

*Changes to legislation: There are currently no known outstanding effects for the Rent Act 1977, Paragraph 3. (See end of Document for details)*

# SCHEDULES

## SCHEDULE 1

### STATUTORY TENANCIES

#### PART I

##### STATUTORY TENANTS BY SUCCESSION

###### Modifications etc. (not altering text)

**C1** Sch. 1 Pt. I: by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 39(3) it is provided that where s. 39(2) of the 1988 Act does not apply but the person who is the first successor, within the meaning of Part I of Sch. 1 of this Act, dies after the commencement of that 1988 Act, Part I shall have effect subject to the amendments in paras. 5 to 9 of Part I of Sch. 4 of that 1988 Act

- 3 (1) Where paragraph 2 above does not apply, but a person who was a member of the original tenant's family was residing with him [<sup>F1</sup>in the dwelling-house] at the time of and for the [<sup>F2</sup>period of 2 years] immediately before his death then, after his death, that person or if there is more than one such person such one of them as may be decided by agreement, or in default of agreement by the county court, shall [<sup>F3</sup>—
- (a) in the case of a dwelling-house in England,] be [<sup>F4</sup>entitled to an assured tenancy of the dwelling-house by succession][<sup>F5</sup>, or
  - (b) in the case of a dwelling-house in Wales, be entitled to a secure contract of the dwelling-house by succession].
- [<sup>F6</sup>(2) If the original tenant died within the period of 18 months beginning on the operative date, then, for the purposes of this paragraph, a person who was residing in the dwelling-house with the original tenant at the time of his death and for the period which began 6 months before the operative date and ended at the time of his death shall be taken to have been residing with the original tenant for the period of 2 years immediately before his death.]

###### Textual Amendments

- F1** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 39(2), [Sch. 4 Pt. I para. 3\(a\)](#)(in application as mentioned in s. 39(2))
- F2** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 39(2), [Sch. 4 Pt. I para. 3\(b\)](#)(in application as mentioned in s. 39(2))
- F3** [Sch. 1 para. 3\(1\)\(a\)](#) inserted (18.5.2023) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2023 \(S.I. 2023/550\)](#), regs. 1, [2\(4\)\(a\)\(i\)](#)
- F4** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 39(2), [Sch. 4 Pt. I para. 3\(c\)](#)(in application as mentioned in s. 39(2))

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- F5** Sch. 1 para. 3(1)(b) and word inserted (18.5.2023) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2023 (S.I. 2023/550), regs. 1, **2(4)(a)(ii)**
- F6** Sch. 1 Pt. I Para. 3(2) added by Housing Act 1988 (c. 50, SIF 61), s. 39(2), **Sch. 4 Pt. I para. 3(d)**(in application as mentioned in s. 39(2))

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**Modifications etc. (not altering text)**

- C1** Sch. 1 para. 3 modified (1.10.1997) by 1996 c. 27, ss. 53, 63(4), **Sch. 7 Pt. II para. 8(3)** (with Sch. 9 paras. 8, 9, 10); S.I. 1997/1892, **art. 3(1)(a)**

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