



Protection from Eviction Act 1977

1977 CHAPTER 43

PART I

UNLAWFUL EVICTION AND HARASSMENT

1 Unlawful eviction and harassment of occupier.

- (1) In this section “residential occupier”, in relation to any premises, means a person occupying the premises as a residence, whether under a contract or by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of any other person to recover possession of the premises.
- (2) If any person unlawfully deprives the residential occupier of any premises of his occupation of the premises or any part thereof, or attempts to do so, he shall be guilty of an offence unless he proves that he believed, and had reasonable cause to believe, that the residential occupier had ceased to reside in the premises.
- (3) If any person with intent to cause the residential occupier of any premises—
 - (a) to give up the occupation of the premises or any part thereof; or
 - (b) to refrain from exercising any right or pursuing any remedy in respect of the premises or part thereof;does acts [^{F1}likely] to interfere with the peace or comfort of the residential occupier or members of his household, or persistently withdraws or withholds services reasonably required for the occupation of the premises as a residence, he shall be guilty of an offence.

[^{F2}(3A) Subject to subsection (3B) below, the landlord of a residential occupier or an agent of the landlord shall be guilty of an offence if—

- (a) he does acts likely to interfere with the peace or comfort of the residential occupier or members of his household, or
- (b) he persistently withdraws or withholds services reasonably required for the occupation of the premises in question as a residence,

and (in either case) he knows, or has reasonable cause to believe, that that conduct is likely to cause the residential occupier to give up the occupation of the whole or

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part of the premises or to refrain from exercising any right or pursuing any remedy in respect of the whole or part of the premises.

- (3B) A person shall not be guilty of an offence under subsection (3A) above if he proves that he had reasonable grounds for doing the acts or withdrawing or withholding the services in question.
- (3C) In subsection (3A) above “landlord”, in relation to a residential occupier of any premises, means the person who, but for—
- (a) the residential occupier’s right to remain in occupation of the premises, or
 - (b) a restriction on the person’s right to recover possession of the premises,
- would be entitled to occupation of the premises and any superior landlord under whom that person derives title.]
- (4) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding [^{F3}the prescribed sum] or to imprisonment for a term not exceeding 6 months or to both;
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.
- (5) Nothing in this section shall be taken to prejudice any liability or remedy to which a person guilty of an offence thereunder may be subject in civil proceedings.
- (6) Where an offence under this section 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 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

- F1** Word in s. 1(3) substituted (with transitional provision) by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. **29(1)** (with s. 44(2)(b))
- F2** S. 1(3A)-(3C) inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. **29(2)** (with s. 44(2)(b))
- F3** S. 1(4)(a): the maximum fine which may be imposed on summary conviction shall be the prescribed sum by virtue of [Magistrates' Courts Act 1980 \(c. 43\)](#), s. **32(2)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act modified by [2002 c. 41 s. 32\(4\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3A(7B) inserted by [2002 c. 41 s. 32\(5\)](#)