



Housing Act 1980

1980 CHAPTER 51

PART II

PRIVATE SECTOR TENANTS

Restricted contracts

69 Restricted contracts: security of tenure.

- (1) In section 3 of the ^{M1} Protection from Eviction Act 1977 (prohibition of eviction without due process of law), after subsection (2) there is inserted the following subsection—

“(2A) Subsections (1) and (2) above apply in relation to any restricted contract (within the meaning of the Rent Act 1977) which—

- (a) creates a licence; and
- (b) is entered into after the commencement of section 69 of the Housing Act 1980;

as they apply in relation to a restricted contract which creates a tenancy.”

- (2) After section 106 of the 1977 Act there is inserted the following section:—

“106A Discretion of court in certain proceedings for possession.

- (1) This section applies to any dwelling house which is the subject of a restricted contract entered into after the commencement of section 69 of the Housing Act 1980.
- (2) On the making of an order for possession of such a dwelling-house, or at any time the execution of such an order, the court may—
 - (a) stay or suspend execution of the order, or
 - (b) postpone the date of possession,

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for such period or periods as, subject to subsection (3) below, the court thinks fit.

- (3) Where a court makes an order for possession of such a dwelling-house, the giving up of possession shall not be postponed (whether by the order or any variation, suspension or stay of execution) to a date later than 3 months after the making of the order.
- (4) On any such stay, suspension or postponement as is referred to in subsection (2) above, the court shall, unless it considers that to do so would cause exceptional hardship to the lessee or would otherwise be unreasonable, impose conditions with regard to payment by the lessee of arrears of rent (if any) and rent or payments in respect of occupation after termination of the tenancy (mesne profits) and may impose such other conditions as it thinks fit.
- (5) Subsection (6) below applies in any case where—
- (a) proceedings are brought for possession of such a dwelling-house;
 - (b) the lessee's spouse or former spouse, having rights of occupation under the Matrimonial Homes Act 1967, is in occupation of the dwelling-house; and
 - (c) the restricted contract is terminated as a result of those proceedings.
- (6) In any case to which this subsection applies, the spouse or former spouse shall, so long as he or she remains in occupation, have the same rights in relation to, or in connection with, any such stay, suspension or postponement as is referred to in subsection (2) above, as he or she would have if those rights of occupation were not affected by the termination of the restricted contract.”
- (3) Sections 103 to 106 of the 1977 Act (security of tenure in respect of restricted contracts) shall not apply to restricted contracts entered into after the commencement of this section; and accordingly after section 102 of that Act there is inserted the following section—

“102A Restricted application of sections 103 to 106.

Sections 103 to 106 of this Act apply only to restricted contracts entered into before the commencement of section 69 of the Housing Act 1980.”

- (4) In section 12 of the 1977 Act, for subsections (2) and (3) (cases where tenancies granted by resident landlords are not exempted by section 12 from being protected tenancies), there is substituted the following subsection—

“(2) This section does not apply to a tenancy of a dwelling-house which forms part of a building if the tenancy is granted to a person who, immediately before it was granted, was a protected or statutory tenant of that dwelling-house or of any other dwelling-house in that building.”

Modifications etc. (not altering text)

- C1** The text of ss. 55(1), 59(2)(3), 61(1)–(7), 62, 63, 65(1)–(5), 66(1)–(4), 67–69, 70(1), 71, 73(1)–(4), 74(1)(2), 75, 76, 78, 79, 138, 141, 143(3), 148, 152(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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Marginal Citations

M1 1977 c. 43.

70 Reconsideration of registered rents under Part V of Rent Act 1977.

- (1) In section 80(2) of the 1977 Act (which in certain circumstances prevents an application for a new registered rent for a dwelling-house which is the subject of a restricted contract from being made within 3 years of the date of an existing registration), for the words “3 years” there are substituted the words “2 years”.
- (2) This section does not apply in any case where the date from which the period during which no application for registration can be made is to be calculated falls before the commencement of this section.

Modifications etc. (not altering text)

C2 The text of ss. 55(1), 59(2)(3), 61(1)–(7), 62, 63, 65(1)–(5), 66(1)–(4), 67–69, 70(1), 71, 73(1)–(4), 74(1)(2), 75, 76, 78, 79, 138, 141, 143(3), 148, 152(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

71 Cancellation of rents registered under Part V of Rent Act 1977.

- (1) After section 81 of the 1977 Act (effect of registration of rent under section 79) there is inserted the following section—

“81A Cancellation of registration of rent

- (1) Where the rent payable for any dwelling is entered in the register under section 79 of this Act, the rent tribunal shall cancel the entry, on an application made under this section, if—
 - (a) not less than two years have elapsed since the date of entry;
 - (b) the dwelling is not for the time being subject to a restricted contract; and
 - (c) the application is made by the person who would be the lessor if the dwelling were subject to a restricted contract.
 - (2) An application under this section must be in the prescribed form, and contain the prescribed particulars.
 - (3) Cancellation of the registration shall be without prejudice to a further registration of a rent at any time after the cancellation.
 - (4) The rent tribunal shall notify the applicant of their decision to grant, or to refuse, any application under this section.”
- (2) In Schedule 10 to the 1977 Act (rent assessment committees), in paragraph 5 for the words “paragraph 6” there are substituted the words “paragraphs 6 and 6A” and after paragraph 6 there is inserted the following paragraph—

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“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.”

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Modifications etc. (not altering text)

C3 The text of ss. 55(1), 59(2)(3), 61(1)–(7), 62, 63, 65(1)–(5), 66(1)–(4), 67–69, 70(1), 71, 73(1)–(4), 74(1)(2), 75, 76, 78, 79, 138, 141, 143(3), 148, 152(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

F172 Functions of rent tribunals.

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Textual Amendments

F1 [S. 72](#) omitted (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 37](#) (with [Sch. 3](#))

Changes to legislation:

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