tenancy of determination of superior unfurnished tenancy**

- (1) If, in a case where section 137(2) of this Act applies, the conditions mentioned in subsection (2) below are fulfilled, the terms on which the sub-tenant is, by virtue of section 137(2), deemed to become the tenant of the landlord shall not include any terms as to the provision by the landlord of furniture or services.
- (2) The conditions are:—
- (a) that the statutorily protected tenancy which is determined as mentioned in section 137(2) was neither a protected furnished tenancy nor a statutory furnished tenancy; and
  - (b) that, immediately before the determination of that statutorily protected tenancy, the sub-tenant referred to in section 137(2) was the tenant under a protected furnished tenancy or a statutory furnished tenancy; and
  - (c) that the landlord, within the period of 6 weeks beginning with the day on which the statutorily protected tenancy referred to in section 137(2) is

determined, serves notice on the sub-tenant that this section is to apply to his tenancy or statutory tenancy.

- (3) In this section " statutorily protected tenancy" has the meaning given to it, for the purposes of subsection (2) of section 137 of this Act, by subsection (4) of that section.

**139   Obligation to notify sublettings of dwelling-houses let on or subject to protected or statutory tenancies**

- (1) If the tenant of a dwelling-house let on or subject to a protected or statutory tenancy sublets any part of the dwelling-house on a protected tenancy, then, subject to subsection (2) below, he shall, within 14 days after the subletting, supply the landlord with a statement in writing of the subletting giving particulars of occupancy, including the rent charged.
- (2) Subsection (1) above shall not require the supply of a statement in relation to a subletting of any part of a dwelling-house if the particulars which would be required to be included in the statement as to the rent and other conditions of the subtenancy would be the same as in the last statement supplied in accordance with that subsection with respect to a previous subletting of that part.
- (3) A tenant who is required to supply a statement in accordance with subsection (1) above and who, without reasonable excuse—
- (a) fails to supply a statement, or
  - (b) supplies a statement which is false in any material particular,
- shall be liable to a fine not exceeding £25.
- (4) In this section—
- (a) " protected tenancy" includes a protected occupancy under the Rent (Agriculture) Act 1976 ;
  - (b) " statutory tenancy " includes a statutory tenancy under that Act.