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SCHEDULES

SCHEDULE 1

Sections 2 and 3.

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

- 1 Paragraph 2 . . . ^{F1} 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.

Textual Amendments

- F1** Words repealed by [Housing Act 1988 \(c. 50, SIF 61\)](#), ss. 39(2), 140(2), **Sch. 4 Pt. I para. 1** (in application as mentioned in s. 39(2)), Sch. 18

Modifications etc. (not altering text)

- C2** Sch. 1 para. 1 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)**

- [^{F2}2 The surviving spouse]^{F3}, or surviving civil partner,] (if any) of the original tenant, if residing in the dwelling-house immediately before the death of the original tenant, shall after the death be the statutory tenant if and so long as he or she occupies the dwelling-house as his or her residence.]

[^{F4}[^{F5}(2) For the purposes of this paragraph—

- (a) a person who was living with the original tenant as his or her wife or husband shall be treated as the spouse of the original tenant, and
- (b) a person who was living with the original tenant as if they were civil partners shall be treated as the civil partner of the original tenant.]

- (3) If, immediately after the death of the original tenant, there is, by virtue of sub-paragraph (2) above, more than one person who fulfils the conditions in sub-

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paragraph (1) above, such one of them as may be decided by agreement or, in default of agreement, by the county court [^{F6}shall for the purposes of this paragraph be treated (according to whether that one of them is of the opposite sex to, or of the same sex as, the original tenant) as the surviving spouse or the surviving civil partner.]]

Textual Amendments

- F2** Sch. 1 para. 2 substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. **76(1)(4)** in relation to deaths occurring after 28.11.1980
- F3** Words in Sch. 1 para. 2(1) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 13(2)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F4** Sch. 1 para. 2(2) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 13(3)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F5** Sub-paragraphs 2(2) and (3) inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 39(2), **Sch. 4 Pt. I para. 2** (in application as mentioned in s. 39(2))
- F6** Words in Sch. 1 para. 2(3) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 13(4)**; S.I. 2005/3175, art. 2(1), Sch. 1

Modifications etc. (not altering text)

- C3** Sch. 1 para. 2 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)

- 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 [^{F7}in the dwelling-house] at the time of and for the [^{F8}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 be [^{F9}entitled to an assured tenancy of the dwelling-house by succession].

[^{F10}(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

- F7** 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))
- F8** 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))
- F9** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 39(2), **Sch. 4 Pt. I para. 3(e)**(in application as mentioned in s. 39(2))
- F10** **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))

Modifications etc. (not altering text)

- C4** **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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- 4 A person who becomes the statutory tenant of a dwelling-house by virtue of paragraph 2 . . . ^{F11} above is in this Part of this Schedule referred to as “the first successor”.

Textual Amendments

- F11** Words repealed by [Housing Act 1988 \(c. 50, SIF 61\)](#), ss. 39(2), 140(2), [Sch. 4 Pt. I para. 4](#)(in application as mentioned in s. 39(2)), Sch. 18

- 5 If, immediately before his death, the first successor was still a statutory tenant, paragraph 6 [^{F12}below shall have effect], for the purpose of determining who is [^{F13}entitled to an assured tenancy of the dwelling-house by succession] after the death of the first successor.

Textual Amendments

- F12** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 39(2), [Sch. 4 Pt. I para. 5\(a\)](#)(in application as mentioned in s. 39(2)(3))

- F13** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 39(2), [Sch. 4 Pt. I para. 5\(b\)](#)(in application as mentioned in s. 39(2)(3))

Modifications etc. (not altering text)

- C5** [Sch. 1 para. 5](#) 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\(1\)\(a\)](#)

- ^{F146} (1) Where a person who—
- (a) was a member of the original tenant’s family immediately before that tenant’s death, and
 - (b) was a member of the first successor’s family immediately before the first successor’s death,
- was residing in the dwelling-house with the first successor at the time of, and for the period of 2 years immediately before, the first successor’s 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 entitled to an assured tenancy of the dwelling-house by succession.
- (2) If the first successor 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 first successor 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 first successor for the period of 2 years immediately before his death.]

Textual Amendments

- F14** [Sch. 1 Pt. 1 para. 6](#) substituted by virtue of [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 39(2)(3), [Sch. 4 Pt. I para. 6](#)(with application as mentioned in s. 39(2)(3))

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Modifications etc. (not altering text)

- C6** Sch. 1 para. 6 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)**

7 **F15**

Textual Amendments

- F15** Sch. 1 Pt. 1 para. 7 repealed by Housing Act 1988 (c. 50, SIF 61), ss. 39(2)(3), 140(2), **Sch. 4 Pt. I para. 7**(with application as mentioned in s. 39(2)(3)), Sch. 18

8 **F16**

Textual Amendments

- F16** Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by Housing Act 1980 (c. 51, SIF 61), **Sch. 26**

- 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 ^{M1}Requisitioned Houses and Housing (Amendment) Act 1955 or section 20 of the ^{M2}Rent Act 1965.

Marginal Citations

- M1** 1955 c. 24.
M2 1965 c. 75.

- 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), [^{F17}paragraph 6] 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.

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- (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.

Textual Amendments

F17 Words substituted as provided by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 39(2), [Sch. 4 Pt. I para. 8](#) (with application as mentioned in s. 39(2)(3))

- 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 ^{M3}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 ^{M4}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.

Marginal Citations

M3 1976 c. 80.

M4 1976 c. 80.

- [^{F18}11A In this Part of this Schedule “the operative date” means the date on which Part I of the Housing Act 1988 came into force.]

Textual Amendments

F18 [Sch. 1 Pt. I para. 11A](#) inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 39(2), [Sch. 4 Pt. I para. 9](#) (with application as mentioned in s. 39(2)(3))

PART II

RELINQUISHING TENANCIES AND CHANGING TENANTS

Payments demanded by statutory tenants as a condition of giving up possession

- 12 (1) A statutory tenant of a dwelling-house who, as a condition of giving up possession of the dwelling-house, asks for or receives the payment of any sum, or the giving of any other consideration, by any person other than the landlord, shall be guilty of an offence.
- (2) Where a statutory tenant of a dwelling-house requires that furniture or other articles shall be purchased as a condition of his giving up possession of the dwelling-house, the price demanded shall, at the request of the person on whom the demand is made,

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be stated in writing, and if the price exceeds the reasonable price of the articles the excess shall be treated, for the purposes of sub-paragraph (1) above, as a sum asked to be paid as a condition of giving up possession.

- (3) A person guilty of an offence under this paragraph shall be liable to a fine not exceeding [^{F19}level 3 on the standard scale].
- (4) The court by which a person is convicted of an offence under this paragraph may order the payment—
 - (a) to the person who made any such payment, or gave any such consideration, as is referred to in sub-paragraph (1) above, of the amount of that payment or the value of that consideration, or
 - (b) to the person who paid any such price as is referred to in sub-paragraph (2) above, of the amount by which the price paid exceeds the reasonable price.

Textual Amendments

F19 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

Change of statutory tenant by agreement

- 13 (1) Where it is so agreed in writing between a statutory tenant (“the outgoing tenant”) and a person proposing to occupy the dwelling (“the incoming tenant”), the incoming tenant shall be deemed to be the statutory tenant of the dwelling as from such date as may be specified in the agreement (“the transfer date”).
- (2) Such an agreement shall not have effect unless the landlord is a party thereto, and, if the consent of any superior landlord would have been required to an assignment of the previous contractual tenancy, the agreement shall not have effect unless the superior landlord is a party thereto.
- (3) If the outgoing tenant is the statutory tenant by virtue of his previous protected tenancy, then, subject to sub-paragraph (6) below, this Act shall have effect, on and after the transfer date, as if the incoming tenant had been a protected tenant and had become the statutory tenant by virtue of his previous protected tenancy.
- (4) Subject to sub-paragraphs (5) and (6) below, if the outgoing tenant is a statutory tenant by succession, then, on and after the transfer date—
 - (a) this Act shall have effect as if the incoming tenant were a statutory tenant by succession, and
 - (b) the incoming tenant shall be deemed to have become a statutory tenant by virtue of that paragraph of Part I of this Schedule by virtue of which the outgoing tenant became (or is deemed to have become) a statutory tenant.
- (5) If the outgoing tenant is a statutory tenant by succession, the agreement may provide that, notwithstanding anything in sub-paragraph (4) above, on and after the transfer date, this Act shall have effect, subject to sub-paragraph (6) below, as if the incoming tenant had been a protected tenant and had become the statutory tenant by virtue of his previous protected tenancy.
- (6) Unless the incoming tenant is deemed, by virtue of sub-paragraph (4)(b) above, to have become a statutory tenant by virtue of paragraph 6 or 7 of Part I of this Schedule,

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paragraphs 5 to 7 of that Part shall not apply where a person has become a statutory tenant by virtue of this paragraph.

- (7) In this paragraph “the dwelling” means the aggregate of the premises comprised in the statutory tenancy of the outgoing tenant.

No pecuniary consideration to be required on change of tenant under paragraph 13

- 14 (1) Any person who requires the payment of any pecuniary consideration for entering into such an agreement as is referred to in paragraph 13(1) above shall be liable to a fine not exceeding [^{F20}level 3 on the standard scale].
- (2) The court by which a person is convicted of an offence under sub-paragraph (1) above may order the amount of the payment to be repaid by the person to whom it was paid.
- (3) Without prejudice to sub-paragraph (2) above, the amount of any such payment as is referred to in sub-paragraph (1) above shall be recoverable by the person by whom it was made either by proceedings for its recovery or, if it was made to the landlord by a person liable to pay rent to the landlord, by deduction from any rent so payable.
- (4) Notwithstanding anything in sub-paragraph (1) above, if apart from this paragraph he would be entitled to do so, the outgoing tenant may require the payment by the incoming tenant—
- (a) of so much of any outgoings discharged by the outgoing tenant as is referable to any period after the transfer date;
 - (b) of a sum not exceeding the amount of any expenditure reasonably incurred by the outgoing tenant in carrying out any structural alteration of the dwelling or in providing or improving fixtures therein, being fixtures which, as against the landlord, the outgoing tenant is not entitled to remove;
 - (c) where the outgoing tenant became a tenant of the dwelling by virtue of an assignment of the previous protected tenancy, of a sum not exceeding any reasonable amount paid by him to his assignor in respect of expenditure incurred by the assignor, or by any previous assignor of the tenancy, in carrying out any such alteration or in providing or improving any such fixtures as are mentioned in paragraph (b) above; or
 - (d) where part of the dwelling is used as a shop or office, or for business, trade or professional purposes, of a reasonable amount in respect of any goodwill of the business, trade or profession, being goodwill transferred to the incoming tenant in connection with his becoming a statutory tenant of the dwelling or accruing to him in consequence thereof.
- (5) In this paragraph “outgoing tenant”, “incoming tenant”, “the transfer date” and “the dwelling” have the same meanings as in paragraph 13 above.

Textual Amendments

F20 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)

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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 [^{F21}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 [^{F22}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 [^{F23}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 [^{F24}2 years] beginning with the date on which the interest of the landlord under the tenancy becomes, and during which it remains, vested—
 - (i) ^{F25}
 - (ii) in trustees as such; or
 - (iii) by virtue of section 9 of the ^{M5}Administration of Estates Act 1925, in [^{F26}the Probate Judge or the Public Trustee].

Textual Amendments

- F21** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\), s. 65\(3\)\(a\)\(6\)](#)
- F22** Words inserted by [Housing Act 1980 \(c. 51, SIF 61\), s. 65\(3\)\(a\)\(6\)](#)
- F23** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\), s. 65\(3\)\(b\)\(6\)](#)
- F24** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\), s. 65\(3\)\(c\)\(6\)](#)
- F25** [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](#)
- F26** Words in [Sch. 2 Pt. I 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](#)

Marginal Citations

- M5** [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

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- (b) that interest is ^{F27} . . . held on trust for any person who occupies as his residence a dwelling-house which forms part of the building [^{F28}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

F27 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

F28 Words inserted by Housing Act 1980 (c. 51, SIF 61), s. 65(4)(6)

[^{F29}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

F29 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.

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

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(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) F30

(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

F30 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.

SCHEDULES 3—

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F31

Textual Amendments

F31 Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by Housing Act 1980 (c. 51, SIF 61), Sch. 26

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SCHEDULE 5

CALCULATION OF AMOUNT OF RATES

- 1 For the purposes of this Act, the amount of rates for any rental period shall be taken, subject to this Schedule, to be an amount which bears to the total rates payable during the relevant rating period the same proportion as the length of the rental period bears to the length of the relevant rating period.
- 2 In this Schedule “the relevant rating period”, in relation to a rental period, means the rating period during which the rent for that rental period is payable.
- 3 The amount of the rates for any rental period which precedes the making, by the authority levying the rates, of their first demand for, or for an instalment of, the rates for the relevant rating period shall be calculated on the basis that the rates for that rating period will be the same as for the last preceding rating period.
- 4 (1) On the making, by the authority levying the rates, of their first such demand, and on the making by them of any subsequent such demand, the amount of the rates for any rental period shall if necessary be recalculated on the basis that the rates for the relevant rating period will be such as appears from the information given in the demand and any previous demands.
(2) Any such recalculation shall not affect the ascertainment of the rates for any rental period beginning more than 6 weeks before the date of the service of the demand giving rise to the recalculation.
- 5 If, as a result of the settlement of a proposal, the rates payable for the relevant rating period are decreased, the amount of the rates for a rental period shall be recalculated so as to give effect to the decrease; but any such recalculation shall not affect the ascertainment of the rates for any rental period beginning more than 6 weeks before the date of the settlement of the proposal.
- 6 In computing the rates for any rental period for the purposes of this Schedule, any discount, and any allowance made under any of the enactments relating to allowances given where rates are paid by the owner instead of by the occupier, shall be left out of account, and accordingly those rates shall be computed as if no such discount or allowance had fallen to be, or had been, allowed or made.

SCHEDULE

6.

F32

Textual Amendments

F32 Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**

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SCHEDULE 7

Section 44(4).

RENT LIMIT FOR CERTAIN TENANCIES FIRST REGULATED BY VIRTUE OF THE COUNTER-INFLATION ACT 1973

Special rent limit

- 1 (1) This paragraph applies to a regulated tenancy—
- (a) which was granted before 8th March 1973, and
 - (b) which would not have been a regulated tenancy but for section 14(1) of the ^{M6}Counter-Inflation Act 1973 (which brought certain tenancies of dwelling-houses with high rateable values within the protection of the ^{M7}Rent Act 1968).
- (2) Subject to this Schedule, the recoverable rent for any contractual period of a tenancy to which this paragraph applies shall not exceed the limit specified in paragraph 2 below, and the amount of any excess shall, notwithstanding anything in any agreement, be irrecoverable from the tenant.
- (3) Where a rent for the dwelling-house is registered under Part IV of this Act which is less than the limit specified in paragraph 2 below, neither section 44(1) nor section 45(2) of this Act shall apply to a tenancy to which this paragraph applies.
- (4) Sub-paragraphs (2) and (3) above shall cease to apply if the landlord and the tenant so provide by an agreement conforming with the requirements of section 51(4) of this Act.
- (5) Sub-paragraph (2) above shall not apply where a rent for the dwelling-house is registered under Part IV of this Act which is not less than the limit specified in paragraph 2 below.

Marginal Citations

M6 1973 c. 9.
M7 1968 c. 23.

- 2 (1) Where, at 22nd March 1973, Article 10 of the ^{M8}Counter-Inflation (Rents) (England and Wales) Order 1972 applied to the rent under the tenancy (to which paragraph 1 above applies), the said limit is the rent payable under the tenancy as limited by the said Article 10 immediately before that date.
- (2) In any other case the said limit is the rent payable under the terms of the tenancy (to which paragraph 1 above applies) at 22nd March 1973.

Marginal Citations

M8 S.I. 1972/1851.

Adjustment for repairs, services or rates

- 3 (1) This paragraph applies to a contractual period the rent for which is subject to paragraph 1(2) above.

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- (2) In this paragraph “the previous terms” means the terms of the tenancy (to which paragraph 1 above applies) as at 22nd March 1973, and “the limit” means the limit in paragraph 2 above.
- (3) Where under the terms of the tenancy there is with respect to—
 - (a) the responsibility for any repairs, or
 - (b) the provision of services by the landlord or any superior landlord, or
 - (c) the use of furniture by the tenant,
 any difference compared with the previous terms, such as to affect the amount of the rent which it is reasonable to charge, the limit shall be increased or decreased by an appropriate amount.
- (4) Where for the contractual period there is a difference between the amount (if any) of the rates borne by the landlord or a superior landlord in respect of the dwelling-house and the amount (if any) so borne during the first rental period for which the previous terms were agreed, the limit shall be increased or decreased by the difference.
- (5) Where for the contractual period there is an increase in the cost of the provision of the services (if any) provided for the tenant by the landlord or a superior landlord compared with that cost at the time when the previous terms were agreed, such as to affect the amount of the rent which it is reasonable to charge, the limit shall be increased by an appropriate amount.
- (6) Where the previous terms provide for a variation of the rent in any of the circumstances mentioned in this paragraph, the limit shall not be further varied under this paragraph by reason of the same circumstances.
- (7) Any question whether, or by what amount, the limit is increased or decreased by sub-paragraph (3) or (5) above shall be determined by the county court, and any such determination—
 - (a) may be made so as to relate to past rental periods, and
 - (b) shall have effect with respect to rental periods subsequent to the periods to which it relates until revoked or varied by a subsequent determination.

Textual Amendments

F33 Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

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SCHEDULE

8.
F34

Textual Amendments

F34 Sch. 8 repealed (with saving) by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140, Sch. 17 para. 24, [Sch. 18](#) (subject to para. 4(2) of the transitional provisions in Sch. 2 to [S.I. 1988/2152](#))

SCHEDULE

9.
F35

Textual Amendments

F35 Ss. 56, 114, Sch. 9 repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 60(4), [Sch. 26](#)

SCHEDULE 10

Section 65.

RENT ASSESSMENT COMMITTEES

- 1 The Secretary of State shall draw up and from time to time revise panels of persons to act as chairmen and other members of rent assessment committees for such areas, comprising together every registration area, as the Secretary of State may from time to time determine.
- 2 Each panel shall consist of a number of persons appointed by the Lord Chancellor and a number of persons appointed by the Secretary of State . . . ^{F36}.

Textual Amendments

F36 Words repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

- [^{F37}2A No appointment of a person to any panel by the Lord Chancellor shall be such as to extend beyond the day on which the person attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor's power to authorise continuance in office up to the age of seventy-five years).]

Textual Amendments

F37 Sch. 10 para. 2A inserted (31.3.1995) by [1993 c. 8, s. 26\(10\)](#), [Sch. 6 para.56](#) (with [Sch. 7 paras. 2\(2\), 3\(2\), 4](#)); [S.I. 1995/631](#), [art. 2](#)

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- 3 The Secretary of State shall nominate one of the persons appointed by the Lord Chancellor to act as president of the panel, and one or more such persons to act as vice-president or vice-presidents.
- 4 Subject to this Schedule, the number of rent assessment committees to act for an area and the constitution of those committees shall be determined by the president of the panel formed for that area or, in the case of the president's absence or incapacity, by the vice-president or, as the case may be, one of the vice-presidents.
- 5 Subject to [^{F38} paragraphs 6 and 6A] below, each rent assessment committee shall consist of a chairman and one or two other members, and the chairman shall be either the president or vice-president (or, as the case may be, one of the vice-presidents) of the panel or one of the other members appointed by the Lord Chancellor.

Textual Amendments

F38 Words substituted by [Housing Act 1980 \(c. 51, SIF 61\), s. 71\(2\)](#)

- 6 The president of the panel may, if he thinks fit, direct that when dealing with such cases or dealing with a case in such circumstances as may be specified in the direction, the chairman sitting alone may, with the consent of the parties, exercise the functions of a rent assessment committee.
- [^{F39}6A When dealing with an application under section 81A of this Act a rent assessment committee carrying out the functions of a rent tribunal shall consist of the chairman of the committee sitting alone.]

Textual Amendments

F39 [Sch. 10 para. 6A](#) inserted by [Housing Act 1980 \(c. 51, SIF 61\), s. 71\(2\)](#)

- 7 There shall be paid to members of panels such remuneration and allowances as the Secretary of State, ^{F40} . . . , may determine.

Textual Amendments

F40 Words in [Sch. 10 para. 7](#) repealed (1.10.1996) by 1996 c. 52, ss. 222, 227, [Sch. 18 Pt. IV para. 22\(1\)\(a\)](#) (3), [Sch. 19 Pt. XIII](#); S.I. 1996/2402, [art. 3](#) (with [Sch.](#))

- [^{F41}7A The Secretary of State may, ^{F42} . . . , provide for the payment of pensions, allowances or gratuities to or in respect of any person nominated to act as president or vice-president of a panel.]

Textual Amendments

F41 [Sch. 10 para. 7A](#) inserted by [Housing Act 1980 \(c. 51, SIF 61\), s. 148](#)

F42 Words in [Sch. 10 para. 7A](#) repealed (1.10.1996) by 1996 c. 52, ss. 222, 227, [Sch. 18 Pt. IV para. 22\(1\)\(a\)](#)(3), [Sch. 19 Pt. XIII](#); S.I. 1996/2402, [art. 3](#) (with [Sch.](#))

- 8 The President of the panel may appoint, with the approval of the Secretary of State as to numbers, such clerks and other officers and servants of rent assessment

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committees as he thinks fit, and there shall be paid to the clerks and other officers and servants such salaries and allowances as the Secretary of State, ^{F43} . . . , may determine.

Textual Amendments

F43 Words in Sch. 10 para. 8 repealed (1.10.1996) by 1996 c. 52, ss. 22, 227, Sch. 18 Pt. IV para. 22(1)(a) (3), Sch. 19 Pt. XIII; S.I. 1996/2402, art. 3 (with Sch.)

- 9 There shall be paid out of moneys provided by Parliament—
- (a) the remuneration and allowances of members of panels;
 - (b) the salaries and allowances of clerks and other officers and servants appointed under this Schedule; and
 - (c) such other expenses of a panel as [^{F44}the Secretary of State] may determine.

Textual Amendments

F44 Words in Sch. 10 para. 9 substituted (1.10.1996) by 1996 c. 52, s. 222, Sch. 18 Pt. IV para. 22(2)(3); S.I. 1996/2402, art. 3 (with Sch.)

- 10 ^{F45}

Textual Amendments

F45 Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by Housing Act 1980 (c. 51, SIF 61), Sch. 26

SCHEDULE 11

Section 67.

APPLICATIONS FOR REGISTRATION OF RENT

PART I

APPLICATION UNSUPPORTED BY CERTIFICATE OF FAIR RENT

Procedure on application to rent officer

- 1 On receiving any application for the registration of a rent, the rent officer may, by notice in writing served on the landlord or on the tenant (whether or not the applicant or one of the applicants), require him to give to the rent officer, within such period of not less than 7 days from the service of the notice as may be specified in the notice, such information as he may reasonably require regarding such of the particulars contained in the application as may be specified in the notice.

- [^{F462} (1) Where the application is made jointly by the landlord and the tenant and it appears to the rent officer, after making such inquiry, if any, as he thinks fit and considering any

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information supplied to him in pursuance of paragraph I above, that the rent specified in the application is a fair rent, he may register that rent without further proceedings.

- (2) Where the rent officer registers a rent under this paragraph he shall notify the landlord and tenant accordingly.]]

Textual Amendments

F46 Sch. 11 paras. 2-3A substituted (28.11.1980 as respects applications for the registration of a rent made after coming into operation of the amending Regulations) for Sch. 11 paras. 2, 3 by S.I. 1980/1696, reg. 2, Sch. 1 para. 1 (the broadly similar amendments made by Housing Act 1980 (c. 51), ss. 59(3), 153(4), Sch. 6 para. 2 are not now expected to be brought into operation and are not reproduced here, see Explanatory Note to S.I. 1980/1696)

- [^{F47}3 (1) In the case of an application which does not fall within paragraph 2 above, the rent officer shall serve on the landlord and on the tenant a notice inviting the person on whom the notice is served to state in writing, within a period of not less than seven days after the service of the notice, whether he wishes the rent officer to consider, in consultation with the landlord and the tenant, what rent ought to be registered for the dwelling-house.
- (2) A notice served under sub-paragraph (1) above on the person who did not make the application shall be accompanied—
- (a) by a copy of the application; and
 - (b) where, in pursuance of section 67(2)(b), the application was accompanied by details of the landlord's expenditure in connection with the provisions of services, by a copy of those details.]

Textual Amendments

F47 Sch. 11 paras. 2-3A substituted (28.11.1980 as respects applications for the registration of a rent made after coming into operation of the amending Regulations) for Sch. 11 paras. 2, 3 by S.I. 1980/1696, reg. 2, Sch. 1 para. 1 (the broadly similar amendments made by Housing Act 1980 (c. 51), ss. 59(3), 153(4), Sch. 6 para. 2 are not now expected to be brought into operation and are not reproduced here, see Explanatory Note to S.I. 1980/1696)

- [^{F48}3A If, after service of a notice by the rent officer under paragraph 3(1) above, no request in writing is made within the period specified in the notice for the rent to be considered as mentioned in that paragraph, the rent officer after considering what rent ought to be registered or, as the case may be, whether a different rent ought to be registered, may—
- (a) determine a fair rent and register it as the rent for the dwelling-house; or
 - (b) confirm the rent for the time being registered and note the confirmation in the register; or
 - (c) serve a notice under paragraph 4(2) below.

Textual Amendments

F48 Sch. 11 paras. 2-3A substituted (28.11.1980 as respects applications for the registration of a rent made after coming into operation of the amending Regulations) for Sch. 11 paras. 2, 3 by S.I. 1980/1696, reg. 2, Sch. 1 para. 1 (the broadly similar amendments made by Housing Act 1980 (c. 51), ss. 59(3),

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153(4), **Sch. 6 para. 2** are not now expected to be brought into operation and are not reproduced here, see Explanatory Note to **S.I. 1980/1696**)

- 4 ^[F49](1) Where, in response to a notice served by the rent officer under paragraph 3(1) above, the landlord or the tenant states in writing that he wishes the rent to be considered as mentioned in that paragraph, the rent officer shall serve a notice under this paragraph.]
- (2) A notice under this paragraph shall be served on the landlord and on the tenant informing them that the rent officer proposes, at a time (which shall not be earlier than 7 days after the service of the ^[F50]notice, or 14 days in a case failing within paragraph 3(2)(b) above,) and place specified in the notice, to consider in consultation with the landlord and the tenant, or such of them as may appear at that time and place, what rent ought to be registered for the dwelling-house or, as the case may be, whether a different rent ought to be so registered.
- (3) At any such consultation the landlord and the tenant may each be represented by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.
- ^[F51](4) The rent officer may, where he considers it appropriate, arrange for consultations in respect of one dwelling-house to be held together with consultations in respect of one or more other dwelling-houses.]

Textual Amendments

- F49** **Sch. 11 para. 4(1)** substituted (28.11.1980 as respects applications for the registration of a rent made after coming into operation of the amending Regulations) by **S.I. 1980/1696, reg. 2, Sch. I para. 2** (the broadly similar amendment made by **Housing Act 1980 (c. 51), ss. 59(3), 153(4), Sch. 6 para. 3** is not now expected to be brought into operation and is not reproduced here, see Explanatory Note to **S.I. 1980/1696**)
- F50** Words in **Sch. 11 para. 4(2)** substituted (28.11.1980 as respects applications for the registration of a rent made after coming into operation of the amending Regulations) by **S.I. 1980/1696, reg. 2, Sch. I para. 3** (the broadly similar amendment made by **Housing Act 1980 (c. 51), ss. 59(3), 153(4), Sch. 6 para. 4** is not now expected to be brought into operation and is not reproduced here, see Explanatory Note to **S.I. 1980/1696**)
- F51** **Sch. 11 para. 4(4)** inserted (28.11.1980 as respects applications for the registration of a rent made after coming into operation of the amending Regulations) by **S.I. 1980/1696, reg. 2, Sch. I para. 4** (the broadly similar amendment made by **Housing Act 1980 (c. 51), ss. 59(3), 153(4), Sch. 6 para. 5** is not now expected to be brought into operation and is not reproduced here, see Explanatory Note to **S.I. 1980/1696**)

- 5 After considering, in accordance with paragraph 4 above, what rent ought to be registered or, as the case may be, whether a different rent ought to be registered, the rent officer shall, as the case may require,—
- (a) determine a fair rent and register it as the rent for the dwelling-house; or
- (b) confirm the rent for the time being registered and note the confirmation in the register;
- ^[F52A] Where a rent has been registered or confirmed by the rent officer under paragraph 3A or 5 above, he shall] notify the landlord and the tenant accordingly by a notice stating that if, with 28 days of the service of the notice or such longer period as he or a rent assessment committee may allow, an objection in writing is received by the rent officer from the landlord or the tenant the matter will be referred to a rent assessment committee.

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Textual Amendments

F52 Words in [Sch. 11 para. 5](#) substituted and renumbered as Sch. 11 para. 5A (28.11.1980 as respects applications for the registration of a rent made after coming into operation of the amending Regulations) by [S.I. 1980/1696, reg. 2, Sch. 1 para. 5](#) (the broadly similar amendment made by [Housing Act 1980 \(c. 51\), ss. 59\(3\), 153\(4\), Sch. 6 para. 6](#) is not now expected to be brought into operation and is not reproduced here, see Explanatory Note to [S.I. 1980/1696](#))

- 6 (1) If such an objection as is mentioned in paragraph [^{F53}5A] above is received, then—
- (a) if it is received within the period of 28 days specified in that paragraph or a rent assessment committee so direct, the rent officer shall refer the matter to a rent assessment committee;
 - (b) if it is received after the expiry of that period the rent officer may either refer the matter to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer it.
- (2) The rent officer shall indicate in the register whether the matter has been referred to a rent assessment committee in pursuance of this paragraph.

Textual Amendments

F53 Word in [Sch. 11 para. 6\(1\)](#) substituted (28.11.1980 as respects applications for the registration of a rent made after coming into operation of the amending Regulations) by [S.I. 1980/1696, reg. 2, Sch. 1 para. 6](#) (the broadly similar amendment made by [Housing Act 1980 \(c. 51\), ss. 59\(3\), 153\(4\), Sch. 6 para. 7](#) is not now expected to be brought into operation and is not reproduced here, see Explanatory Note to [S.I. 1980/1696](#))

Determination of fair rent by rent assessment committee

- 7 (1) The rent assessment committee to whom a matter is referred under paragraph 6 above—
- (a) may by notice in the prescribed form served on the landlord or the tenant require him to give to the committee, within such period of not less than 14 days from the service of the notice as may be specified in the notice, such further information, in addition to any given to the rent officer in pursuance of paragraph 1 above, as they may reasonably require; and
 - (b) shall serve on the landlord and on the tenant a notice specifying a period of not less than [^{F54}7 days] from the service of the notice during which either representations in writing or a request to make oral representations may be made by him to the committee.
- (2) If any person fails without reasonable cause to comply with any notice served on him under sub-paragraph (1)(a) above, he shall be liable on a first conviction to a fine not exceeding £50 and on a second or subsequent conviction, to a fine not exceeding £100.
- (3) Where an offence under sub-paragraph (2) above committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager or secretary or other similar officer of the body corporate or any person who was purporting to act in any

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such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Textual Amendments

F54 Words substituted by [S.I. 1981/1783, reg. 3](#)

Modifications etc. (not altering text)

C7 [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

- 8 Where, within the period specified in paragraph 7(1)(b) above, or such further period as the committee may allow, the landlord or the tenant requests to make oral representations the committee shall give him an opportunity to be heard either in person or by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.
- 9 (1) The committee shall make such inquiry, if any, as they think fit and consider any information supplied or representation made to them in pursuance of paragraph 7 or paragraph 8 above and—
- (a) if it appears to them that the rent registered or confirmed by the rent officer is a fair rent, they shall confirm that rent;
 - (b) if it does not appear to them that that rent is a fair rent, they shall determine a fair rent for the dwelling-house.
- (2) Where the committee confirm or determine a rent under this paragraph they shall notify the landlord, the tenant and the rent officer [^{F55}of their decision and on which it was made].
- (3) On receiving the notification, the rent officer shall, as the case may require, either indicate in the register that the rent has been confirmed or register the rent determined by the committee as the rent for the dwelling-house.

Textual Amendments

F55 Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **s. 61(7)**

Interim registration of rent

[^{F56}9A In this Schedule references to a fair rent in relation to an application under section 67A of this Act are references to the amount to be registered under section 70A(1)(b) of this Act.]

Textual Amendments

F56 Sch. 11 para. 9A inserted (1.4.1993) by [S.I. 1993/651, art. 2\(2\)](#), **Sch. 2 para. 7**

Status: Point in time view as at 05/12/2005.

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^{F57}Maximum Fair Rent

Textual Amendments

F57 Sch. 11 para. 9B and crossnote inserted (1.2.1999) by S.I. 1999/6, art. 3, Sch.

^{F58}9B This Schedule has effect subject to article 2 of the Rent Acts (Maximum Fair Rent) Order 1999 and accordingly—

- (a) the rent officer, in considering what rent ought to be registered, shall consider whether that article applies; and
- (b) where a matter is referred to them, the committee shall consider whether that article applies and, where it does apply, they shall not, subject to paragraph (5) of that article, confirm or determine a rent for the dwelling-house that exceeds the maximum fair rent calculated in accordance with that article.]

Textual Amendments

F58 Sch. 11 para. 9B inserted (1.2.1999) by S.I. 1999/6, art. 3, Sch.

PART II. ^{F59}

Textual Amendments

F59 Sch. 11 Pt. II (paras. 10–14) repealed (with saving) by Housing Act 1988 (c. 50, SIF 61, 75:1), s. 140, Sch. 17 para. 22, Sch. 18 (Sch. 11 paras. 13 and 14 are also expressed to be repealed by Housing Act 1980 (c. 51, SIF 61), s. 152, Sch. 26)

PART III. ^{F60}

Textual Amendments

F60 Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by Housing Act 1980 (c. 51, SIF 61), Sch. 26

Status: Point in time view as at 05/12/2005.

Changes to legislation: Rent Act 1977 is up to date with all changes known to be in force on or before 22 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE

12.
F61

Textual Amendments

F61 Sch. 12 repealed (with saving) by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140, Sch. 17 para. 22, **Sch. 18**

SCHEDULE

13.
F62

Textual Amendments

F62 Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**

SCHEDULE 14

Section 92.

CONVERSION OF HOUSING ASSOCIATION TENANCIES INTO REGULATED TENANCIES

- 1 (1) This paragraph applies in any case where—
- (a) a tenancy of a dwelling-house under which the interest of the landlord belonged to a housing association came to an end at a time before 1st April 1975, and
 - (b) on the date when it came to an end, the tenancy was one to which Part VIII of the 1972 Act (which is superseded by Part VI of this Act) applied, and
 - (c) if the tenancy had come to an end on 1st April 1975 it would, by virtue of section 18(1) of the 1974 Act have then been a protected tenancy for the purposes of the ^{M9}Rent Act 1968.
- (2) If on 1st April 1975 a person who was the tenant under the tenancy which came to an end duly retained possession of the dwelling-house, he shall be deemed to have done so as a statutory tenant under a regulated tenancy and as a person who became a statutory tenant on the termination of a protected tenancy under which he was the tenant.
- (3) If on 1st April 1975 a person duly retained possession of the dwelling-house as being a person who, in the circumstances described in sub-paragraph (5) below, would have been the first successor, within the meaning of Schedule 1 to the ^{M10}Rent Act 1968, he shall be deemed to have done so as the statutory tenant under a regulated tenancy and as a person who became a statutory tenant by virtue of paragraph 2 or 3 of Schedule 1 to this Act.

Status: Point in time view as at 05/12/2005.

Changes to legislation: Rent Act 1977 is up to date with all changes known to be in force on or before 22 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) If on 1st April 1975 a person duly retained possession of the dwelling-house as being a person who, in the circumstances described in sub-paragraph (5) below, would have become the statutory tenant on the death of a first successor, he shall be deemed to have done so as a statutory tenant under a regulated tenancy and as a person who became a statutory tenant by virtue of paragraph 6 or 7 of Schedule 1 to this Act.
- (5) The circumstances mentioned in sub-paragraphs (3) and (4) above are that—
- (a) the tenant under the tenancy, or any person to whom the dwelling-house or any part thereof had been lawfully sublet has died; and
 - (b) if the deceased had been the original tenant within the meaning of Schedule 1 to the ^{M11}Rent Act 1968, the person duly retaining possession of the dwelling-house would have been the first successor within the meaning of that Schedule or would have become the statutory tenant on the death of that first successor.
- (6) References in this paragraph to a person duly retaining possession of a dwelling-house are references to his retaining possession without any order for possession having been made or, where such an order has been made—
- (a) during any period while its operation is postponed or its execution is suspended; or
 - (b) after it has been rescinded.
- (7) Subject to sub-paragraph (8) below, the tenancy referred to in sub-paragraph (1) above shall be treated as the original contract of tenancy for the purposes of section 3 of this Act in relation to a statutory tenancy imposed by any of subparagraphs (2) to (4) above.
- (8) The High Court or the county court may by order vary all or any of the terms of a statutory tenancy imposed by any of sub-paragraphs (2) to (4) above in any way appearing to the court to be just and equitable (and whether or not in a way authorised by sections 46 and 47 of this Act).

Marginal Citations

M9 1968 c. 23.

M10 1968 c. 23.

M11 1968 c. 23.

- 2 (1) If, in a case where either a tenancy has become a protected tenancy by virtue of section 18(1) of the 1974 Act or by virtue of subsections (1) and (3) of section 15 of this Act or a statutory tenancy has been imposed by virtue of paragraph 1 above—
- (a) a rent (the “previous registered rent”) was registered for the dwelling-house at a time when Part VIII of the 1972 Act or Part VI of this Act applied to that tenancy or, as the case may be, to the tenancy referred to in paragraph 1(1) above; and
 - (b) a rent has subsequently been registered for the dwelling-house under Part IV of this Act but the rent so registered is less than the previous registered rent, then subject to paragraph 4 below, until such time as a rent is registered under Part IV which is higher than the previous registered rent, the contractual rent limit or, as the case may be, the maximum rent recoverable during any statutory period of the regulated tenancy concerned shall be the previous registered rent.

Status: Point in time view as at 05/12/2005.

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- (2) If in a case falling within sub-paragraph (1) above, the Secretary of State has, in a direction under section 90 of this Act, specified a rent limit for the dwelling-house higher than the previous registered rent, then, during the period for which that direction has effect as mentioned in that section, sub-paragraph (1) above shall have effect with the substitution for any reference to the previous registered rent of a reference to the rent limit so specified.
- (3) Nothing in this paragraph shall affect the operation of section 73 of this Act and, accordingly, where the registration of a rent is cancelled in accordance with that section, sub-paragraph (1) above shall cease to apply in relation to the rent of the dwelling-house concerned.
- 3 (1) This paragraph applies for the purposes of the application of Part III of this Act in relation to—
- (a) a tenancy which has become a protected tenancy by virtue of section 18(1) of the 1974 Act or by virtue of subsections (1) and (3) of section 15 of this Act,
 - (b) a statutory tenancy arising on the termination of such a tenancy, and
 - (c) a statutory tenancy imposed by virtue of paragraph 1 above,
- in any case where at the time when Part VIII of the 1972 Act or Part VI of this Act applied to the tenancy referred to in paragraph (a) above or, as the case may require, paragraph 1(1) above, section 83(3) of the 1972 Act or section 88(4) of this Act, applied.
- (2) Where this paragraph applies, the rent limit applicable to the tenancy or statutory tenancy referred to in sub-paragraph (1) above shall be deemed to be (or, as the case may be, to have been) the contractual rent limit under the relevant tenancy, but without prejudice to the subsequent registration of a rent for the dwelling-house under Part IV of this Act or (during the currency of a protected tenancy) the making of an agreement under section 51 of this Act increasing the rent payable.
- (3) Sub-paragraph (2) above shall have effect notwithstanding the repeal by the 1972 Act of section 20(3) of the ^{M12}Rent Act 1968 (contractual rent limit before registration), but nothing in this paragraph shall be taken as applying any provisions of section 88 of this Act to a tenancy at a time when it is a protected tenancy.
- (4) In this paragraph “the relevant tenancy” means—
- (a) in the case of a tenancy falling within sub-paragraph (1)(a) above, that tenancy;
 - (b) in the case of a statutory tenancy falling within sub-paragraph (1)(b) above, the tenancy referred to in sub-paragraph (1)(a) above; and
 - (c) in the case of a statutory tenancy falling within sub-paragraph (1)(c) above, the protected tenancy referred to in sub-paragraph (2) of paragraph 1 above or, in a case where sub-paragraph (3) or (4) of that paragraph applies, a notional protected tenancy which, when taken with that regulated tenancy would, by virtue of section 18(2) of this Act, be treated for the purposes of this Act as constituting one regulated tenancy when taken together with the statutory tenancy.

Marginal Citations

M12 1968 c. 23.

Status: Point in time view as at 05/12/2005.

Changes to legislation: Rent Act 1977 is up to date with all changes known to be in force on or before 22 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

4 F63

Textual Amendments

F63 Sch. 14 para. 4 repealed by Housing Act 1988 (c. 50, SIF 61, 75:1), s. 140(2), Sch. 18

- 5 (1) This paragraph has effect with respect to the application of Schedule 9 to this Act in relation to a regulated tenancy consisting of—
- (a) a tenancy which has become a protected tenancy by virtue of section 18(1) of the 1974 Act or by virtue of subsections (1) and (3) of section 15 of this Act, or
 - (b) a statutory tenancy imposed by virtue of paragraph 1 above, together with any subsequent statutory tenancy which, when taken with that regulated tenancy, is by virtue of section 18(2) of this Act treated for the purposes of this Act as constituting one regulated tenancy.
- (2) For the purposes of paragraph 1(1)(b) of Schedule 9, a tenancy falling within sub-paragraph (1)(a) above shall be deemed to have been a regulated tenancy throughout the period when Part VIII of the 1972 Act or Part VI of this Act applied to it.
- (3) In the case of a regulated tenancy falling within sub-paragraph (1)(b) above, paragraph 1(1)(b) of Schedule 9 shall have effect as if the reference to the completion of works during the existence of the regulated tenancy included a reference to their completion during the period beginning on the day on which Part VIII of the 1972 Act or Part VI of this Act first applied to the tenancy referred to in paragraph 1(1) above and ending on the day on which the regulated tenancy came into existence.
- (4) The reference in paragraph 3(1) of Schedule 9 to notices of increase authorised by this Act shall include a reference to notices of increase under section 87 of the 1972 Act.

6 F64

Textual Amendments

F64 Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by Housing Act 1980 (c. 51, SIF 61), Sch. 26

7 In the application of section 70 of this Act in relation to a tenancy which has become a protected tenancy by virtue of section 18(1) of the 1974 Act or by virtue of subsections (1) and (3) of section 15 of this Act or a statutory tenancy which is imposed by virtue of paragraph 1 above, the reference in subsection (3) to a failure to comply with any terms of a regulated tenancy or to carrying out an improvement includes a reference to a failure occurring or an improvement carried out before the tenancy became a regulated tenancy or, as the case may be, before the statutory tenancy was imposed.

8 In this Schedule “the 1972 Act” means the ^{M13}Housing Finance Act 1972 and “the 1974 Act” means the ^{M14}Housing Act 1974.

Status: Point in time view as at 05/12/2005.

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Marginal Citations

M13 1972 c. 47.

M14 1974 c. 44.

SCHEDULE 15

Section 98.

GROUNDS FOR POSSESSION OF DWELLING-HOUSES LET ON OR SUBJECT TO PROTECTED OR STATUTORY TENANCIES

PART I

CASES IN WHICH COURT MAY ORDER POSSESSION

Case 1

Where any rent lawfully due from the tenant has not been paid, or any obligation of the protected or statutory tenancy which arises under this Act, or—

- (a) in the case of a protected tenancy, any other obligation of the tenancy, in so far as is consistent with the provisions of Part VII of this Act, or
- (b) in the case of a statutory tenancy, any other obligation of the previous protected tenancy which is applicable to the statutory tenancy.

has been broken or not performed.

Case 2

Where the tenant or any person residing or lodging with him or any sub-tenant of his has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers, or has been convicted of using the dwelling-house or allowing the dwelling-house to be used for immoral or illegal purposes.

Case 3

Where the condition of the dwelling-house has, in the opinion of the court, deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any person residing or lodging with him or any sub-tenant of his and, in the case of any act of waste by, or the neglect or default of, a person lodging with the tenant or a sub-tenant of his, where the court is satisfied that the tenant has not, before the making of the order in question, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant, as the case may be.

Case 4

Where the condition of any furniture provided for use under the tenancy has, in the opinion of the court, deteriorated owing to ill-treatment by the tenant or any person residing or lodging with him or any sub-tenant of his and, in the case of any ill-treatment by a person lodging with the tenant or a sub-tenant of his, where the court is satisfied that the tenant has not, before the

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making of the order in question, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant, as the case may be.

Case 5

Where the tenant has given notice to quit and, in consequence of that notice, the landlord has contracted to sell or let the dwelling-house or has taken any other steps as the result of which he would, in the opinion of the court, be seriously prejudiced if he could not obtain possession.

Case 6

Where, without the consent of the landlord, the tenant has, at any time after—

- (a) ^{F65}
- (b) 22nd March 1973, in the case of a tenancy which became a regulated tenancy by virtue of section 14 of the ^{M15}Counter-Inflation Act 1973;
- [^{F66}(bb) the commencement of section 73 of the Housing Act 1980, in the case of a tenancy which became a regulated tenancy by virtue of that section.]
- (c) 14th August 1974, in the case of a regulated furnished tenancy; or
- (d) 8th December 1965, in the case of any other tenancy,

assigned or sublet the whole of the dwelling-house or sublet part of the dwelling-house, the remainder being already sublet.

Textual Amendments

F65 Case 6 para. (a) repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**

F66 Case 6 para. (bb) inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 8 para. 2**

Marginal Citations

M15 1973 c. 9.

Textual Amendments

F65 Case 6 para. (a) repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**

F66 Case 6 para. (bb) inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 8 para. 2**

Marginal Citations

M15 1973 c. 9.

Case 7

..... ^{F67}

Textual Amendments

F67 Case 7 repealed by [Housing Act 1980 \(c. 51, SIF61\)](#), **Sch. 26**

Status: Point in time view as at 05/12/2005.

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Textual Amendments

F67 Case 7 repealed by [Housing Act 1980 \(c. 51, SIF61\)](#), [Sch. 26](#)

Case 8

Where the dwelling-house is reasonably required by the landlord for occupation as a residence for some person engaged in his whole-time employment, or in the whole-time employment of some tenant from him or with whom, conditional on housing being provided, a contract for such employment has been entered into, and the tenant was in the employment of the landlord or a former landlord, and the dwelling-house was let to him in consequence of that employment and he has ceased to be in that employment.

Case 9

Where the dwelling-house is reasonably required by the landlord for occupation as a residence for—

- (a) himself, or
- (b) any son or daughter of his over 18 years of age, or
- (c) his father or mother, or
- (d) if the dwelling-house is let on or subject to a regulated tenancy, the father or mother of his [^{F68}spouse or civil partner], and the landlord did not become landlord by purchasing the dwelling-house or any interest therein after—
 - (i) 7th November 1956, in the case of a [^{F69}tenancy which was then a controlled tenancy];
 - (ii) 8th March 1973, in the case of a tenancy which became a regulated tenancy by virtue of section 14 of the ^{M16}Counter-Inflation Act 1973;
 - (iii) 24th May 1974, in the case of a regulated furnished tenancy; or
 - (iv) 23rd March 1965, in the case of any other tenancy.

Textual Amendments

F68 Words in Sch. 15 Pt. I substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), [Sch. 8 para. 14](#); S.I. 2005/3175, art. 2(1), Sch. 1

F69 Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 57](#) in relation to any tenancy which was a controlled tenancy on 7.11.1956 notwithstanding that it ceased to be a controlled tenancy before 28.11.1980

Marginal Citations

M16 1973 c. 9.

Textual Amendments

F68 Words in Sch. 15 Pt. I substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), [Sch. 8 para. 14](#); S.I. 2005/3175, art. 2(1), Sch. 1

F69 Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 57](#) in relation to any tenancy which was a controlled tenancy on 7.11.1956 notwithstanding that it ceased to be a controlled tenancy before 28.11.1980

Status: Point in time view as at 05/12/2005.

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Marginal Citations

M16 1973 c. 9.

Case 10

Where the court is satisfied that the rent charged by the tenant—

- (a) for any sublet part of the dwelling-house which is a dwelling-house let on a protected tenancy or subject to a statutory tenancy is or was in excess of the maximum rent for the time being recoverable for that part, having regard to . . . ^{F70} Part III of this Act, or
- (b) for any sublet part of the dwelling-house which is subject to a restricted contract is or was in excess of the maximum (if any) which it is lawful for the lessor, within the meaning of Part V of this Act to require or receive having regard to the provisions of that Part.

Textual Amendments

F70 Words repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

Textual Amendments

F70 Words repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

PART II

CASES IN WHICH COURT MUST ORDER POSSESSION WHERE DWELLING-HOUSE SUBJECT TO REGULATED TENANCY

Case 11

[^{F71}Where a person (in this Case referred to as “the owner-occupier”) who let the dwelling-house on a regulated tenancy had, at any time before the letting, occupied it as his residence] and—

- (a) not later than the relevant date the landlord gave notice in writing to the tenant that possession might be recovered under this Case, and
- (b) the dwelling-house has not, since—
 - (i) 22nd March 1973, in the case of a tenancy which became a regulated tenancy by virtue of section 14 of the ^{M17}Counter-Inflation Act 1973;
 - (ii) 14th August 1974, in the case of a regulated furnished tenancy; or
 - (iii) 8th December 1965, in the case of any other tenancy,

been let by the owner-occupier on a protected tenancy with respect to which the condition mentioned in paragraph (a) above was not satisfied, and

[^{F72}(c) the court is of the opinion that, of the conditions set out in Part V of this Schedule one of those in paragraphs (a) and (c) to (f) is satisfied.]

If the court is of the opinion that, notwithstanding that the condition in paragraph (a) or (b) above is not complied with, it is just and equitable to make and order for possession of the dwelling-house, the court may dispense with the requirements of either or both of those paragraphs, as the case may require.

Status: Point in time view as at 05/12/2005.

Changes to legislation: Rent Act 1977 is up to date with all changes known to be in force on or before 22 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

The giving of a notice before 14th August 1974 under section 79 of the ^{M18}Rent Act 1968 shall be treated, in the case of a regulated furnished tenancy, as compliance with paragraph (a) of this case. [^{F73}Where the dwelling-house has been let by the owner-occupier on a protected tenancy (in this paragraph referred to as “the earlier tenancy”) granted on or after 16th November 1984 but not later than the end of the period of two months beginning with the commencement of the Rent (Amendment) Act 1985 and either—

- (i) the earlier tenancy was granted for a term certain (whether or not to be followed by a further term or to continue thereafter from year to year or some other period) and was during that term a protected shorthold tenancy as defined in section 52 of the Housing Act ^{M19}1980, or
- (ii) the conditions mentioned in paragraphs (a) to (c) of Case 20 were satisfied with respect to the dwelling-house and the earlier tenancy,

then for the purposes of paragraph (b) above the condition in paragraph (a) above is to be treated as having been satisfied with respect to the earlier tenancy.]

Textual Amendments

- F71** Sch. 15 Pt.II *Case 11*: Words from “Where” to “residence” substituted for words from the beginning to “tenancy” by [Rent \(Amendment\) Act 1985 \(c. 24, SIF 75:3, 4\), s. 1\(1\)\(4\)](#)
- F72** Case 11 para. (c) substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 66\(1\)\(5\)\(6\)](#)
- F73** Sch. 15 Pt.II *Case 11*: Words added at the end by [Rent \(Amendment\) Act 1985 \(c. 24, SIF 75:3, 4\) s. 1\(2\)\(4\)](#)

Marginal Citations

- M17** 1973 c. 9.
- M18** 1968 c. 23.
- M19** 1980 c.51 (61).

Textual Amendments

- F71** Sch. 15 Pt.II *Case 11*: Words from “Where” to “residence” substituted for words from the beginning to “tenancy” by [Rent \(Amendment\) Act 1985 \(c. 24, SIF 75:3, 4\), s. 1\(1\)\(4\)](#)
- F72** Case 11 para. (c) substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 66\(1\)\(5\)\(6\)](#)
- F73** Sch. 15 Pt.II *Case 11*: Words added at the end by [Rent \(Amendment\) Act 1985 \(c. 24, SIF 75:3, 4\) s. 1\(2\)\(4\)](#)

Marginal Citations

- M17** 1973 c. 9.
- M18** 1968 c. 23.
- M19** 1980 c.51 (61).

Case 12

[^{F74}Where the landlord (in this Case referred to as “the owner”) intends to occupy the dwelling-house as his residence at such time as he might retire from regular employment and has let] it on a regulated tenancy before he has so retired and—

- (a) not later than the relevant date the landlord gave notice in writing to the tenant that possession might be recovered under this Case; and

Status: Point in time view as at 05/12/2005.

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- (b) the dwelling-house has not, since 14th August 1974, been let by the owner on a protected tenancy with respect to which the condition mentioned in paragraph (a) above was not satisfied; and
- [^{F75}(c) the court is of the opinion that of the conditions set out in Part V of this Schedule one of those in paragraphs (b) to (e) is satisfied.]

If the court is of the opinion that, notwithstanding that the condition in paragraph (a) or (b) above is not complied with, it is just and equitable to make an order for possession of the dwelling-house, the court may dispense with the requirements of either or both of those paragraphs, as the case may require.

Textual Amendments

- F74** Words substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 66\(4\)\(5\)](#)
- F75** Case 12 para. (c) substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 66\(2\)\(5\)\(6\)](#)

Textual Amendments

- F74** Words substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 66\(4\)\(5\)](#)
- F75** Case 12 para. (c) substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 66\(2\)\(5\)\(6\)](#)

Case 13

Where the dwelling-house is let under a tenancy for a term of years certain not exceeding 8 months and—

- (a) not later than the relevant date the landlord gave notice in writing to the tenant that possession might be recovered under this Case; and
- (b) the dwelling-house was, at some time within the period of 12 months ending on the relevant date, occupied under a right to occupy it for a holiday.

For the purposes of this Case a tenancy shall be treated as being for a term of years certain notwithstanding that it is liable to determination by re-entry or on the happening of any event other than the giving of notice by the landlord to determine the term.

Case 14

Where the dwelling-house is let under a tenancy for a term of years certain not exceeding 12 months and—

- (a) not later than the relevant date the landlord gave notice in writing to the tenant that possession might be recovered under this Case; and
- (b) at some time within the period of 12 months ending on the relevant date, the dwelling-house was subject to such a tenancy as is referred to in section 8(1) of this Act.

For the purposes of this Case a tenancy shall be treated as being for a term of years certain notwithstanding that it is liable to determination by re-entry or on the happening of any event other than the giving of notice by the landlord to determine the term.

Case 15

Where the dwelling-house is held for the purpose of being available for occupation by a minister of religion as a residence from which to perform the duties of his office and—

Status: Point in time view as at 05/12/2005.

Changes to legislation: Rent Act 1977 is up to date with all changes known to be in force on or before 22 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) not later than the relevant date the tenant was given notice in writing that possession might be recovered under this Case, and
- (b) the court is satisfied that the dwelling-house is required for occupation by a minister of religion as such a residence.

Case 16

Where the dwelling-house was at any time occupied by a person under the terms of his employment as a person employed in agriculture, and

- (a) the tenant neither is nor at any time was so employed by the landlord and is not the widow of a person who was so employed, and
- (b) not later than the relevant date, the tenant was given notice in writing that possession might be recovered under this Case, and
- (c) the court is satisfied that the dwelling-house is required for occupation by a person employed, or to be employed, by the landlord in agriculture.

For the purposes of this Case “employed”, “employment” and “agriculture” have the same meanings as in the ^{M20}Agricultural Wages Act 1948.

Marginal Citations

M20 1948 c. 47.

Marginal Citations

M20 1948 c. 47.

Case 17

Where proposals for amalgamation, approved for the purposes of a scheme under section 26 of the ^{M21}Agriculture Act 1967, have been carried out and, at the time when the proposals were submitted, the dwelling-house was occupied by a person responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of any part of the land comprised in the amalgamation and

- (a) after the carrying out of the proposals, the dwelling-house was let on a regulated tenancy otherwise than to, or to the widow of, either a person ceasing to be so responsible as part of the amalgamation or a person who is, or at any time was, employed by the landlord in agriculture, and
- (b) not later than the relevant date the tenant was given notice in writing that possession might be recovered under this Case, and
- (c) the court is satisfied that the dwelling-house is required for occupation by a person employed, or to be employed, by the landlord in agriculture, and
- (d) the proceedings for possession are commenced by the landlord at any time during the period of 5 years beginning with the date on which the proposals for the amalgamation were approved or, if occupation of the dwelling-house after the amalgamation continued in, or was first taken by, a person ceasing to be responsible as mentioned in paragraph (a) above or his widow, during a period expiring 3 years after the date on which the dwelling-house next became unoccupied.

Status: Point in time view as at 05/12/2005.

Changes to legislation: Rent Act 1977 is up to date with all changes known to be in force on or before 22 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

For the purposes of this Case “employed” and “agriculture” have the same meanings as in the ^{M22}Agricultural Wages Act 1948 and “amalgamation” has the same meaning as in Part II of the ^{M23}Agriculture Act 1967.

Marginal Citations

- M21 1967 c. 22.
- M22 1948 c. 47.
- M23 1967 c. 22.

Marginal Citations

- M21 1967 c. 22.
- M22 1948 c. 47.
- M23 1967 c. 22.

Case 18

Where—

- (a) the last occupier of the dwelling-house before the relevant date was a person, or the widow of a person, who was at some time during his occupation responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of land which formed, together with the dwelling-house, an agricultural unit within the meaning of the ^{M24}Agriculture Act 1947, and
- (b) the tenant is neither—
 - (i) a person, or the widow of a person, who is or has at any time been responsible for the control of the farming of any part of the said land, nor
 - (ii) a person, or the widow of a person, who is or at any time was employed by the landlord in agriculture, and
- (c) the creation of the tenancy was not preceded by the carrying out in connection with any of the said land of an amalgamation approved for the purposes of a scheme under section 26 of the ^{M25}Agriculture Act 1967, and
- (d) not later than the relevant date the tenant was given notice in writing that possession might be recovered under this Case, and
- (e) the court is satisfied that the dwelling-house is required for occupation either by a person responsible or to be responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of any part of the said land or by a person employed or to be employed by the landlord in agriculture, and
- (f) in a case where the relevant date was before 9th August 1972, the proceedings for possession are commenced by the landlord before the expiry of 5 years from the date on which the occupier referred to in paragraph (a) above went out of occupation.

For the purposes of this Case “employed” and “agriculture” have the same meanings as in the ^{M26}Agricultural Wages Act 1948 and “amalgamation” has the same meaning as in Part II of the ^{M27}Agriculture Act 1967.

Marginal Citations

- M24 1947 c. 48.

Status: Point in time view as at 05/12/2005.

Changes to legislation: Rent Act 1977 is up to date with all changes known to be in force on or before 22 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

M25 1967 c. 22.
M26 1948 c. 47.
M27 1967 c. 22.

Marginal Citations

M24 1947 c. 48.
M25 1967 c. 22.
M26 1948 c. 47.
M27 1967 c. 22.

[^{F76}Case 19]

Textual Amendments

F76 Case 19 added by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 55

Where the dwelling-house was let under a protected shorthold tenancy (or is treated under section 55 of the Housing Act 1980 as having been so let) and—

- (a) there either has been no grant of a further tenancy of the dwelling-house since the end of the protected shorthold tenancy or, if there was such a grant, it was to a person who immediately before the grant was in possession of the dwelling-house as a protected or statutory tenant; and
- (b) the proceedings for possession were commenced after appropriate notice by the landlord to the tenant and not later than months after the expiry of the notice.

A notice is appropriate for this Case if—

- (i) it is in writing and states that proceedings for possession under this Case may be brought after its expiry; and
- (ii) it expires not earlier than 3 months after it is served nor, if, when it is served, the tenancy is a periodic tenancy, before that periodic tenancy could be brought to an end by a notice to quit served by the landlord on the same day;
- (iii) it is served—
 - (a) in the period of 3 months immediately preceding the date on which protected shorthold tenancy comes to an end; or
 - (b) if that date has passed, in the period of 3 months immediately preceding any anniversary of that date; and
- (iv) in a case where a previous notice has been served by the landlord on the tenant in respect of the dwelling-house, and that notice was an appropriate notice, it is served not earlier than 3 months after the expiry of the previous notice.

[^{F77}Case 20]

Textual Amendments

F77 Case 20 added by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 67

Status: Point in time view as at 05/12/2005.

Changes to legislation: Rent Act 1977 is up to date with all changes known to be in force on or before 22 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Where the dwelling-house was let by a person (in this Case referred to as “the owner”) at any time after the commencement of section 67 of the Housing 1980 c. 5 1. Act 1980 and—

- (a) at the time when the owner acquired the dwelling-house he was a member of the regular armed forces of the Crown;
- (b) at the relevant date the owner was a member of the regular armed forces of the Crown;
- (c) not later than the relevant date the owner gave notice in writing to the tenant that possession might be recovered under this Case;
- (d) the dwelling-house has not, since the commencement of section 67 of the Act of 1980 been let by the owner on a protected tenancy with respect to which the condition mentioned in paragraph (c) above was not satisfied; and
- (e) the court is of the opinion that—
 - (i) the dwelling-house is required as a residence for the owner; or
 - (ii) of the conditions set out in Part V of this Schedule one of those in paragraphs (c) to (f) is satisfied.

If the court is of the opinion that, notwithstanding that the condition in paragraph (c) or (d) above is not complied with, it is just and equitable to make an order for possession of the dwelling-house, the court may dispense with the requirements of either or both of these paragraphs, as the case may require.

For the purposes of this Case “regular armed forces of the Crown” has the same meaning as in section 1 of the ^{M28} House of Commons Disqualification Act 1975.

Marginal Citations

M28 1975 c. 24

Marginal Citations

M28 1975 c. 24

PART III

PROVISIONS APPLICABLE TO CASE 9 AND PART II OF THIS SCHEDULE

Provision for Case 9

- 1 A court shall not make an order for possession of a dwelling-house by reason only that the circumstances of the case fall within Case 9 in Part I of this Schedule if the court is satisfied that, having regard to all the circumstances of the case, including the question whether other accommodation is available for the landlord or the tenant, greater hardship would be caused by granting the order than by refusing to grant it.

Provision for Part II

- 2 Any reference in Part II of this Schedule to the relevant date shall be construed as follows:—

Status: Point in time view as at 05/12/2005.

Changes to legislation: Rent Act 1977 is up to date with all changes known to be in force on or before 22 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) except in a case falling within paragraph (b) or (c) below, if the protected tenancy, or, in the case of a statutory tenancy, the previous contractual tenancy, was created before 8th December 1965, the relevant date means 7th June 1966; and
- (b) except in a case falling within paragraph (c) below, if the tenancy became a regulated tenancy by virtue of section 14 of the ^{M29}Counter-Inflation Act 1973 and the tenancy or, in the case of a statutory tenancy, the previous contractual tenancy, was created before 22nd March 1973, the relevant date means 22nd September 1973; and
- (c) in the case of a regulated furnished tenancy, if the tenancy or, in the case of a statutory furnished tenancy, the previous contractual tenancy was created before 14th August 1974, the relevant date means 13th February 1975; and
- (d) in any other case, the relevant date means the date of the commencement of the regulated tenancy in question.

Marginal Citations

M29 1973 c. 9.

PART IV

SUITABLE ALTERNATIVE ACCOMMODATION

- 3 For the purposes of section 98(1)(a) of this Act, a certificate of the ^{F78}local housing authority] for the district in which the dwelling-house in question is situated, certifying that the authority will provide suitable alternative accommodation for the tenant by a date specified in the certificate, shall be conclusive evidence that suitable alternative accommodation will be available for him by that date.

Textual Amendments

F78 Words “local housing authority” substituted for words “housing authority” wherever occurring, by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, [Sch. 2 para. 35\(11\)\(a\)](#)

- 4 ^{F79}(1) Where no such certificate as is mentioned in ^{F80}paragraph 3] above is produced to the court, accommodation shall be deemed to be suitable for the purposes of section 98(1) (a) of this Act if it consists of either—
- (a) premises which are to be let as a separate dwelling such that they will then be let on a protected tenancy ^{F81}other than one under which the landlord might recover possession of the dwelling-house under one of the cases in Part II of this Schedule)], or
 - (b) premises to be let as a separate dwelling on terms which will, in the opinion of the court, afford to the tenant security of tenure reasonably equivalent to the security afforded by Part VII of this Act in the case of a protected tenancy, ^{F81}or a kind mentioned in paragraph (a) above],
- and, in the opinion of the court, the accommodation fulfils the relevant conditions as defined in paragraph 5 below.

(2) ^{F79}

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Textual Amendments

- F79** Sch. 15 Pt. IV para. 4 renumbered as sub-paragraph (1) of that paragraph and after it a new sub-paragraph (2) inserted (the said paragraph 4(2) was repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(2), [Sch. 18](#)) by [Housing and Planning Act 1986 \(c. 63, SIF 75:3\)](#), s. 13(2)
- F80** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 58](#)
- F81** Words inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 58](#)

- 5 (1) For the purposes of paragraph 4 above, the relevant conditions are that the accommodation is reasonably suitable to the needs of the tenant and his family as regards proximity to place of work, and either—
- (a) similar as regards rental and extent to the accommodation afforded by dwelling-houses provided in the neighbourhood by any [^{F82}local housing authority] for persons whose needs as regards extent are, in the opinion of the court, similar to those of the tenant and of his family; or
 - (b) reasonably suitable to the means of the tenant and to the needs of the tenant and his family as regards extent and character; and
- that if any furniture was provided for use under the protected or statutory tenancy in question, furniture is provided for use in the accommodation which is either similar to that so provided or is reasonably suitable to the needs of the tenant and his family.
- (2) For the purposes of sub-paragraph (1)(a) above, a certificate of a [^{F82}local housing authority] stating—
- (a) the extent of the accommodation afforded by dwelling-houses provided by the authority to meet the needs of tenants with families of such number as may be specified in the certificate, and
 - (b) the amount of the rent charged by the authority for dwelling-houses affording accommodation of that extent,
- shall be conclusive evidence of the facts so stated.

Textual Amendments

- F82** Words “local housing authority” substituted for words “housing authority” wherever occurring, by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, [Sch. 2 para. 35\(11\)\(a\)](#)

- 6 Accommodation shall not be deemed to be suitable to the needs of the tenant and his family if the result of their occupation of the accommodation would be that it would be an overcrowded dwelling-house for the purposes of the [^{F83}Part X of the [Housing Act 1985](#)].

Textual Amendments

- F83** Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, [Sch. 2 para. 35\(11\)\(b\)](#)

- 7 Any document purporting to be a certificate of a [^{F84}local housing authority] named therein issued for the purposes of this Schedule and to be signed by the proper officer of that authority shall be received in evidence and, unless the contrary is shown, shall be deemed to be such a certificate without further proof.

Status: Point in time view as at 05/12/2005.

Changes to legislation: Rent Act 1977 is up to date with all changes known to be in force on or before 22 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F84 Words “local housing authority” substituted for words “housing authority” wherever occurring, by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 35(11)(a)**

[^{F85}8 In this Part “local housing authority” and “district” in relation to such an authority have the same meaning as in the Housing Act 1985.]

Textual Amendments

F85 Sch. 15 Pt. IV para. 8 substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 35(11)(c)**

[^{F86}PART V]

PROVISIONS APPLYING TO CASES 11, 12 AND 20

Textual Amendments

F86 Sch. 15 Pt. V inserted with savings by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 66(3)(6), **Sch. 7**

- 1 In this Part of this Schedule—
- “mortgage” includes a charge and “mortgagee” shall be construed accordingly;
- “owner” means, in relation to Case 11, the owner-occupier; and
- “successor” means any person deriving title from the owner, other than a purchaser for value or a person deriving title from a purchaser for value.
- 2 The conditions referred to in Paragraph (c) in each of Cases 11 and 12 and in paragraph (e)(ii) of Case 20 are that—
- (a) the dwelling-house is required as a residence for the owner or any member of his family who resided with the owner when he last occupied the dwelling-house as a residence;
 - (b) the owner has retired from regular employment and requires the dwelling-house as a residence;
 - (c) the owner has died and the dwelling-house is required as a residence for a member of his family who was residing with him at the time of his death;
 - (d) the owner has died and the dwelling-house is required by a successor in title as his residence or for the purpose of disposing of it with vacant possession;
 - (e) the dwelling-house is subject to a mortgage, made by deed and granted before the tenancy, and the mortgagee—
 - (i) is entitled to exercise a power of sale conferred on him by the mortgage or by section 101 of the Law of Property Act 1925; and
 - (ii) requires the dwelling-house for the purpose of disposing of it with vacant possession in exercise of that power; and
 - (f) the dwelling-house is not reasonably suitable to the needs of the owner, having regard to his place of work, and he requires it for the purpose of disposing of it with vacant possession and of using the proceeds of that

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disposal in acquiring, as his residence, a dwelling-house which is more suitable to those needs.

SCHEDULE 16

Section 99.

FURTHER GROUNDS FOR POSSESSION OF DWELLING-HOUSES LET
ON OR SUBJECT TO TENANCIES TO WHICH SECTION 99 APPLIES

CASE I

Alternative accommodation not provided or arranged by housing authority

- 1 The court is satisfied that suitable alternative accommodation is available for the tenant, or will be available for him when the order for possession takes effect.
- 2 Accommodation shall be deemed suitable in this Case if it consists of—
 - (a) premises which are to be let as a separate dwelling such that they will then be let on a protected tenancy, or
 - (b) premises which are to be let as a separate dwelling on terms which will, in the opinion of the court, afford to the tenant security of tenure reasonably equivalent to the security afforded by Part VII of this Act in the case of a protected tenancy,
 and, in the opinion of the court, the accommodation fulfils the conditions in paragraph 3 below.
- 3 (1) The accommodation must be reasonably suitable to the needs of the tenant and his family as regards proximity to place of work and either—
 - (a) similar as regards rental and extent to the accommodation afforded by dwelling-houses provided in the neighbourhood by [^{F87}the local housing authority] for persons whose needs as regards extent are similar to those of the tenant and his family, or
 - (b) reasonably suitable to the means of the tenant, and to the needs of the tenant and his family as regards extent and character.
 (2) For the purposes of sub-paragraph (1)(a) above, a certificate of [^{F87}the local housing authority] stating—
 - (a) the extent of the accommodation afforded by dwelling-houses provided by the authority to meet the needs of tenants with families of each number as may be specified in the certificate, and
 - (b) the amount of the rent charged by [^{F87}the local housing authority] for dwelling-houses affording accommodation of that extent,
 shall be conclusive evidence of the facts so stated.
- (3) If any furniture was provided by the landlord for use under the tenancy, furniture must be provided for use in the alternative accommodation which is either similar, or is reasonably suitable to the needs of the tenant and his family.

Status: Point in time view as at 05/12/2005.

Changes to legislation: Rent Act 1977 is up to date with all changes known to be in force on or before 22 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F87 Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 4, Sch. 2 para. 35\(12\)\(a\)](#)

- 4 Accommodation shall not be deemed to be suitable to the needs of the tenant and his family if the result of their occupation of the accommodation would be that it would be an overcrowded dwelling-house for the purposes of [^{F88}Part X of the Housing Act 1985].

Textual Amendments

F88 Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 4, Sch. 2 para. 35\(12\)\(b\)](#)

- 5 Any document purporting to be a certificate of [^{F89}the local housing authority] issued for the purposes of this Case and to be signed by the proper officer of the authority shall be received in evidence and, unless the contrary is shown, shall be deemed to be such a certificate without further proof.

Textual Amendments

F89 Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 4, Sch. 2 para. 35\(12\)\(a\)](#)

- 6 In this Case no account shall be taken of accommodation as respects which an offer has been made, or notice has been given, as mentioned in paragraph 1 of Case II below.

[^{F90}7 In this Case and in Case II below “the local housing authority” has the same meaning as in the Housing Act 1985.]

Textual Amendments

F90 [Sch. 16 CASE I para. 7](#) substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 4, Sch. 2 para. 35\(12\)\(c\)](#)

CASE II

Alternative accommodation provided or arranged by housing authority

- 1 [^{F91}The local housing authority] have made an offer in writing to the tenant of alternative accommodation which appears to them to be suitable, specifying the date when the accommodation will be available and the date (not being less than 14 days from the date of offer), by which the offer must be accepted.

or

[^{F91}The local housing authority] have given notice in writing to the tenant that they have received from a person specified in the notice an offer in writing to rehouse the tenant in alternative accommodation which appears to [^{F91}the local

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housing authority] to be suitable, and the notice specifies both the date when the accommodation will be available and the date (not being less than 14 days from the date when the notice was given to the tenant) by which the offer must be accepted.

Textual Amendments

F91 Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 35(12)(a)**

2 The landlord shows that the tenant accepted the offer (by the housing authority or other person) within the time duly specified in the offer.

or

The landlord shows that the tenant did not so accept the offer, and the tenant does not satisfy the court that he acted reasonably in failing to accept the offer.

3 (1) The accommodation offered must in the opinion of the court fulfil the conditions of this paragraph.

(2) The accommodation must be reasonably suitable to the needs of the tenant and his family as regards proximity to place of work.

(3) The accommodation must be reasonably suitable to the means of the tenant, and to the needs of the tenant and his family as regards extent.

4 If the accommodation offered is available for a limited period only, the ^{F92}local housing authority's offer] or notice under paragraph 1 of this Case must contain an assurance that other accommodation—

- (a) the availability of which is not so limited,
- (b) which appears to them to be suitable, and
- (c) which fulfils the conditions in paragraph 3 above,

will be offered to the tenant as soon as practicable.

Textual Amendments

F92 Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 35(12)(d)**

SCHEDULE 17

Sections 18(4), 115.

CONVERTED TENANCIES: MODIFICATION OF ACT

1 In this Schedule—

“converted tenancy” means a tenancy which has become a regulated tenancy by virtue of ^{F93}any of the enactments mentioned in section 18A of this Act.]

“the conversion” means the time when the tenancy became a regulated tenancy.

Status: Point in time view as at 05/12/2005.

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Textual Amendments

F93 Words substituted for paras. (a)(b) by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 25 Pt. I para. 59(a)**

2 In relation to any rental period beginning after the conversion, sections 45 to 47 of this Act shall have effect as if references therein to the last contractual period were references to the last rental period beginning before the conversion.

3—4. **F94**

Textual Amendments

F94 [Sch. 17 paras. 3, 4](#) repealed with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 25 Pt. I para. 59(b)**, Pt. II para. 78, [Sch. 26](#)

5 Section 5(1) of this Act shall not apply to the converted tenancy after the conversion.

6 Section 70 of this Act shall apply in relation to the converted tenancy as if the references in subsection (3) of that section to the tenant under the regulated tenancy included references to the tenant under the tenancy before the conversion.

7 [^{F95}None of the enactments mentioned in section 18A of this Act shall] be taken as affecting any court proceedings, instituted under this Act (or, as the case may be, the ^{M30}Rent Act 1968) before the conversion, which may affect the recoverable rent before the conversion, or the rent under the regulated tenancy after the conversion so far as that depends on the previous rent.

Textual Amendments

F95 Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 25 Pt. I para. 59(c)**

Marginal Citations

M30 [1968 c. 23](#).

8 Any court order in any proceedings to which paragraph 7 above applies which is made after the conversion may exclude from the effect of the order rent for any rental period beginning before the conversion, or for any later rental period beginning before the making of the order.

9 Any right conferred on a tenant by section 38 of, or paragraph 6(4) of Schedule 6 to, this Act to recover any amount by deducting it from rent shall be exercisable by deducting it from rent for any rental period beginning after the conversion to the same extent as the right would have been exercisable if the conversion had not taken place.

10—11. **F96**

Textual Amendments

F96 [Ss. 15\(6\), 17, 18\(3\)\(4\), 24\(1\)\(2\), 27–43, 50, 53, 67\(6\), 70\(5\), 76, 79\(4\), 86\(5\), 91, 92\(6\)\(7\), 108–113, 115, 117, 130, 133–135, 141\(2\), 155\(1\)](#), [Sch. 1 para. 8](#), [Schs. 3, 4, 6](#), [Sch. 7 para. 4](#), [Sch. 10 para. 10](#), [Sch.](#)

Status: Point in time view as at 05/12/2005.

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11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

SCHEDULE 18

Sections 120(5), 121, 127(1).

ALLOWABLE PREMIUMS

PART I

PREMIUM ALLOWED ON ASSIGNMENT OF TENANCY WHERE PREMIUM LAWFULLY PAID ON GRANT

- 1 (1) This Part of this Schedule applies where—
 - (a) a premium was lawfully required and paid, or lawfully received, in respect of the grant, renewal or continuance of a protected tenancy of a dwelling-house which is a regulated tenancy; and
 - (b) since that grant, renewal or continuance the landlord has not granted a tenancy of the dwelling-house under which, as against the landlord, a person became entitled to possession, other than the person who was so entitled to possession of the dwelling-house immediately before that tenancy began; and
 - (c) a rent for the dwelling-house is registered under Part IV of this Act and the rent so registered is higher than the rent payable under the tenancy.
- (2) Any reference in this Part of this Schedule to a premium does not include a premium which consisted only of any such outgoings, sum or amount as fall within section 120(3) of this Act and, in the case of a premium which included any such outgoings, sum or amount, so much only of the premium as does not consist of those outgoings, sum or amount shall be treated as the premium for the purposes of this Part of this Schedule.
- 2 In a case where this Part of this Schedule applies, nothing in section 120 of this Act shall prevent any person from requiring or receiving, on an assignment of the protected tenancy referred to in paragraph 1(1)(a) above or any subsequent protected tenancy of the same dwelling-house, a premium which does not exceed an amount calculated (subject to paragraph 4 below) in accordance with the formula—
- 3 (1) If, although the registered rent is higher than the rent payable under the tenancy, the lump sum equivalent of the difference is less than the premium, paragraph 2 above shall have effect as if P were the lump sum equivalent.
- (2) For the purposes of this Part of this Schedule, the lump sum equivalent of the difference between the two rents referred to in sub-paragraph (1) above shall be taken to be that difference multiplied by the number of complete rental periods falling within the period beginning with the grant, renewal or continuance in respect of which the premium was paid and ending on the relevant date.
- 4 Where any rates in respect of the dwelling-house are borne by the landlord or a superior landlord, the amount of the registered rent shall be taken, for the purposes of this Part of this Schedule, to be increased by the amount of the rates so borne

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in respect of the rental period comprising the date from which the registration took effect.

- 5 (1) Any reference in this Part of this Schedule to the relevant date shall be construed in accordance with this paragraph.
- (2) Where the tenancy referred to in paragraph 1(1)(a) above was granted, renewed or continued for a term of years certain exceeding 7 years and that term has not expired when the assignment takes effect, the relevant date is the date of the expiry of that term.
- (3) In any other case, the relevant date is the date of the expiry of 7 years from the commencement of the term, or, as the case may be, the renewal or continuance of the term in respect of which the premium was paid.
- (4) For the purposes of this paragraph—
- (a) a term of years shall be treated as certain notwithstanding that it is liable to determination by re-entry or on the happening of any event other than the giving of notice by the landlord to determine the term; and
- (b) a term of years determinable by the landlord giving notice to determine it shall be treated as a term of years certain expiring on the earliest date on which such a notice given after the date of the assignment would be capable of taking effect.

PART II

PREMIUM ALLOWED UNDER SECTIONS 121 AND 127

- 6 Where this Part of this Schedule applies to any tenancy and a premium was lawfully required and paid on the grant or an assignment of the tenancy, nothing in section 120 of this Act shall prevent any person from requiring or receiving, on an assignment of the tenancy, the fraction of the premium specified below (without prejudice, however, to his requiring or receiving a greater sum in a case where he may lawfully do so under Part I of this Schedule).
- (2) If there was more than one premium, sub-paragraph (1) above shall apply to the last of them.
- 7 (1) The fraction is

$$\frac{X}{Y}$$

where

X is the residue of the term of the tenancy at the date of the assignment, and
Y is the term for which the tenancy was granted.

- (2) Sub-paragraph (1) above shall apply where a tenancy has been assigned as it applies where a tenancy has been granted and then Y in the fraction shall be the residue, at the date of that assignment, of the term for which the tenancy was granted.

Status: Point in time view as at 05/12/2005.

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- 8 Where the tenancy was granted on the surrender of a previous tenancy, and a premium had been lawfully required and paid on the grant or an assignment of the previous tenancy, the surrender value of the previous tenancy shall be treated, for the purposes of this Part of this Schedule, as a premium or, as the case may be, as part of the premium, paid on the grant of the tenancy.
- 9 For the purposes of paragraph 8 above, the surrender value of the previous tenancy shall be taken to be the amount which, had the previous tenancy been assigned instead of being surrendered and had this Part of this Schedule applied to it, would have been the amount that could have been required and received on the assignment in pursuance of this Part of this Schedule.
- 10 In determining for the purposes of this Part of this Schedule the amount which may or could have been required and received on the assignment of a tenancy terminable, before the end of the term for which it was granted, by notice to the tenant, that term shall be taken to be a term expiring at the earliest date on which such a notice given after the date of the assignment would have been capable of taking effect.
- 11 In this Part of this Schedule “grant” includes continuance and renewal.

SCHEDULE

19.....

F97

Textual Amendments

F97 Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**

SCHEDULE 20

Section 140.

MODIFICATION OF ACT IN RELATION TO FIRE PRECAUTIONS

Steps mentioned in certain notices under the ^{M31}Fire Precautions Act 1971 to count as improvements for certain purposes of this Act

Marginal Citations

M31 1971 c. 40.

- 1 (1) This paragraph applies where a dwelling which is the subject of a regulated . . . ^{F98} tenancy consists of or is comprised in premises with respect to which there has been issued a fire certificate covering (in whatever terms) the use of the dwelling as a dwelling.

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- (2) The amount of any expenditure incurred by the landlord in taking, in relation to the relevant building, a step mentioned in a fire precaution notice served in connection with the premises, shall for the purposes of this Act be treated (whether or not apart from this paragraph it would be so treated) as expenditure incurred by the landlord on an improvement effected in the dwelling.
- (3) If from the taking, in relation to the relevant building, of any such step as is referred to in sub-paragraph (2) above, there accrues benefit not only to the dwelling but also to other premises of the landlord comprised in the relevant building, the amount to be treated as mentioned in that sub-paragraph shall be so much only of the expenditure as may be determined, by agreement in writing between the landlord and the tenant or by the county court, to be properly apportionable to the dwelling, having regard to the benefit accruing, from the taking of the step, to the dwelling and the other premises.
- (4) Any apportionment made by the county court under sub-paragraph (3) above shall be final.
- (5) For the purposes of this paragraph, the amount of any expenditure shall be treated as diminished by the amount of any grant paid in respect of that expenditure under any enactment.
- (6) **F99**

Textual Amendments

F98 Words repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**

F99 [Ss. 15\(6\), 17, 18\(3\)\(4\), 24\(1\)\(2\), 27–43, 50, 53, 67\(6\), 70\(5\), 76, 79\(4\), 86\(5\), 91, 92\(6\)\(7\), 108–113, 115, 117, 130, 133–135, 141\(2\), 155\(1\), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1\(6\)\(7\), 4, Schs. 21, 22, Sch. 23 paras. 1, 4\(g\)–\(i\), 37, 38](#) repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**

- 2 (1) This paragraph applies in relation to a dwelling-house consisting of or comprised in premises—
 - (a) with respect to which there has been issued a fire certificate covering (in whatever terms) the use of the dwelling-house as a dwelling; or
 - (b) which are the subject of an application for a fire certificate specifying as a use of the premises which it is desired to have covered by the certificate a use such that, if a certificate covering that use were issued, it would cover (in whatever terms) the use of the dwelling-house as a dwelling.
- (2) **F100**

Textual Amendments

F100 [Sch. 20 para. 2\(2\)](#) repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(2), **Sch. 18**

Cases where rent is increased by virtue of section 28(3)(b) of the Act of 1971

- 3 (1) This paragraph applies where, in the case of any premises consisting of a dwelling-house let on a protected tenancy which is a regulated tenancy, the rent payable in respect of the premises is increased by a section 28 order.

Status: Point in time view as at 05/12/2005.

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- (2) If the increase takes effect while a rent for the dwelling-house is registered under Part IV of this Act, and was so registered before the completion of the relevant alterations—
- (a) the contractual rent limit for any contractual period beginning while the registration of that rent continues to have effect shall be what it would be for that period under section 44(1) of this Act if the rent so registered had been simultaneously increased by the same amount (and the reference in section 71(3)(a) of this Act to the limit imposed by section 44(1) shall be construed accordingly); ^{F101}and]
 - (b) if the regulated tenancy of the dwelling-house becomes a statutory tenancy, section 45(2) of this Act shall have effect, in relation to any statutory period of that tenancy beginning while the registration of that rent continues to have effect, as if the rent so registered had been simultaneously increased by the same amount; . . . ^{F102}
 - (c) ^{F103}
- (3) Where the rent payable under a tenancy to which Part VI of this Act applies is increased by a section 28 order, the rent limit for the dwelling-house under Part VI (including the rent limit specified in a direction of the Secretary of State) shall be increased by an amount equal to the increase effected by the order in the rent payable for the rental period in question.
- (4) If, at any time after the court order takes effect, a rent is registered for the dwelling-house (whether it is the first or any subsequent registration) sub-paragraph (2) above shall not apply to any rental period beginning after that time.

Textual Amendments

- F101** Word inserted (with saving) by S.I. 1987/264, arts. 2(3), 3, Sch. 1 para. 5(a), **Sch. 2**
- F102** Word repealed (with saving) by S.I. 1987/264, arts. 2(3), 3, Sch. 1 para. 5(b), **Sch. 2**
- F103** Sch. 20 para. 3(2)(c) repealed (with saving) by S.I. 1987/264, arts. 2(3), 3, Sch. 1 para. 5(c), **Sch. 2**

4 ^{F104}

Textual Amendments

- F104** Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by Housing Act 1980 (c. 51, SIF 61), **Sch. 26**

Interpretation

- 5 In this Schedule—
- “contractual period” means a rental period of a regulated tenancy which is a period beginning before the expiry or termination of the protected tenancy;
 - “contractual rent limit” has the meaning assigned to it by section 44(3) of this Act;

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“fire certificate” has the meaning given in section 1(1) of the ^{M32}Fire Precautions Act 1971;

“fire precautions notice” means a notice served under section 5(4), 8(4) or (5) or 12(8)(b) of the Act of 1971;

“landlord” includes a superior landlord;

“notice of increase” means a notice of increase under section 28 of this Act;

“relevant alterations” means the alterations or other things falling within section 28(3) of the Act of 1971 the expense of which was taken into account by the court in making a section 28 order;

“rent limit” has the meaning assigned to it by section 27(3) of this Act;

“section 28 order” means an order made by a court by virtue of section 28(3)(b) of the Act of 1971; and

“statutory period” means any rental period of a regulated tenancy which is not a contractual period.

Textual Amendments

F105 Definition repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

Marginal Citations

M32 1971 c. 40.

SCHEDULE

21.....

F106

Textual Amendments

F106 Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

SCHEDULE

22.....

F107

Textual Amendments

F107 Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch.

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11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

XI SCHEDULE 23

Section 156.

CONSEQUENTIAL AMENDMENTS

Editorial Information

- X1** The text of Schs. 23 and 25 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

1 **F108**

Textual Amendments

- F108** Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)

- 2 In section 4(2) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951—
- (a) for the words from “to which” to “Acts apply” substitute “ let on or subject to a protected tenancy or statutory tenancy within the meaning of the Rent Act 1977 ”; and
 - (b) for the words from “paragraph (a)” to “1933” substitute “ Case 1 in Schedule 15 to the Rent Act 1977 ”.
- 3 In section 15 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951—
- (a) in subsection (1), for “section 70(1) of the Rent Act 1968”, “section 78 of the Rent Act 1968” and “said section 78” substitute respectively “ section 19(2) of the Rent Act 1977 ” “section 104 of the Rent Act 1977” and “said section 104”;
 - (b) in subsection (2)(c), for the words from “to which” to “Acts apply” substitute “ let on or subject to a protected tenancy or statutory tenancy within the meaning of the Rent Act 1977 ”;
 - (c) in subsections (4) and (5), for “section 78” substitute, in each case, “ section 104 ”; and
 - (d) in subsection (5), for the words from “the operation” to the end, substitute “ being a restricted contract (within the meaning of the Rent Act 1977) by paragraph 17 of Schedule 24 to that Act ”.

Status: Point in time view as at 05/12/2005.

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- 4 In section 16 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951—
- (a) in subsection (1), for “Part II of the Rent Act 1968” substitute “ Part VII of the Rent Act 1977 ”;
 - (b) in subsection (2)(a), for “the Rent Act 1968” substitute “ the Rent Act 1977 ” and for the words from “paragraphs (a)” to “section 1” substitute “ section 4(2) ”;
 - (c) in subsection (2)(b), for the words from “subsection” to the end substitute “ section 14 or 15(2)(b) of the Rent Act 1977 ”;
 - (d) in subsection (2)(c), for the words from “subsection (5)” to “1968” substitute “ subsection (3) of section 15 of the Rent Act 1977 ” and for “(6)” substitute “ (4) ”;
 - (e) in subsection (2)(d), for the words from “paragraph (a)” to “1968” substitute “ section 5(1) of the Rent Act 1977 ”;
 - (f) in subsection (2)(e), for the words from “paragraph (d)” to the end, substitute “ section 10 of the Rent Act 1977 ”;
 - (g) **F109**

Textual Amendments

F109 Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

- 5 In section 17 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 for “section 102 of the Rent Act 1968” and “said section 102” substitute respectively “ section 22 of the Rent Act 1977 ” and “ said section 22 ”.
- 6 In section 18(1) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 for “Part II of the Rent Act 1968” and “the Rent Act 1968” substitute respectively “ Part VII of the Rent Act 1977 ” and “ the Rent Act 1977 ”.
- 7 In section 19 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951—
- (a) in subsection (1), for “the Rent Act 1968” substitute “ the Rent Act 1977 ”; and
 - (b) in subsection (5), for “Part VIII of the Rent Act 1968” substitute “ Part X of the Rent Act 1977 ”.
- 8 In section 20 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951—
- (a) in subsection (1), for “Schedule 3 to the Rent Act 1968” substitute “ Schedule 15 to the Rent Act 1977 ”;
 - (b) in subsection (2), for “Case 7 in the said Schedule 3” and “Part II of the Rent Act 1968” substitute respectively “ Case 8 in the said Schedule 15 ” and “ Part VII of the Rent Act 1977 ”; and
 - (c) in subsection (3), for “Schedule 3” and “section 10(1) of the Rent Act 1968” substitute respectively “ Schedule 15 ” and “ section 98(1) of the Rent Act 1977 ”.

Status: Point in time view as at 05/12/2005.

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- 9 In section 22 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951—
- (a) in subsection (1), for “Part II, Part III or Part IV of the Rent Act 1968” and “Part VI” substitute, respectively, “Part III, IV or VII of the Rent Act 1977” and “Part V”; and
 - (b) in subsection (3A), for “the Rent Act 1968” substitute “the Rent Act 1977”.
- 10 In section 23 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951—
- (a) in the definition of “agricultural land”, for “section 1(2) of the Rent Act 1968” substitute “section 26 of the Rent Act 1977”;
 - (b) in the definitions of “landlord”, and “statutory tenancy”, and in subsection (3) for “the Rent Act 1968” substitute, in each case, “the Rent Act 1977”.

11 F110

Textual Amendments

F110 Sch. 23 para. 11 repealed by [Acquisition of Land Act 1981 \(c. 67\)](#), **Sch. 6 Pt. I**

Landlord and Tenant Act 1954 (c. 56)

- 12 In section 2(5) of the Landlord and Tenant Act 1954 (as originally enacted), for paragraphs (a) and (b) substitute “for the purposes of this subsection the rateable value of the property is that which would be taken as its rateable value for the purposes of section 5 of the Rent Act 1977”.
- 13 In section 2 of the Landlord and Tenant Act 1954, at the end add the following subsection—
- “(7) In determining whether a long tenancy is, or at any time was, a tenancy at a low rent there shall be disregarded such part (if any) of the sums payable by the tenant as is expressed (in whatever terms) to be payable in respect of rates, services, repairs, maintenance, or insurance, unless it could not have been regarded by the parties as a part so payable. In this section “long tenancy” does not include a tenancy which is, or may become, terminable before the end of the term by notice given to the tenant.”
- 14 In section 10(2) of the Landlord and Tenant Act 1954, for “Schedule 3” substitute “Schedule 15”.
- 15 In section 12(1)(b) of the Landlord and Tenant Act 1954 for “Cases 1 to 8 in Schedule 3” substitute “Cases 1 to 9 in Schedule 15”.
- 16 In section 22(1) of the Landlord and Tenant Act 1954, in the definition of “the Rent Act” for “the Rent Act 1968” and “Parts II to VI” substitute, respectively, “the Rent Act 1977” and “Parts II to V”.
- 17 In section 40(5) of the Landlord and Tenant Act 1954, for the words from “the Rent” to “1939” substitute “the Rent Act 1977”.
- 18 In section 43(1)(c) of the Landlord and Tenant Act 1954, for “section 9(3) of the Rent Act 1968” substitute “section 24(2) of the Rent Act 1977”.

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19 In paragraph 17 of Schedule 1, and in paragraph 4 of Schedule 2, to the Landlord and Tenant Act 1977, for “Schedule 3” substitute, in each case, “ Schedule 15 ”.

20 In Schedule 3 to the Landlord and Tenant Act 1954, in paragraph 2, for “Schedule 3” and “section 10(1)(a)” substitute respectively “ Schedule 15 ” and “ section 98(1)(a) ”.

21 F111

Textual Amendments
F111 Sch. 23 para. 21 repealed by Statute Law (Repeals) Act 1978 (c. 45), Sch. 1 Pt. XII

22—28. F112

Textual Amendments
F112 Sch. 23 paras. 22–28, 31–36, 47, 48, 55, 59–66, 69, 70 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 3, 5(2), Sch. 1 Pt. I, Sch. 4

29, 30. F113

Textual Amendments
F113 Sch. 23 paras. 29, 30 repealed by County Courts Act 1984 (c. 28, SIF 34) s. 148(3), Sch. 4

31—36. F114

Textual Amendments
F114 Sch. 23 paras. 22–28, 31–36, 47, 48, 55, 59–66, 69, 70 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 3, 5(2), Sch. 1 Pt. I, Sch. 4

37, 38. F115

Textual Amendments
F115 Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by Housing Act 1980 (c. 51, SIF 61), Sch. 26

39 F116

Textual Amendments
F116 Sch. 23 para. 39 repealed by New Towns Act 1981 (c.64), Sch. 13

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Matrimonial Homes Act 1967 (c. 75)

40 F117

Textual Amendments

F117 Sch. 23 para. 40 repealed by Matrimonial Homes Act 1983 (c. 19, SIF 49:5), s. 12, Sch. 3

41 F118

Textual Amendments

F118 Sch. 23 para. 41 repealed by Matrimonial Homes and Property Act 1981 (c. 24, SIF 49:5), s. 10(2), Sch. 3

Leasehold Reform Act 1967 (c. 88)

42 In sections 1(4) and 4(1)(a) of the Leasehold Reform Act 1967, for “section 6(3) of the Rent Act 1968” substitute, in each case, “section 25(3) of the Rent Act 1977”.

43 In section 16(1)(d) of the Leasehold Reform Act 1967, for “Part II of the Rent Act 1968” substitute “Part VII of the Rent Act 1977”.

44 In section 37(6) of the Leasehold Reform Act 1967, for “Sections 6(1), (2) and (4) of the Rent Act 1968” substitute “Section 25(1), (2) and (4) of the Rent Act 1977”.

45 In Schedule 2 to the Leasehold Reform Act 1967, in paragraph 3(2) for “subsection (2) of section 18 of the Rent Act 1968” substitute “subsection (2) of section 137 of the Rent Act 1977”, and in paragraph 3(3) for “Part II of the Rent Act 1968” substitute “Part VII of the Rent Act 1977”.

46 In Schedule 5 to the Leasehold Reform Act 1967—

- (a) in paragraphs 3(1) and (2) and 4(1), (2) and (5), for “the Rent Act 1968” substitute, in each case, “the Rent Act 1977”;
- (b) in paragraph 3(2)(b), for “section 22(1)” substitute “section 45(2)”;
- (c) in paragraph 3(2)(c), for “sections 23 to 25” substitute “sections 46 to 48”;
- (d) in paragraph 4(2), for “section 48” substitute “section 72”;
- (e) in paragraph 4(3), for “section 22(2)(b) of the Rent Act 1968” substitute “section 45(2)(b) of the Rent Act 1977”;
- (f) in paragraph 4(4), for “section 46(1) of the Rent Act 1968” substitute “section 70(1) of the Rent Act 1977”;
- (g) in paragraph 6(5), for “the Rent Act 1968” substitute “the Rent Act 1977”;
- (h) in paragraph 7(1)(b), for “the Rent Act 1968” substitute “the Rent Act 1977”; and
- (i) for paragraph 10, substitute—
“10 (1) Section 74(2) of the Rent Act 1977 (which confers power by regulations to modify certain provisions of Part IV of that Act) shall apply also to this Schedule in so far as it affects section 67 or 72 of, or Schedule 11 to, that Act.

(2) In so far as they relate to the Rent Act 1977, section 39 of this Act and this Schedule shall have effect subject to section 153 of that Act (which confers power to adapt that Act in its application to the

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Isles of Scilly) as if those provisions of this Act were contained in that Act.”

47, 48. F119

Textual Amendments
F119 Sch. 23 paras. 22–28, 31–36, 47, 48, 55, 59–66, 69, 70 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), ss. 3, 5(2), Sch. 1 Pt. I, **Sch. 4**

Fire Precautions Act 1971 (c. 40)

- 49 In section 28 of the Fire Precautions Act 1971—
 - (a) in subsections (2) and (5)(b), for “section 12 of the Rent Act 1977” substitute “ section 3 of the Rent Act 1977 ”; and
 - (b) in subsection (4), for “the Rent Act 1977” substitute “ the Rent Act 1977 ”.
- 50 In section 34 of the Fire Precautions Act 1971, for the words from the beginning to “Part III of that Schedule” substitute “ The provisions of Part III of the Schedule to this Act ”.

Pensions (Increase) Act 1971 (c. 56)

- 51 In Schedule 2 to the Pensions (Increase) Act 1971, in paragraph 63, at the end add “ or section 63 of the Rent Act 1977 ”.
- 52—54 F120

Textual Amendments
F120 Sch. 23 paras. 52–54, 56 and 57 repealed by [Social Security and Housing Benefits Act 1982 \(c. 24, SIF 113:1\)](#), s. 48(6), **Sch. 5**

55 F121

Textual Amendments
F121 Sch. 23 paras. 22–28, 31–36, 47, 48, 55, 59–66, 69, 70 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), ss. 3, 5(2), Sch. 1 Pt. I, **Sch. 4**

56, 57. F122

Textual Amendments
F122 Sch. 23 paras. 52–54, 56 and 57 repealed by [Social Security and Housing Benefits Act 1982 \(c. 24, SIF 113:1\)](#), s. 48(6), **Sch. 5**

Agriculture (Miscellaneous Provisions) Act 1972 (c. 62)

- 58 In section 24 of the Agriculture (Miscellaneous Provisions) Act 1972, for “those Cases” substitute “ that Case ”.

Status: Point in time view as at 05/12/2005.

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59—66. F123

Textual Amendments

F123 Sch. 23 paras. 22–28, 31–36, 47, 48, 55, 59–66, 69, 70 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), ss. 3, 5(2), Sch. 1 Pt. I, **Sch. 4**

Rent Act 1974 (c. 51)

67 In section 17(6) of the Rent Act 1974, for the words from the beginning to “do not extend” substitute “ Section 11 of this Act does not extend ”.

68 In Schedule 1 to the Rent Act 1974—
(a) in paragraph 4 for “Part VI”, in sub-paragraph (1), substitute “ Part VII ” and omit sub-paragraph (2);
(b) in paragraph 5(2) for “each of the cases referred to in sub-paragraph (1) above” and “the case in question” substitute, in each case, “ Case 11 ”, and omit from “section 79” to “case may be”.

69, 70. F124

Textual Amendments

F124 Sch. 23 paras. 22–28, 31–36, 47, 48, 55, 59–66, 69, 70 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), ss. 3, 5(2), Sch. 1 Pt. I, **Sch. 4**

71 F125

Textual Amendments

F125 Sch. 23 para. 71 repealed by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), **Sch. 34 Pt. XI**

Rent (Agriculture) Act 1976 (c. 80)

72 In section 4(5) of the Rent (Agriculture) Act 1976, for “section 3(2) of the Rent Act 1968” substitute “ section 2(3) of the Rent Act 1977 ”.

73 In section 5 of the Rent (Agriculture) Act 1976—
(a) in subsection (3)(f), for “section 5(3) of the Rent Act 1968” substitute “ section 15(5) of the Rent Act 1977 ”; and
(b) in subsection (4), for “section 5(6) of the Rent Act 1968” substitute “ section 15(4) of the Rent Act 1977 ”.

74 In section 9 of the Rent (Agriculture) Act 1976—
(a) in subsection (1), for “the Rent Act 1968” and “section 10(1) or 10A(2)” substitute respectively “ the Rent Act 1977 ” and “ section 98 or 99(2) ”; and
(b) in subsections (4)(b) and (5) for “the Rent Act 1968” substitute, in each case, “ the Rent Act 1977 ”.

75 In section 13 of the Rent (Agriculture) Act 1976—
(a) in subsections (1) and (2), for “the Rent Act 1968” substitute, in each case, “ the Rent Act 1977 ”;

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- (b) in subsection (2), for paragraphs (a) to (c) substitute—
- “(a) sections 67 and 70.
(b) section 71, except subsection (3), and
(c) Part I of Schedule 11.”;
- (c) in subsection (3), for the words from “sections 44A” to the end substitute “ sections 68, 69, 71(3), 72 or 73 of the Rent Act 1977 or Part II of Schedule 11 or Schedule 7 of that Act ”;
- (d) in subsection (5), for “subsection (3A) of section 44 of the Rent Act 1968” and “section 44” substitute, respectively, “ subsection (4) of section 67 of the Rent Act 1977 ” and “ section 67 ”; and
- (e) in subsection (7), for “section 44(3) of the Rent Act 1968” substitute “ section 67(3) of the Rent Act 1977 ”.
- 76 In section 15(4) of the Rent (Agriculture) Act 1976, for “section 47(4) of the rent Act 1968” substitute “ section 71(4) of the Rent Act 1977 ”.
- 77 In sections 19, 27(2) and 33(3), and in the definition of “tenancy at a low rate” in section 34(1), of the Rent (Agriculture) Act 1976, for “the Rent Act 1968” substitute, in each case, “ the Rent Act 1977 ”.
- 78 In paragraph 1 of Schedule 2 to the Rent (Agriculture) Act 1976, for sub-paragraph (b) substitute—
- “(b) if the provisions of Part I of the Rent Act 1977 relating to exceptions to the definition of “protected tenancy” were modified as mentioned in paragraph 3 below.”.
- 79 In paragraph 2 of Schedule 2 to the Rent (Agriculture) Act 1976—
- (a) for “the Rent Act 1968”, in sub-paragraph (a), substitute “ the Rent Act 1977 ”; and
- (b) for “section 2 of that Act”, in sub-paragraph (b), substitute “ the provisions of that Act mentioned in paragraph 1(b) above ”.
- 80 For paragraph 3 of Schedule 2 to the Rent (Agriculture) Act 1976 substitute—
- “3 —(1)For the purposes of this Schedule the modifications of Part I of the Rent Act 1977 are as follows.
- (2) Omit sections 5 (tenancies at low rents) and 10 (tenancy of a dwelling-house comprised in any agricultural holding etc.).
- (3) For section 7 (payments for board or attendance) substitute:—
- 7 (1) A tenancy is not a protected tenancy if it is a bona fide term of the tenancy that the landlord provides the tenant with board or attendance.
- (2) For the avoidance of doubt it is hereby declared that meals provided in the course of a person’s employment in agriculture do not constitute board for the purposes of this section; and a term that the landlord provides the tenant with attendance shall not be taken to be a bona fide term for those purposes unless, having regard to its value to the tenant, the attendance is substantial.”
- 81 In paragraph 4 of Schedule 2 to the Rent (Agriculture) Act 1976—
- (a) for “the Rent Act 1968” substitute “ the Rent Act 1977 ”; and

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- (b) for “section 4”, “section 5”, “section 5A” and “section 6” substitute, respectively, “ section 13 ”, “ sections 14 to 16 ”, “ section 12 ” and “ section 25 ”.
- 82 In Schedule 4 to the Rent (Agriculture) Act 1976—
- (a) in paragraph 2(a), for “the Rent Act 1968” substitute “ the Rent Act 1977 ”;
- (b) in paragraph 2(b), for “Part II of the Rent Act 1968” substitute “ Part VII of the Rent Act 1977 ”; and
- (c) in Case X, for “Part III, Part V or Part VI of the Rent Act 1968” substitute “ Part II, Part III or Part V of the Rent Act 1977 ”.
- 83 In Schedule 5 to the Rent (Agriculture) Act 1976, in sub-paragraphs (3) and (6) of paragraph 11, for “Schedule 4 to the Rent Act 1968” substitute, in each case, “ Schedule 5 to the Rent Act 1977 ”.
- 84 In Schedule 6 to the Rent (Agriculture) Act 1976—
- (a) in paragraph 2(b), for “section 47(4) of the Rent Act 1968” substitute “ section 71(4) of the Rent Act 1977 ”; and
- (b) in paragraph 5, for “Schedule 6 to the Rent Act 1968” substitute “ Schedule 11 to the Rent Act 1977 ”.

SCHEDULE 24

Section 155(3).

SAVINGS AND TRANSITIONAL PROVISIONS

General transitional provisions

- 1 (1) In so far as anything done, or having effect as if done, under an enactment repealed by this Act could have been done under a corresponding provision in this Act, it shall not be invalidated by the repeal but shall have effect as if done under that provision.
- (2) Sub-paragraph (1) above applies, in particular, to any regulation, order, scheme, agreement, dissent, election, application, reference, representation, appointment or apportionment made, notice served, certificate issued, statement supplied, undertaking or direction given or rent registered.
- (3) Subject to this Schedule, any document made, served or issued before the passing of this Act or at any time thereafter (whether before or after the commencement of this Act) and containing a reference to an enactment repealed by this Act, or having effect as if containing such a reference, shall, except in so far as a contrary intention appears, be construed as referring, or as the context requires, as including a reference, to the corresponding provision of this Act.
- (4) Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.
- (5) Nothing in this Act shall affect the enactments repealed thereby in their operation in relation to offences committed before the commencement of this Act.
- (6) A conviction for an offence under an enactment repealed by this Act shall be treated for the purposes of this Act as a conviction of an offence under the corresponding provision of this Act.

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- (7) Subject to the provisions of this Act, any reference in any document or enactment to a dwelling-house which is let on or subject to a protected or statutory tenancy (including any reference which immediately before the commencement of this Act, was to be construed as such a reference by virtue of paragraph 5 of Schedule 16 to the ^{M33}Rent Act 1968) shall be construed, except in so far as the context otherwise requires, as a reference to a dwelling-house let on or subject to a protected or statutory tenancy within the meaning of this Act.
- (8) Subject to the provisions of this Act, any reference in any document or enactment to a Part VI contract (within the meaning of Part VI of the ^{M34}Rent Act 1968) shall be construed, except in so far as the context otherwise requires, as a reference to a restricted contract.

Marginal Citations

M33 1968 c. 23.

M34 1968 c. 23.

Existing statutory tenants

- 2 (1) If, immediately before the commencement of this Act, a person (the “existing statutory tenant”) was a statutory tenant of a dwelling-house by virtue of any enactment repealed by this Act (a “repealed enactment”) that person shall, on the commencement of this Act, be a statutory tenant of the dwelling-house for the purposes of this Act.
- (2) If, immediately before the existing statutory tenant became a statutory tenant, he was a tenant of the dwelling-house under a tenancy then, for the purposes of this Act, he shall be the statutory tenant by virtue of his previous protected tenancy.
- (3) If the existing statutory tenant became a statutory tenant on the death of a person who was himself a tenant or statutory tenant of the dwelling-house then, for the purposes of this Act, the existing statutory tenant shall be a statutory tenant by succession; and, unless he became a statutory tenant by virtue of section 13 of the ^{M35}Rent Act 1965, or paragraph 6 or 7 of Schedule 1 to the ^{M36}Rent Act 1968, he shall be deemed to be the first successor within the meaning of Schedule 1 to this Act.
- (4) If the existing statutory tenant became a statutory tenant by virtue of an exchange under section 17 of the ^{M37}Rent Act 1957 or section 14 of the ^{M38}Rent Act 1968 then, for the purposes of this Act, he shall be deemed to be the statutory tenant by virtue of his previous protected tenancy or, as the case may be, a statutory tenant by succession, if immediately before the commencement of this Act he was so deemed for the purposes of the ^{M39}Rent Act 1968.
- (5) If, by virtue of sub-paragraph (4) above, the existing statutory tenant is for the purposes of this Act a statutory tenant by succession, he shall be deemed to be the first successor, within the meaning of Schedule 1 to this Act if, and only if, the person who was a statutory tenant immediately before the date of exchange was not a statutory tenant by virtue of section 13 of the ^{M40}Rent Act 1965 or paragraph 6 or 7 of Schedule 1 to the ^{M41}Rent Act 1968.

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- (6) Without prejudice to the case where by virtue of sub-paragraph (4) or (5) above, the existing statutory tenant is deemed to be a statutory tenant by succession but is not deemed to be the first successor, within the meaning of Schedule 1 to this Act, paragraphs 5 to 7 of that Schedule shall not apply where the existing statutory tenant, or the person on whose death he became a statutory tenant, became a statutory tenant by virtue of an exchange under section 17 of the ^{M42}Rent Act 1957 or section 14 of the ^{M43}Rent Act 1968.

Marginal Citations

- M35** 1965 c. 75.
M36 1968 c. 23.
M37 1957 c. 25.
M38 1968 c. 23.
M39 1968 c. 23.
M40 1965 c. 75.
M41 1968 c. 23.
M42 1957 c. 25.
M43 1968 c. 23.

- 3 (1) A person who, at any time before the commencement of this Act, became a statutory tenant of a dwelling-house by virtue of—
- (a) section 12(10) of the ^{M44}Increase of Rent and Mortgage Interest (Restrictions) Act 1920 (under which workmen housed in certain dwelling-houses taken over by the Government during the 1914-18 war were to be treated as tenants of the landlords of those houses); and
- (b) section 4 of the ^{M45}Requisitioned Houses and Housing (Amendment) Act 1955 (under which certain requisitioned dwelling-houses were returned to their owners on condition that the owners accepted the existing licensees as statutory tenants),
- (and not by way of succession to a previous statutory tenancy) shall be treated for the purposes of this Act as having become the statutory tenant of that dwelling-house on the expiry of a protected tenancy thereof.
- (2) A person who, on or after the commencement of the ^{M46}Rent Act 1965, retained possession of a dwelling-house by virtue of section 20 of that Act (which made transitional provisions in relation to tenancies which expired before the commencement of that Act) shall be deemed to have done so under a statutory tenancy arising on the termination of a tenancy which was a regulated tenancy, and the terms as to rent and otherwise of that tenancy shall be deemed to have been the same, subject to any variation specified by the court, as those of the tenancy mentioned in subsection (1) of that section (that is to say, the tenancy which ended before the commencement of the ^{M47}Rent Act 1965 but which would have been a regulated tenancy if that Act had then been in force).

Marginal Citations

- M44** 1920 c. 17.
M45 1955 c. 24.
M46 1965 c. 75.

Status: Point in time view as at 05/12/2005.

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M47 1965 c. 75.

- 4 A statutory tenancy subsisting at the commencement of this Act under section 4 of the ^{M48}Requisitioned Houses and Housing (Amendment) Act 1955 shall be treated, for the purposes of this Act—
- (a) as a regulated tenancy if, by virtue of section 10 of the ^{M49}Rent Act 1965, it fell to be treated as a regulated tenancy after 31st March 1966; and
 - (b) in any other case, as a controlled tenancy.

Marginal Citations

M48 1955 c. 24.

M49 1965 c. 75.

Tenancies which ended before passing of Counter-Inflation Act 1973 (c. 9)

- 5 (1) This paragraph applies where the tenancy of a dwelling-house came to an end at a time before 22nd March 1973 and the tenancy would have been a regulated tenancy, for the purposes of the ^{M50}Rent Act 1968, if section 14 of the ^{M51}Counter-Inflation Act 1973 had been in force at that time.
- (2) If the tenant under the tenancy which came to an end duly retained possession of the dwelling-house after 22nd March 1973 without any order for possession having been made, or after the rescission of such an order, he shall be deemed to have done so under a statutory tenancy arising on the termination of the tenancy which came to an end and, subject to sub-paragraph (6) below the terms of that tenancy (including the rent) shall be deemed to have been the same as those of the tenancy which came to an end.
- (3) Any statutory tenancy arising by virtue of sub-paragraph (2) above, shall be treated as a statutory tenancy arising on the termination of a protected tenancy which was a regulated tenancy.
- (4) Where Article 10 of the ^{M52}Counter-Inflation (Rents) (England and Wales) Order 1972 applied to the rent under the tenancy, the rent under the tenancy imposed by sub-paragraph (2) above shall be the rent as limited by Article 10.
- (5) Schedule 7 to this Act shall not apply to a statutory tenancy arising under sub-paragraph (2) above.
- (6) The High Court or the county court may by order vary all or any of the terms of the tenancy imposed by sub-paragraph (2) above in any way appearing to the court to be just and equitable (and whether or not in a way authorised by the provisions of sections 46 and 47 of this Act).
- (7) If at 22nd March 1973 the dwelling-house was occupied by a person who would, if the tenancy had been a regulated tenancy, have been the “first successor” within the meaning of paragraph 4 of Schedule 1 to the ^{M53}Rent Act 1968 (which is re-enacted in Schedule 1 to this Act), sub-paragraphs (2), (4) and (5) above shall apply where that person retained possession as they apply where the tenant retained possession.

Status: Point in time view as at 05/12/2005.

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Marginal Citations

- M50 1968 c. 23.
- M51 1973 c. 9.
- M52 S.I. 1972/1851.
- M53 1968 c. 23.

Protected furnished tenancies

- 6 (1) In any case where—
- (a) before 14th August 1974 a dwelling was subject to a tenancy which was a Part VI contract within the meaning of the ^{M54}Rent Act 1968, and
 - (b) the dwelling forms part only of a building, and that building is not a purpose-built block of flats within the meaning of section 12 of this Act, and
 - (c) on that date the interest of the lessor, within the meaning of Part VI of the ^{M55}Rent Act 1968, under the tenancy—
 - (i) belonged to a person who occupied as his residence another dwelling which also formed part of that building, or
 - (ii) was vested in trustees as such and was or, if it was held on trust for sale, the proceeds of its sale were held on trust for a person who occupied as his residence another dwelling which also formed part of that building, and
 - (d) apart from paragraph 1 of Schedule 3 to the ^{M56}Rent Act 1974 the tenancy would, on that date, have become a protected furnished tenancy,
- this Act shall apply, subject to sub-paragraph (2) below, as if the tenancy had been granted on that date and as if the condition in section 12(1)(b) of this Act were fulfilled in relation to the grant of the tenancy.
- (2) In the application of this Act to a tenancy by virtue of this paragraph—
- (a) subsection (2) of section 12 shall be omitted; and
 - (b) in section 20 and Part II of Schedule 2 any reference to section 12 of this Act shall be construed as including a reference to this paragraph.
- (3) In any case where paragraphs (a), (b) and (d) of sub-paragraph (1) above apply but on 14th August 1974 the interest referred to in paragraph (c) of that sub-paragraph was vested—
- (a) in the personal representatives of a deceased person acting in that capacity, or
 - (b) by virtue of section 9 of the ^{M57}Administration of Estates Act 1925, in the Probate Judge within the meaning of that Act, or
 - (c) in trustees as such,
- then, if the deceased immediately before his death or, as the case may be, the settlor immediately before the creation of the trust occupied as his residence another dwelling which also formed part of the building referred to in paragraph (b) of sub-paragraph (1) above, that sub-paragraph shall apply as if the condition in paragraph (c) thereof were fulfilled.
- (4) In the application of [^{F126}paragraph 1(c)] of Schedule 2 to this Act in a case falling within sub-paragraph (3) above, any period before 14th August 1974 during which the interest of the landlord vested as mentioned in that subsection shall be disregarded in calculating the period of 12 months specified therein.

Status: Point in time view as at 05/12/2005.

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Textual Amendments

F126 Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 25 Pt. I para. 60(a)**

Marginal Citations

M54 1968 c. 23

M55 1968 c. 23.

M56 1974 c. 51.

M57 1925 c. 23.

- 7 (1) This paragraph applies where the ^{M58}tenancy of a dwelling-house came to an end before 14th August 1974 and, if it had come to an end immediately after that date it would then have been a protected furnished tenancy within the meaning of the Rent Act 1974.
- (2) If the tenant under the tenancy which came to an end duly retained possession of the dwelling-house on 14th August 1974 without an order for possession having been made or after the rescission of such an order he shall be deemed to have done so as a statutory tenant under a regulated tenancy and, subject to sub-paragraph (5) below, as a person who became a statutory tenant on the termination of a protected tenancy under which he was the tenant; and, subject to sub-paragraphs (4) and (5) below, the tenancy referred to in sub-paragraph (1) above shall be treated, in relation to his statutory tenancy,—
- (a) as the original contractual tenancy for the purposes of section 3 of this Act, and
- (b) as the previous contractual tenancy for the purposes of paragraph 2 of Part III of Schedule 15 to this Act.
- (3) In any case where—
- (a) immediately before 14th August 1974 a rent was registered for a dwelling under Part VI of the ^{M59}Rent Act 1968, and
- (b) on that date a person became a statutory tenant of that dwelling by virtue of paragraph 3(4) of Schedule 3 to the ^{M60}Rent Act 1974,
- the amount which was so registered under Part VI shall be deemed to be registered under Part IV of this Act as the rent for that dwelling, and that registration shall be deemed to have taken effect on 14th August 1974.
- (4) The High Court or the county court may by order vary all or any of the terms of the statutory tenancy imposed by sub-paragraph (2) above in any way appearing to the court to be just and equitable (and whether or not in a way authorised by the provisions of sections 46 and 47 of this Act).
- (5) If on 14th August 1974 the dwelling-house was occupied by a person who would, if the tenancy had been a protected tenancy for the purposes of the ^{M61}Rent Act 1968, have been “the first successor” as defined in paragraph 4 of Schedule 1 to that Act, sub-paragraph (2) above shall apply where that person retained possession as it applies where the tenant retained possession, except that he shall be the first successor as so defined.

Marginal Citations

M58 1974 c. 51.

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- M59** 1968 c. 23.
- M60** 1974 c. 51.
- M61** 1968 c. 23.

- 8
- (1) Where, immediately before the commencement of this Act, a rent was deemed (by virtue of section 5 of the ^{M62}Rent Act 1974) to have been registered under Part IV of the ^{M63}Rent Act 1968 with effect from 14th August 1974, it shall for the purposes of this Act be deemed to be registered under Part IV of this Act with effect from that date.
 - (2) Section 67(3) of this Act shall not apply to an application for the registration under Part IV of this Act of a rent different from that which is deemed to be registered as mentioned in sub-paragraph (1) above.
 - (3) ^{F127}
 - (4) A statutory furnished tenancy which arose on 15th August 1974, by virtue of section 5(4) of the ^{M64}Rent Act 1974, shall be treated as a statutory furnished tenancy for the purposes of this Act and as having arisen on that date.

Textual Amendments

F127 Sch. 24 para. 8(3) repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(2), [Sch. 18](#)

Marginal Citations

- M62** 1974 c. 51.
- M63** 1968 c. 23.
- M64** 1974 c. 51.

Regulated tenancies of formerly requisitioned houses

- 9
- (1) This paragraph applies in relation to a regulated tenancy of a dwelling-house which is a statutory tenancy subsisting under section 4 of the ^{M65}Requisitioned Houses and Housing (Amendment) Act 1955 (under which licensees of previously requisitioned property became statutory tenants of the owners) and which, by virtue of section 10(1) of the ^{M66}Rent Act 1965, fell to be treated as a regulated tenancy after 31st March 1966.
 - (2) In relation to any rental period of a regulated tenancy to which this paragraph applies, sections 45 to 48 of this Act shall have effect as if—
 - (a) references therein to the last contractual period were references to the last rental period beginning before 31st March 1966, and
 - (b) the rent recoverable for that last rental period has included any sum payable for that period by the local authority to the landlord under section 4(4) of the said Act of 1955 (which provided for payments to make up the difference between the rent actually paid and the amount which would normally have been recoverable).

Marginal Citations

- M65** 1955 c. 24.

Status: Point in time view as at 05/12/2005.

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M66 1965 c. 75.

Miscellaneous

- 10 Any registration of a rent under Part IV of the ^{M67}Rent Act 1968 which, by virtue of paragraph 33(2) of Schedule 13 to the ^{M68}Housing Act 1974, fell to be treated as if it had been effected pursuant to an application under section 44 of the ^{M69}Rent Act 1968 shall continue to be so treated for the purposes of this Act.

Marginal Citations

M67 1968 c. 23.

M68 1974 c. 44.

M69 1968 c. 23.

- 11 In the case of a registration of a rent before 1st January 1973 which, by virtue of subsection (3) of section 82 of the ^{M70}Housing Finance Act 1972 (provision corresponding to section 87(3) of this Act), was provisional only, the date of registration for the purposes of this Act shall be 1st January 1973.

Marginal Citations

M70 1972 c. 47.

- 12 Where, by virtue of section 1(1)(b) of the ^{M71}Rent Act 1974, any reference in an enactment or instrument was, immediately before the coming into force of this Act, to be construed as having the same meaning as in the ^{M72}Rent Act 1968 as amended by section 1 of the ^{M73}Rent Act 1974, that reference shall be construed as having the same meaning as in this Act.

Marginal Citations

M71 1974 c. 51.

M72 1968 c. 23.

M73 1974 c. 51.

- 13 If, immediately before the commencement of this Act, a person's statutory tenancy was a regulated tenancy (and not a controlled tenancy), for the purposes of the ^{M74}Rent Act 1968, by virtue of paragraph 5 of Schedule 2 to that Act (second successors) it shall be a regulated tenancy for the purposes of this Act by virtue of that paragraph.

Marginal Citations

M74 1968 c. 23.

- 14 If, immediately before the commencement of this Act, a person's statutory tenancy was a regulated tenancy for the purposes of the ^{M75}Rent Act 1968, by virtue of paragraph 10 of Schedule 16 to that Act (statutory tenancies deemed to arise by

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virtue of section 20 of the ^{M76}Rent Act 1965) it shall be a regulated tenancy for the purposes of this Act.

Marginal Citations

M75 1968 c. 23.

M76 1965 c. 75.

- 15 In relation to any time before 1st January 1960, paragraph (a) of section 34(1) of this Act shall have effect as if it included a reference to section 150 of the ^{M77}Public Health Act 1875 and to the ^{M78}Private Street Works Act 1892.

Marginal Citations

M77 1875 c. 55.

M78 1892 c. 57.

- 16 [^{F128}Sections 44(1), 45(2), 57 and 72(7)] of this Act shall have effect in relation to rent determined or confirmed in pursuance of Schedule 3 to the ^{M79}Housing Rents and Subsidies Act 1975.

Textual Amendments

F128 Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 60\(b\)](#)

Marginal Citations

M79 1975 c. 6.

- 17 If, immediately before the revocation of regulation 68CB of the Defence (General) Regulations 1939 accommodation was registered for the purposes of that regulation and was let in accordance with the terms and conditions so registered, any contract for the letting of the accommodation shall be treated, for the purposes of this Act, as not being a restricted contract, so long as any letting continues under which the accommodation was let in accordance with the terms and conditions on which it was let immediately before the revocation.
- 18 Section 54 of, and paragraph 5 of Schedule 9 to, this Act shall apply in relation to a failure to observe any of the requirements of section 43, 44(5) or 45 of the ^{M80}Housing Finance Act 1972 as they apply in relation to a failure to observe any of the corresponding requirements of section 51, 52(6) or 53 of this Act.

Marginal Citations

M80 1972 c. 47.

- 19 (1) Until such time as the provisions mentioned in sub-paragraph (2) below come into force, sections 139(3) and 151(4) of this Act shall have effect as if the fines specified in those sections were, respectively, £10 and £5.
- (2) The provisions are those provisions of the ^{M81}Criminal Law Act 1977 (increase of fines for certain summary offences) which would, had this act not repealed sections

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104(3) and 109(4) of the ^{M82}Rent Act 1968, have had the effect of increasing the fine specified in each of those sections to £25.

Marginal Citations

M81 1977 c. 45.

M82 1968 c. 23.

- 20 For the purposes of paragraph 3(3) of Schedule 9 to this Act a case where Schedule 2 to the ^{M83}Housing Rents and Subsidies Act 1975 had effect shall be treated as if it were a case where Schedule 8 to this Act had effect.

Marginal Citations

M83 1975 c. 6.

- 21 Subject to the provisions of this Act, any reference in any document or enactment to a Part VI letting (within the meaning of Part II of the ^{M84}Housing Finance Act 1972) shall be construed except in so far as the context otherwise requires, as a reference to a restricted letting (within the meaning of Part II as amended by this Act).

Marginal Citations

M84 1972 c. 47.

Transitional provisions from Rent Act 1957

- 22 If the rent recoverable under a controlled tenancy for any rental period beginning immediately before the commencement of this Act was, by virtue of section 1(4) of the ^{M85}Rent Act 1957 and paragraph 15 of Schedule 16 to the ^{M86}Rent Act 1968, the same as the rent recoverable for the rental period comprising the commencement of the Act of 1957 then, after the commencement of this Act, that rent shall remain the rent recoverable under that tenancy for any rental period for which it is neither increased nor reduced under Part II of this Act (but without prejudice to paragraph 1 of this Schedule).

Marginal Citations

M85 1957 c. 25.

M86 1968 c. 23.

- 23 If, immediately before the commencement of this Act, an agreement or determination of a tribunal made or given for the purposes of paragraph (b) of section 24(3) of the ^{M87}Housing Repairs and Rents Act 1954 was deemed, by virtue of paragraph 1 of Schedule 7 to the ^{M88}Rent Act 1957 and paragraph 16 of Schedule 16 to the ^{M89}Rent Act 1968, to be an agreement or determination made under paragraph (c) of section 52(1) of the Act of 1968 then, after the commencement of this Act, that agreement or determination shall, until an agreement or determination is made as is mentioned in paragraph (c) of

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section 27(1) of this Act, be deemed to be an agreement or determination made as mentioned in paragraph (c) of section 27(1).

Marginal Citations

M87 1954 c. 53
M88 1957 c. 25
M89 1968 c. 23.

- 24 (1) If, immediately before the commencement of this Act, the rent limit under a controlled tenancy of a dwelling was increased, by virtue of paragraph 2 of Schedule 7 to the ^{M90}Rent Act 1957 and paragraph 17 of Schedule 16 to the ^{M91}Rent Act 1968, on account of an improvement, or a notice of increase relating to an improvement, completed before the commencement of the Act of 1957, the like increase shall apply after the commencement of this Act to the rent limit under that controlled tenancy.
- (2) In sub-paragraph (1) above, “the rent limit”, in relation to any time before the commencement of this Act, has the same meaning as in the Rent Act 1968, and in relation to any time after that commencement, has the same meaning as in Part II of this Act.

Marginal Citations

M90 1957 c. 25.
M91 1968 c. 23.

- 25 (1) If, immediately before the commencement of this Act, a certificate of a local authority under section 26(1) of the ^{M92}Housing Repairs and Rents Act 1954 or a certificate of a sanitary authority having effect as if it were a certificate under Part II of that Act had effect, by virtue of paragraph 3 of Schedule 7 to the ^{M93}Rent Act 1957 and paragraph 18 of Schedule 16 to the ^{M94}Rent Act 1968, as a certificate of disrepair under Schedule 9 to the Act of 1968, then, after the commencement of this Act, the certificate shall have effect to the like extent as before that commencement, as if it were a certificate of disrepair under Schedule 6 to this Act.
- (2) Where any such certificate ceases to have effect (whether by virtue of an order of the court or in consequence of being cancelled by the local authority) sections 27 and 28 of this Act shall have effect, in relation to any rental period beginning after the date as from which the certificate ceases to have effect as if it had ceased to have effect immediately before the basic rental period (within the meaning of Part II of this Act).

Marginal Citations

M92 1954 c. 53.
M93 1957 c. 25.
M94 1968 c. 23.

- 26 Where any increase in the rent recoverable under a controlled tenancy current on 6th July 1957 took effect before that date but after the beginning of the basic rental period (within the meaning of Part II of this Act), section 27 of this Act shall have effect as if for references to the rent recoverable for the basic rental period there

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were substituted references to the rent which would have been recoverable for that period if the increase had taken effect before the beginning thereof.

Savings

- 27 (1) Notwithstanding the repeal by this Act of the Rent Act 1968 and section 42 of the ^{M95}Housing Finance Act 1972—
- (a) sections 20(3) and 21 of the ^{M96}Rent Act 1968 (rent limit where no registered rent) shall continue to apply in relation to a regulated tenancy granted before 1st January 1973 if the rent under the tenancy, as varied by any agreement made before that date, exceeded the rent limit under section 20(3) (with any adjustment under section 21);
 - (b) sections 30 (certain regulated tenancies to be disregarded in determining contractual rent limit) and 35 (duty of landlord to supply statement of rent under previous tenancy) of the ^{M97}Rent Act 1968 shall continue to apply in any case where section 20(3)(a) applies by virtue of this paragraph.
- (2) In any case to which section 21 of the ^{M98}Rent Act 1968 applies by virtue of subparagraph (1) above, the reference in subsection (5) of that section to the amount expended on the improvement shall be construed as a reference to that amount diminished by the amount of any grant or repayment of the kind mentioned in section 48(2)(a) or (b) of this Act.
- (3) This paragraph shall cease to apply if the landlord and the tenant enter into an agreement which is a rent agreement with a tenant having security of tenure (within the meaning of section 51 of this Act) which complies with the requirements of subsection (4) of that section, or if they provide that this paragraph is not to apply by an agreement conforming with those requirements.

Marginal Citations

- M95** 1972 c. 47.
M96 1968 c. 23.
M97 1968 c. 23.
M98 1968 c. 23.

- 28 (1) Section 47 of the ^{M99}Housing Act 1969 (first registration of a rent after issue of qualification certificate) shall continue to have effect as respects an application for the first registration of a rent where the tenancy became a regulated tenancy before the date of the repeal of Part III of that Act by the ^{M100}Housing Finance Act 1972, but with the substitution, for the references to Part IV of the ^{M101}Rent Act 1968 and Schedule 6 to that Act, of references respectively to Part IV of, and Part II of Schedule 11 to, this Act.
- (2) Paragraph 3 of Schedule 17 to this Act shall apply to a conversion under the said Part III as it applies to a conversion under Part VIII of this Act.
- (3) Notwithstanding the said repeal, section 51(2)(a) of the Act of 1969 shall continue to have effect.
- (4) Sections 45 to 47 of this Act shall have effect in relation to a tenancy which has become a regulated tenancy by virtue of the said Part III as if references therein to

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the last contractual period were references to the last rental period beginning before the tenancy became a regulated tenancy.

Marginal Citations

M99 1969 c. 33.

M100 1972 c. 47.

M101 1968 c. 23.

- 29 Subsections (2) and (5) of section 48 of this Act shall have effect, in relation to any grant paid under section 30 of the ^{M102}Housing (Financial Provisions) Act 1958 (improvement grants) or section 4 of the ^{M103}House Purchase and Housing Act 1959 (standard grants) in pursuance of an application made before 25th August 1969, as they have effect in relation to any of the grants mentioned in those subsections.

Marginal Citations

M102 1958 c. 42.

M103 1959 c. 33.

- 30 Notwithstanding the repeal by this Act of the ^{M104}Rent Act 1968, the amendments made in other enactments (“the amended enactments”) by that Act shall, to the extent that they had effect immediately before the coming into force of this Act, continue to have effect subject to any amendment of any of the amended enactments by this Act.

Marginal Citations

M104 1968 c. 23.

- 31 Any registration of a rent made before the commencement of this Act—
(a) in the part of the register provided for by section 82 of the ^{M105}Housing Finance Act 1972, and
(b) in reliance on subsection (3A) of section 44 of the ^{M106}Rent Act 1968, shall be as valid, and shall have effect, as if this Act had then been in force.

Marginal Citations

M105 1972 c. 47.

M106 1968 c. 23.

- 32 Notwithstanding the repeal by this Act of paragraphs 20 to 26 of Schedule 16 to the ^{M107}Rent Act 1968 (miscellaneous savings) any enactment which, immediately before the commencement of this Act, had effect by virtue of any of those paragraphs shall continue to have effect; and this Act shall have effect in relation to cases falling within any of those paragraphs as the ^{M108}Act of 1968 had effect immediately before the commencement of this Act.

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Marginal Citations

M107 1968 c. 23.

M108 1968 c. 23.

X2SCHEDULE 25

Section 156.

REPEALS

Editorial Information

X2 The text of Schs. 23 and 25 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Chapter	Short title	Extent of repeal
2 & 3 Eliz. 2.	The Landlord and Tenant Act 1954.	In section 22(1), from “Act of 1920” to “Acts, 1920 to 1938”.
7 & 8 Eliz. 2. c. 33.	The House Purchase and Housing Act 1959.	In section 29(1), the definition of “controlled tenancy”.
1968 c. 23.	The Rent Act 1968.	The whole Act.
1969 c. 33.	The Housing Act 1969.	In section 40(2)(a) the words “Part III”. Section 80. Section 81. Section 83. Schedule 7. In Schedule 8, paragraphs 32 and 33. In Schedule 9, paragraphs 3 to 5.
1969 c. 62.	The Rent (Control of Increases) Act 1969.	Section 5. Section 6.
1970 c. 31.	The Administration of Justice Act 1970.	Section 47.
1970 c. 40.	The Agriculture Act 1970.	Section 100.
1971 c. 40.	The Fire Precautions Act 1971.	In the Schedule, Part I.

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1971 c. 62.	The Tribunals and Inquiries Act 1971.	In Schedule 3, the entry relating to the Rent Act 1968.
1972 c. 11.	The Superannuation Act 1972.	In Schedule 6, paragraph 71.
1972 c. 47.	The Housing Finance Act 1972.	Sections 27 to 34. Sections 37 to 39. Sections 41 to 48. Sections 81 to 88. In section 103, in subsection (3), paragraphs (a) and (b) and in paragraph (d) the words from “section 7” to “cost of repairs”. Schedule 5. Schedule 6. In Schedule 9, paragraphs 10 to 13, 16 and 17. In Schedule 10, paragraph 7.
1972 c. 62.	The Agriculture (Miscellaneous Provisions) Act 1972.	In section 24, from the beginning to “1968 and” and the words “case 14 or as the case may be”.
1972 c. 70.	The Local Government Act 1972.	Section 205.
1973 c. 9.	The Counter-Inflation Act 1973.	Section 14. In Schedule 4, paragraph 11(2). Schedule 5.
1973 c. 26.	The Land Compensation Act 1973.	Section 20(11).
1974 c. 44.	The Housing Act 1974.	In section 18, in subsection (1), the words from “subsection (5)” to “or in” and from “or paragraph 23” to “1975”, in subsection (2), the words from “Part VIII” to “applies or”, the words “the Rent Act 1968 or of” and the words “the Rent Act 1968 or”. In section 49(2), paragraph (c) and the word

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1974 c. 51.	The Rent Act 1974.	<p>“or” immediately preceding it.</p> <p>In Schedule 3, in paragraph 1(1)(b), the words from “section 5(5)” to “or of”, in paragraph 1(3)(c) the words “of the Rent Act 1968, or to”, in paragraph 3(1) the words “of the Rent Act 1968 or of”, in paragraph 4(3) the words from “section 113” to “in Scotland”, and Part II.</p> <p>In Schedule 13, paragraphs 16, 17, 25 to 29, 33, 34 and 37.</p> <p>In Schedule 14, paragraph 4.</p> <p>In Schedule 15, in the entry relating to the Rent Act 1968, the words “and Schedule 2”.</p> <p>Section 1(4)(c).</p> <p>In section 2, in subsection (3), the words “paragraph 1 or, as the case may require,” and from the beginning of subsection (4) to “this Act and”.</p> <p>In section 3, subsection (1) and from the beginning of subsection (3) to “1968 and”.</p> <p>Section 4(1) and (2).</p> <p>In section 5, from the beginning of subsection (2) to “may require” and, in subsection (3), the words from “section 45(1)(b)” to “may require”.</p> <p>Sections 6, 7 and 8.</p> <p>In section 13, in subsection (1), the words from “subsection (2)” to “may require” and in subsection (2)(a) the words “18(2) or, as the case may require,”.</p> <p>Section 14(1) and (2).</p>
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		<p>In section 15, in subsection (1), the words from “a Part VI” to “may require” (in the definition of furnished letting), the words from “in relation”, where they first occur, to “to Scotland” (in the definition of the Rent Act) and the words from “Part VI” to “may require” (in the definition of the relevant Part of the Rent Act) and, in subsection (2), the words from “section 113(1)” to “may require”.</p> <p>Section 17(2) and (4).</p> <p>In Schedule 1, paragraph 4(2), in paragraph 5(1) the words from “Case 10” to “case may be”, in paragraph 5(2) the words from “section 79” to “case may be”, and paragraphs 8 to 16.</p> <p>In Schedule 2, paragraphs 1, 3 and 4.</p>
1975 c. 6.	The Housing Rents and Subsidies Act 1975.	<p>Sections 7 to 10.</p> <p>In section 16(1), the definitions of “contractual period”, “notice of increase”, “registered”, “regulated tenancy” and “statutory period”.</p> <p>Schedules 2 to 4.</p> <p>In Schedule 5, paragraphs 1 and 2.</p>
1975 c. 18.	The Social Security (Consequential Provisions) Act 1975.	<p>In Schedule 2, paragraph 34.</p>
1975 c. 60.	The Social Security Pensions Act 1975.	<p>In Schedule 4, paragraph 11.</p>
1975 c. 78.	The Airports Authority Act 1975.	<p>In Schedule 5, in Part II, paragraph 1.</p>
1976 c. 76.	The Development of Rural Wales Act 1976.	<p>In Schedule 7, paragraph 6.</p>

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1976 c. 80.

The Rent (Agriculture) Act
1976.

Section 40(4).

In Schedule 8, paragraphs 19
to 26, 32 and 33.

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