

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1977, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 12(4).

RESIDENT LANDLORDS

PART I

PROVISIONS FOR DETERMINING APPLICATION OF SECTION 12

- 1 In determining whether the condition in section 12(1)(c) of this Act is at any time fulfilled with respect to a tenancy, there shall be disregarded—
- (a) any period of not more than [^{F1}28 days] beginning with the date on which the interest of the landlord under the tenancy becomes vested at law and in equity in an individual who, during that period, does not occupy as his residence another dwelling-house which forms part of the building [^{F2}or, as the case may be, flat] concerned;
 - (b) if, within a period falling within paragraph (a) above, the individual concerned notifies the tenant in writing of his intention to occupy as his residence another [^{F3}dwelling house in the building or, as the case may be, flat concerned], the period beginning with the date on which the interest of the landlord under the tenancy becomes vested in that individual as mentioned in that paragraph and ending—
 - (i) at the expiry of the period of 6 months beginning on that date, or
 - (ii) on the date on which that interest ceases to be so vested, or
 - (iii) on the date on which the condition in section 12(1)(c) again applies, whichever is the earlier; and
 - (c) any period of not more than [^{F4}2 years] beginning with the date on which the interest of the landlord under the tenancy becomes, and during which it remains, vested—
 - (i) ^{F5}
 - (ii) in trustees as such; or
 - (iii) by virtue of section 9 of the ^{M1}Administration of Estates Act 1925, in [^{F6}the Probate Judge or the Public Trustee].

Textual Amendments

- F1** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\), s. 65\(3\)\(a\)\(6\)](#)
- F2** Words inserted by [Housing Act 1980 \(c. 51, SIF 61\), s. 65\(3\)\(a\)\(6\)](#)
- F3** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\), s. 65\(3\)\(b\)\(6\)](#)
- F4** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\), s. 65\(3\)\(c\)\(6\)](#)
- F5** [Sch. 2 para. 1 \(c\)\(i\)](#) repealed with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 65\(3\)\(c\)\(6\)\(7\)](#), [Sch. 26](#)
- F6** Words in [Sch. 2 Pt. 1 para. 1\(c\)\(iii\)](#) substituted (1.7.1995) by [1994 c. 36, s. 21\(1\)](#), [Sch. 1 para. 8](#) (with [s. 20](#)); [S.I. 1995/1317, art. 2](#)

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Marginal Citations

M1 1925 c. 23.

- 2 During any period when—
- (a) in the interest of the landlord under the tenancy referred to in section 12(1) is vested in trustees as such, and
 - (b) that interest is ^{F7}. . . held on trust for any person who occupies as his residence a dwelling-house which forms part of the building [^{F8}or, as the case may be, flat] referred to in section 12(1)(a),
- the condition in section 12(1)(c) shall be deemed to be fulfilled and, accordingly, no part of that period shall be disregarded by virtue of paragraph 1 above.

Textual Amendments

- F7** Words in [Sch. 2 Pt. I para. 2\(b\)](#) repealed (1.1.1997) by [1996 c. 47, s. 25\(2\)](#), [Sch. 4](#) (with [ss. 24\(2\), 25\(4\)](#)); [S.I. 1996/2974, art. 2](#)
- F8** Words inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [s. 65\(4\)\(6\)](#)

- [^{F9}2A (1) The tenancy referred to in section 12(1) fails within this paragraph if the interest of the landlord under the tenancy becomes vested in the personal representatives of a deceased person acting in that capacity.
- (2) If the tenancy falls within this paragraph, the condition in section 12(1)(c) shall be deemed to be fulfilled for any period, beginning with the date on which the interest becomes vested in the personal representatives and not exceeding two years, during which the interest of the landlord remains so vested.]

Textual Amendments

- F9** [Sch. 2 para. 2A](#) inserted with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), [s. 65\(5\)\(6\)\(7\)](#)

- 3 Throughout any period which, by virtue of paragraph 1 above, falls to be disregarded for the purpose of determining whether the condition in section 12(1)(c) is fulfilled with respect to a tenancy, no order shall be made for possession of the dwelling-house subject to that tenancy, other than an order which might be made if that tenancy were or, as the case may be, had been a regulated tenancy.
- 4 For the purposes of section 12, a building is a purpose-built block of flats if as constructed it contained, and it contains, 2 or more flats; and for this purpose “flat” means a dwelling-house which—
- (a) forms part only of a building; and
 - (b) is separated horizontally from another dwelling-house which forms part of the same building.
- 5 For the purposes of section 12, a person shall be treated as occupying a dwelling-house as his residence if, so far as the nature of the case allows, he fulfills the same conditions as, by virtue of section 2(3) of this Act, are required to be fulfilled by a statutory tenant of a dwelling-house.

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PART II

TENANCIES CEASING TO FALL WITHIN SECTION 12

- 6 (1) In any case where—
- (a) a tenancy which, by virtue only of section 12, was precluded from being a protected tenancy ceases to be so precluded and accordingly becomes a protected tenancy, and
 - (b) before it became a protected tenancy a rent was registered for the dwelling concerned under Part V of this Act,
- the amount which is so registered shall be deemed to be registered under Part IV of this Act as the rent for the dwelling-house which is let on that tenancy, and that registration shall be deemed to take effect on the day the tenancy becomes a protected tenancy.
- (2) Section 67(3) of this Act shall not apply to an application for the registration under Part IV of a rent different from that which is deemed to be registered as mentioned in sub-paragraph (1) above.
- (3) **F10**
- (4) If, immediately before a tenancy became a protected tenancy as mentioned in sub-paragraph (1)(a) above, the rates in respect of the dwelling-house concerned were borne as mentioned in subsection (3) of section 79 of this Act and the fact that they were so borne was noted as required by that subsection, then, in the application of Part IV in relation to the protected tenancy, section 71(2) of this Act shall be deemed to apply.

Textual Amendments

F10 Sch. 2 para. 6(3) repealed by Housing Act 1988 (c. 50, SIF 61, 75:1), s. 140(2), Sch. 18

- 7 If, in a case where a tenancy becomes a protected tenancy as mentioned in sub-paragraph (1)(a) above—
- (a) a notice to quit had been served in respect of the dwelling concerned before the date on which the tenancy became a protected tenancy, and
 - (b) the period at the end of which that notice to quit takes effect had, before that date, been extended under Part VII of this Act, and
 - (c) that period has not expired before that date,
- the notice to quit shall take effect on the day following that date (whenever it would otherwise take effect) and, accordingly, on that day the protected tenancy shall become a statutory tenancy.

Changes to legislation:

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