

## SCHEDULES

### SCHEDULE 1

#### STATUTORY TENANCIES

##### PART I

###### STATUTORY TENANTS BY SUCCESSION

- 1 Paragraph 2 or, as the case may be, paragraph 3 below shall have effect, subject to section 2(3) of this Act, for the purpose of determining who is the statutory tenant of a dwelling-house by succession after the death of the person (in this Part of this Schedule referred to as "the original tenant") who, immediately before his death, was a protected tenant of the dwelling-house or the statutory tenant of it by virtue of his previous protected tenancy.
- 2 If the original tenant was a man who died leaving a widow who was residing with him at his death then, after his death, the widow shall be the statutory tenant if and so long as she occupies the dwelling-house as her residence.
- 3 Where paragraph 2 above does not apply, but a person who was a member of the original tenant's family was residing with him at the time of and for the period of 6 months 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 be the statutory tenant if and so long as he occupies the dwelling-house as his residence.
- 4 A person who becomes the statutory tenant of a dwelling-house by virtue of paragraph 2 or 3 above is in this Part of this Schedule referred to as "the first successor".
- 5 If, immediately before his death, the first successor was still a statutory tenant, paragraph 6 or, as the case may be, paragraph 7 below shall have effect, subject to section 2(3) of this Act, for the purpose of determining who is the statutory tenant after the death of the first successor.
- 6 If the first successor was a man who died leaving a widow who was residing with him at his death then, after his death, the widow shall be the statutory tenant if and so long as she occupies the dwelling-house as her residence.
- 7 Where paragraph 6 above does not apply but a person who was a member of the first successor's family was residing with him at the time of and for the period of 6 months 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 be the statutory tenant if and so long as he occupies the dwelling-house as his residence.
- 8 (1) A person shall not become a statutory tenant by virtue of paragraph 6 or 7 above in any case where, immediately before the death of the first successor, his statutory tenancy was a controlled tenancy and, apart from section 24(2) of this Act, Part II of

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

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the Landlord and Tenant Act 1954 would have applied to that statutory tenancy, had it been a tenancy within the meaning of that Act.

- (2) In a case falling within sub-paragraph (1) above, the person who, if paragraph 6 or, as the case may be, paragraph 7 above had applied, would have become the statutory tenant shall, instead, be treated for the purposes of the Landlord and Tenant Act 1954 as the tenant under a tenancy continuing by virtue of section 24 of that Act after the expiry of a term of years certain.
- 9 Paragraphs 5 to 8 above do not apply where the statutory tenancy of the original tenant arose by virtue of section 4 of the Requisitioned Houses and Housing (Amendment) Act 1955 or section 20 of the Rent Act 1965.
- 10 (1) Where after a succession the successor becomes the tenant of the dwelling-house by the grant to him of another tenancy, " the original tenant" and " the first successor" in this Part of this Schedule shall, in relation to that other tenancy, mean the persons who were respectively the original tenant and the first successor at the time of the succession, and accordingly—
- (a) if the successor was the first successor, and, immediately before his death he was still the tenant (whether protected or statutory), paragraphs 6 and 7 above shall apply on his death,
  - (b) if the successor was not the first successor, no person shall become a statutory tenant on his death by virtue of this Part of this Schedule.
- (2) Sub-paragraph (1) above applies—
- (a) even if a successor enters into more than one other tenancy of the dwelling-house, and
  - (b) even if both the first successor and the successor on his death enter into other tenancies of the dwelling-house.
- (3) In this paragraph " succession " means the occasion on which a person becomes the statutory tenant of a dwelling-house by virtue of this Part of this Schedule and " successor" shall be construed accordingly.
- (4) This paragraph shall apply as respects a succession which took place before 27th August 1972 if, and only if, the tenancy granted after the succession, or the first of those tenancies, was granted on or after that date, and where it does not apply as respects a succession, no account should be taken of that succession in applying this paragraph as respects any later succession.
- 11 (1) Paragraphs 5 to 8 above do not apply where—
- (a) the tenancy of the original tenant was granted on or after the operative date within the meaning of the Rent (Agriculture) Act 1976, and
  - (b) both that tenancy and the statutory tenancy of the first successor were tenancies to which section 99 of this Act applies.
- (2) If the tenants under both of the tenancies falling within sub-paragraph (1)(b) above were persons to whom paragraph 7 of Schedule 9 to the Rent (Agriculture) Act 1976 applies, the reference in sub-paragraph (1)(a) above to the operative date shall be taken as a reference to the date of operation for forestry workers within the meaning of that Act.