



# Rent Act 1977

## 1977 CHAPTER 42

### PART VI

#### RENT LIMIT FOR DWELLINGS LET BY HOUSING ASSOCIATIONS, HOUSING TRUSTS AND THE HOUSING CORPORATION

##### *Rent limit*

#### **88 Rent limit.**

- (1) Where the rent payable under a tenancy would exceed the rent limit determined in accordance with this Part of this Act, the amount of the excess shall be irrecoverable from the tenant.
- (2) Where a rent for the dwelling-house is registered, . . . <sup>F1</sup> the rent limit is the rent so registered.
- (3) Where any rates in respect of the dwelling-house are borne by the landlord, or a superior landlord, the amount of those rates for any rental period, ascertained in accordance with Schedule 5 to this Act, shall be added to the limit imposed by subsection (2) above, and in this Part of this Act references to the amount of the registered rent include any amount to be added under this subsection.
- (4) Where no rent for the dwelling-house is registered, then, subject to subsection (5) below, the rent limit shall be determined as follows:—
  - (a) if the lease or agreement creating the tenancy was made before 1st January 1973, the rent limit is the rent recoverable under the tenancy, as varied by any agreement made before that date (but not as varied by any later agreement);
  - (b) if paragraph (a) above does not apply, and, not more than [<sup>F2</sup>2 years] before the tenancy began, the dwelling-house was subject to another tenancy (whether before 1973 or later) the rent limit is the rent recoverable under that other tenancy (or, if there was more than one, the last of them) for the last rental period thereof;

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*Changes to legislation: There are currently no known outstanding effects for the Rent Act 1977, Section 88. (See end of Document for details)*

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- (c) if paragraphs (a) and (b) above do not apply, the rent limit is the rent payable under the terms of the lease or agreement creating the tenancy (and not the rent so payable under those terms as varied by any subsequent agreement).
- (5) The reference in subsection (4)(b) above to another tenancy includes, in addition to a housing association tenancy, a regulated tenancy—
- (a) which subsisted at any time after 1st April 1975; and
  - (b) under which, immediately before it came to an end, the interest of the landlord belonged to a housing association.
- (6) Where for any 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 in the rental period on which the rent limit is based, the rent limit under this Part of this Act shall be increased or decreased by the amount of the difference.
- (7) A tenancy commencing (whether before or after the coming into force of this Act) while there is in operation a condition imposed under any of the following enactments:—
- (a) section 2 of the <sup>M1</sup>Housing (Financial Provisions) Act 1924;
  - [<sup>F3</sup>(b) paragraph 2 of Part II of Schedule 15 to the Housing Act 1985, or any corresponding earlier enactment]
  - (c) section 23 of the <sup>M2</sup>Housing Act 1949; and
  - [<sup>F4</sup>(d) section 33 of the Housing Act 1985, or any corresponding earlier enactment;]  
[<sup>F5</sup>which imposes a rent limit in respect of the dwelling-house] shall be disregarded for the purposes of subsection (4)(b) above in determining the rent limit under any subsequent tenancy of the dwelling-house.

#### Textual Amendments

- F1** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(2), **Sch. 18** (subject to para. 4(2) of the transitional provisions in Sch. 2 to [S.I. 1988/2152](#))
- F2** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 25 Pt. I para. 40** except in any case where, on the determination or confirmation of a rent by the rent officer, the rent determined by him is registered, or his contribution is noted in the register, before 28.11.1980
- F3** [S. 88\(7\)\(b\)](#) substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 35(6)(a)**
- F4** [S. 88\(7\)\(d\)](#) substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 35(6)(b)**
- F5** Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 35(6)(c)**

#### Marginal Citations

- M1** 1924 c. 35.  
**M2** 1949 c. 60.

**Changes to legislation:**

There are currently no known outstanding effects for the Rent Act 1977, Section 88.