



Rent Act 1977

1977 CHAPTER 42

PART I

PRELIMINARY

Exceptions

5 Tenancies at low rents.

(1) A tenancy [^{F1}which was entered into before 1st April 1990 or (where the dwelling-house under the tenancy had a rateable value on 31st March 1990) is entered into on or after 1st April 1990 in pursuance of a contract made before that date] is not a protected tenancy if under the tenancy either no rent is payable or, . . . ^{F2} the rent payable is less than two-thirds of the rateable value which is or was the rateable value of the dwelling-house on the appropriate day.

(2) Where—

- (a) the appropriate day in relation to a dwelling-house fell before 22nd March 1973, and
- (b) the dwelling-house had on the appropriate day a rateable value exceeding, if it is in Greater London, £400 or, if it is elsewhere, £200,

subsection (1) above shall apply in relation to the dwelling-house as if the reference to the appropriate day were a reference to 22nd March 1973.

[^{F3}(2A) A tenancy is not a protected tenancy if—

- (a) it is entered into on or after the 1st April 1990 (otherwise than, where the dwelling-house under the tenancy had a rateable value on 31st March 1990, in pursuance of a contract made before 1st April 1990), and
- (b) under the tenancy for the time being either no rent is payable or the rent is payable at a rate of, if the dwelling-house is in Greater London, £1,000 or less a year, and, if the dwelling-house is elsewhere, £250 or less a year.

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1977, Section 5. (See end of Document for details)

- (2B) Subsection (7) of section 4 above shall apply to any amount referred to in subsection (2A) above as it applies to the amount referred to in subsection (4) of that section.]
- (3) In this Act a tenancy falling within subsection (1) above is referred to as a “tenancy at a low rent”.
- (4) In determining whether a long tenancy is 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, [^{F4}council tax,]services, repairs, maintenance, or insurance, unless it could not have been regarded by the parties as a part so payable.
- (5) In subsection (4) above “long tenancy” means a tenancy granted for a term certain exceeding 21 years, other than a tenancy which is, or may become, terminable before the end of that term by notice given to the tenant.

Textual Amendments

- F1** Words inserted by S.I. 1990/434, reg. 2, **Sch. para. 17**
- F2** Words repealed by Housing Act 1980 (c. 51, SIF 61), Sch. 25 Pt. II para. 75, **Sch. 26**
- F3** S. 5(2A)(2B) inserted by S.I. 1990/434, reg. 2, **Sch. para. 18**
- F4** Words in s. 5(4) inserted (1.4.1993) by S.I. 1993/651, art. 2(1), **Sch. 1 para. 4**
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Modifications etc. (not altering text)

- C1** S. 5 modified by Housing Act 1980 (c. 51), **Sch. 8 para. 1**

Changes to legislation:

There are currently no known outstanding effects for the Rent Act 1977, Section 5.