



# Rent Act 1977

## 1977 CHAPTER 42

### PART I

#### PRELIMINARY

##### *Protected and statutory tenancies*

#### **1 Protected tenants and tenancies.**

Subject to this Part of this Act, a tenancy under which a dwelling-house (which may be a house or part of a house) is let as a separate dwelling is a protected tenancy for the purposes of this Act.

Any reference in this Act to a protected tenant shall be construed accordingly.

#### **2 Statutory tenants and tenancies.**

(1) Subject to this Part of this Act—

- (a) after the termination of a protected tenancy of a dwelling-house the person who, immediately before that termination, was the protected tenant of the dwelling-house shall, if and so long as he occupies the dwelling-house as his residence, be the statutory tenant of it: and
- (b) Part I of Schedule 1 to this Act shall have effect for determining what person (if any) is the statutory tenant of a dwelling-house <sup>[F1</sup>or, as the case may be, is entitled to an assured tenancy of a dwelling-house by succession] at any time after the death of a person who, immediately before his death, was either a protected tenant of the dwelling-house or the statutory tenant of it by virtue of paragraph (a) above.

(2) In this Act a dwelling-house is referred to as subject to a statutory tenancy when there is a statutory tenant of it.

(3) In subsection (1)(a) above and in Part I of Schedule 1, the phrase “if and so long as he occupies the dwelling-house as his residence” shall be construed as it was immediately

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before the commencement of this Act (that is to say, in accordance with section 3(2) of the <sup>M1</sup>Rent Act 1968).

- (4) A person who becomes a statutory tenant of a dwelling-house as mentioned in subsection (1)(a) above is, in this Act, referred to as a statutory tenant by virtue of his previous protected tenancy.
- (5) A person who becomes a statutory tenant as mentioned in subsection 1(b) above is, in this Act, referred to as a statutory tenant by succession.

#### Textual Amendments

**F1** Words inserted by [Housing Act 1988 \(c. 50, SIF 75:1\), s. 39\(1\)](#)

#### Marginal Citations

**M1** [1968 c. 23.](#)

### 3 Terms and conditions of statutory tenancies.

- (1) So long as he retains possession, a statutory tenant shall observe and be entitled to the benefit of all the terms and conditions of the original contract of tenancy, so far as they are consistent with the provisions of this Act.
- (2) It shall be a condition of a statutory tenancy of a dwelling-house that the statutory tenant shall afford to the landlord access to the dwelling-house and all reasonable facilities for executing therein any repairs which the landlord is entitled to execute.
- (3) Subject to section 5 of the <sup>M2</sup>Protection from Eviction Act 1977 (under which at least 4 weeks' notice to quit is required), a statutory tenant of a dwelling-house shall be entitled to give up possession of the dwelling-house if, and only if, he gives such notice as would have been required under the provisions of the original contract of tenancy, or, if no notice would have been so required, on giving not less than 3 months' notice.
- (4) Notwithstanding anything in the contract of tenancy, a landlord who obtains an order for possession of a dwelling-house as against a statutory tenant shall not be required to give to the statutory tenant any notice to quit.
- (5) Part II of Schedule 1 to this Act shall have effect in relation to the giving up of possession of statutory tenancies and the changing of statutory tenants by agreement.

#### Marginal Citations

**M2** [1977 c. 43.](#)

### *Exceptions*

### 4 Dwelling-houses above certain rateable values.

- (1) A tenancy [<sup>F2</sup>which is entered into before 1st April 1990 or (where the dwelling-house 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 the dwelling-house falls within one of the Classes set out in subsection (2) below.

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- (2) Where alternative rateable values are mentioned in this subsection, the higher applies if the dwelling-house is in Greater London and the lower applies if it is elsewhere.

**Class A**

The appropriate day in relation to the dwelling-house falls or fell on or after 1st April 1973 and the dwelling-house on the appropriate day has or had a rateable value exceeding £1,500 or £750.

**Class B**

The appropriate day in relation to the dwelling-house fell on or after 22nd March 1973, but before 1st April 1973, and the dwelling-house—

- (a) on the appropriate day had a rateable value exceeding £600 or £300, and
- (b) on 1st April 1973 had a rateable value exceeding £1,500 or £750.

**Class C**

The appropriate day in relation to the dwelling-house fell before 22nd March 1973 and the dwelling-house—

- (a) on the appropriate day had a rateable value exceeding £400 or £200, and
- (b) on 22nd March 1973 had a rateable value exceeding £600 or £300, and
- (c) on 1st April 1973 had a rateable value exceeding £1,500 or £750.

- (3) If any question arises in any proceedings whether a dwelling-house falls within a Class in subsection (2) above, by virtue of its rateable value at any time, it shall be deemed not to fall within that Class unless the contrary is shown.

[<sup>F3</sup>(4) A tenancy is not a protected tenancy if—

- (a) it is entered into on or after 1st April 1990 (otherwise than, where the dwelling-house had a rateable value on 31st March 1990, in pursuance of a contract made before 1st April 1990), and
- (b) under it the rent payable for the time being is payable at a rate exceeding £25,000 a year.

- (5) In subsection (4) above “rent” does not include any sum 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 sum so payable.

- (6) If any question arises in any proceedings whether a tenancy is precluded from being a protected tenancy by subsection (4) above, the tenancy shall be deemed to be a protected tenancy unless the contrary is shown.

- (7) The Secretary of State may by order replace the amount referred to in subsection (4) above by an amount specified in the order; and such an order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

**Textual Amendments**

**F2** Words inserted by S.I. 1990/434, reg. 2, Sch. para. 15

**F3** S. 4(4)–(7) inserted by S.I. 1990/434, reg. 2, Sch. para. 16

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## 5 Tenancies at low rents.

(1) A tenancy [<sup>F4</sup> 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, . . . <sup>F5</sup> 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.

[<sup>F6</sup>(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.

(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, 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

**F4** Words inserted by [S.I. 1990/434, reg. 2, Sch. para. 17](#)

**F5** Words repealed by [Housing Act 1980 \(c. 51, SIF 61\), Sch. 25 Pt. II para. 75, Sch. 26](#)

**F6** [S. 5\(2A\)\(2B\)](#) inserted by [S.I. 1990/434, reg. 2, Sch. para. 18](#)

### Modifications etc. (not altering text)

**C1** [S. 5](#) modified by [Housing Act 1980 \(c. 51, SIF 61\), Sch. 8 para. 1](#)

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## [<sup>F7</sup>5A Certain shared ownership leases.

- (1) A tenancy is not a protected tenancy if it is a qualifying shared ownership lease, that is—
  - (a) a lease granted in pursuance of the right to be granted a shared ownership lease under Part V of the Housing Act 1985, or
  - (b) a lease granted by a housing association and which complies with the conditions set out in subsection (2) below.
- (2) The conditions referred to in subsection (1)(b) above are that the lease—
  - (a) was granted for a term of 99 years or more and is not (and cannot become) terminable except in pursuance of a provision for re-entry or forfeiture;
  - (b) was granted at a premium, calculated by reference to the value of the dwelling-house or the cost of providing it, of not less than 25 per cent, or such other percentage as may be prescribed, of the figure by reference to which it was calculated;
  - (c) provides for the tenant to acquire additional shares in the dwellinghouse on terms specified in the lease and complying with such requirements as may be prescribed;
  - (d) does not restrict the tenant's powers to assign, mortgage or charge his interest in the dwellinghouse;
  - (e) if it enables the landlord to require payment for outstanding shares in the dwellinghouse, does so only in such circumstances as may be prescribed;
  - (f) provides, in the case of a house, for the tenant to acquire the landlord's interest on terms specified in the lease and complying with such requirements as may be prescribed; and
  - (g) states the landlord's opinion that by virtue of this section the lease is excluded from the operation of this Act.
- (3) The Secretary of State may by regulations prescribe anything requiring to be prescribed for the purposes of subsection (2) above.
- (4) The regulations may—
  - (a) make different provision for different cases or descriptions of case, including different provision for different areas, and
  - (b) contain such incidental, supplementary or transitional provisions as the Secretary of State considers appropriate,and shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In any proceedings the court may, if of opinion that it is just and equitable to do so, treat a lease as a qualifying shared ownership lease notwithstanding that the condition specified in subsection (2)(g) above is not satisfied.
- (6) In this section—

“house” has the same meaning as in Part I of the Leasehold Reform Act 1967;

“housing association” has the same meaning as in the Housing Associations Act 1985; and

“lease” includes an agreement for a lease, and references to the grant of a lease shall be construed accordingly.]

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#### Textual Amendments

**F7** S. 5A inserted by [Housing and Planning Act 1986 \(c. 63, SIF 73:3\)](#), s. 18, [Sch. 4 para. 1\(2\)](#)

### 6 Dwelling-houses let with other land.

Subject to section 26 of this Act, a tenancy is not a protected tenancy if the dwelling-house which is subject to the tenancy is let together with land other than the site of the dwelling-house.

### 7 Payments for board or attendance.

- (1) A tenancy is not a protected tenancy if under the tenancy the dwelling-house is bona fide let at a rent which includes payments in respect of board or attendance.
- (2) For the purposes of subsection (1) above, a dwelling-house shall not be taken to be bona fide let at a rent which includes payments in respect of attendance unless the amount of rent which is fairly attributable to attendance, having regard to the value of the attendance to the tenant, forms a substantial part of the whole rent.

### 8 Lettings to students.

- (1) A tenancy is not a protected tenancy if it is granted to a person who is pursuing, or intends to pursue, a course of study provided by a specified educational institution and is so granted either by that institution or by another specified institution or body of persons.
- (2) In subsection (1) above “specified” means specified, or of a class specified, for the purposes of this section by regulations made by the Secretary of State by statutory instrument.
- (3) A statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### 9 Holiday lettings.

A tenancy is not a protected tenancy if the purpose of the tenancy is to confer on the tenant the right to occupy the dwelling-house for a holiday.

### 10 Agricultural holdings.

A tenancy is not a protected tenancy if the dwellinghouse is comprised in an agricultural holding (within the meaning of the [<sup>F8</sup>Agricultural Holdings Act 1986]) and is occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the farming of the holding.

#### Textual Amendments

**F8** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 14 para. 59](#)

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## 11 Licensed premises.

A tenancy of a dwelling-house which consists of or comprises premises licensed for the sale of intoxicating liquors for consumption on the premises shall not be a protected tenancy, nor shall such a dwelling-house be the subject of a statutory tenancy.

## 12 Resident landlords.

(1) Subject to subsection (2) below, a tenancy of a dwelling-house granted on or after 14th August 1974 shall not be a protected tenancy at any time if—

[<sup>F9</sup>(a) the dwelling-house forms part only of a building and, except in a case where the dwelling-house also forms part of a flat, the building is not a purpose-built block of flats, and

(b) the tenancy was granted by a person who, at the time when he granted it, occupied as his residence another dwelling-house which—

(i) in the case mentioned in paragraph (a) above, also forms part of the flat; or

(ii) in any other case, also forms part of the building; and

(c) subject to paragraph 1 of Schedule 2 to this Act, at all times since the tenancy was granted the interest of the landlord under the tenancy has belonged to a person who, at the time he owned that interest, occupied as his residence another dwelling-house which—

(i) in the case mentioned in paragraph (a) above, also formed part of the flat; or

(ii) in any other case, also formed part of the building.]

[<sup>F10</sup>(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.]

(3) For the purposes of subsection (2) above, 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.

(4) Schedule 2 to this Act shall have effect for the purpose of supplementing this section.

### Textual Amendments

**F9** S. 12(1)(a)–(c) substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 65(1)

**F10** S. 12(2) substituted for s. 12(2)(3) with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 69(4), [Sch. 25 Pt. II para. 67](#)

## [<sup>F11</sup>13 Landlord's interest belonging to Crown.

(1) Except as provided by subsection (2) below—

(a) A tenancy shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to Her Majesty in right of the Crown or to a government department or is held in trust for Her Majesty for the purposes of a government department; and

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- (b) a person shall not at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would at that time belong or be held as mentioned in paragraph (a) above.
- (2) An interest belonging to Her Majesty in right of the Crown shall not prevent a tenancy from being a protected tenancy or a person from being a statutory tenant if the interest is under the management of the Crown Estate Commissioners.]

#### Textual Amendments

**F11** S. 13 substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 73(1)

#### Modifications etc. (not altering text)

**C2** S. 13 modified by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 60(2), [Sch. 8 Pt. III para. 19\(2\)\(b\)](#)

## 14 Landlord's interest belonging to local authority, etc.

A tenancy shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to—

- (a) the council of a county;
- (b) the council of a district or, in the application of this Act to the Isles of Scilly, the Council of the Isles of Scilly;
- [<sup>F12</sup>(bb) the Broads Authority;]
- (c) .....<sup>F13</sup> the council of a London borough or the Common Council of the City of London;
- [<sup>F14</sup>(ca) .....<sup>F15</sup>
- (cb) a joint authority established by Part IV of the Local Government Act 1985;]
- (d) the Commission for the New Towns;
- (e) a development corporation established by an order made, or having effect as if made, under the [<sup>F16</sup>New Towns Act 1981]; or
- (f) the Development Board for Rural Wales; [<sup>F17</sup>or]
- [<sup>F17</sup>(g) an urban development corporation within the meaning of Part XVI of the Local Government Planning and Land Act 1980;]

nor shall a person at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would belong at that time to any of those bodies

- [<sup>F18</sup>(h) a housing action trust established under Part III of the Housing Act 1988].

#### Textual Amendments

**F12** S. 14(bb) inserted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), [Sch. 6 para. 18](#)

**F13** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)

**F14** S. 14 (ca)(cb) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, [Sch. 14 para. 56](#)

**F15** S. 14(ca) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237, [Sch. 13 Pt. I](#)

**F16** Words substituted by [New Towns Act 1981 \(c. 64, SIF 123:3\)](#), s. 81, [Sch. 12 para. 24](#)

**F17** Word and s. 14(g) inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 123:2\)](#), s. 155(1)

**F18** S. 14(h) added by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 62(7)



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**Modifications etc. (not altering text)**

- C3 S. 14 extended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 21**
- C4 S. 14 excluded by Housing Act 1985 (c. 68, SIF 61), s. **382(3)**
- C5 S. 14(cb) extended by S.I. 1985/1884, art. 10, **Sch. 3 para. 4(p)**
- C6 S. 14(cb) extended by S.I. 1987/2110, art. 2, **Sch. 1 para. 8(l)**

**15 Landlord’s interest belonging to housing association, etc.**

(1) A tenancy . . . <sup>F19</sup> shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to a housing association falling within subsection (3) below; nor shall a person at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would belong at that time to such a housing association.

(2) A tenancy shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to—

- (a) the Housing Corporation
- [<sup>F20</sup>(aa) Housing for Wales]; or
- (b) a housing trust which is a charity within the meaning of the <sup>M3</sup>Charities Act 1960;

nor shall a person at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would belong at that time to any of those bodies.

[<sup>F21</sup>(3) A housing association falls within this subsection if—

- (a) it is registered under the Housing Associations Act 1985, or
- (b) it is a co-operative housing association within the meaning of that Act.]

(4) . . . . . <sup>F22</sup>

[<sup>F23</sup>(5) In subsection (2) above “housing trust” means a corporation or body of persons which—

- (a) is required by the terms of its constituent instrument to use the whole of its funds, including any surplus which may arise from its operations, for the purpose of providing housing accommodation; or
- (b) is required by the terms of its constituent instrument to devote the whole, or substantially the whole, of its funds to charitable purposes and in fact uses the whole, or substantially the whole, of its funds for the purpose of providing housing accommodation.]

(6) . . . . . <sup>F24</sup>

**Textual Amendments**

- F19** Words repealed with saving by Housing Act 1980 (c. 51, SIF 61), s. 74, Sch. 9, Sch. 25 Pt. II para. 68, **Sch. 26**
- F20** S. 15(2)(aa) inserted by Housing Act 1988 (c. 50, SIF 61, 75:1), s. 140(1), **Sch. 17 para. 99**
- F21** S. 15(3) substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 35(2)**
- F22** S. 15(4) repealed with saving by Housing Act 1980 (c. 51, SIF 61), s. 74, Sch. 9, Sch. 25 Pt. II para. 68, **Sch. 26**
- F23** S. 15(5) substituted by Housing Act 1980 (c. 51, SIF 61), s. 74(2)(3), **Sch. 9**

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**F24** 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](#)

**Modifications etc. (not altering text)**

**C7** S. 15 excluded by [Housing Act 1985 \(c. 68, SIF 61\)](#), [s. 382\(3\)](#)

**Marginal Citations**

**M3** 1960 c. 58.

**16 Landlord’s interest belonging to housing co-operative.**

A tenancy shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to a housing co-operative, [<sup>F25</sup>within the meaning of section 27B of the Housing Act 1985 (agreements with housing co-operatives under certain superseded provisions) and the dwelling-house is comprised in a housing co-operative agreement within the meaning of that section].

**Textual Amendments**

**F25** Words substituted by virtue of [Housing and Planning Act 1986 \(c. 63, SIF 75:3\)](#), s. 24(1)(2), [Sch. 5 para. 15](#)

**Modifications etc. (not altering text)**

**C8** S. 16 excluded by [Housing Act 1985 \(c. 68, SIF 61\)](#), [s. 382\(3\)](#)

**16A** ..... **F26**

**Textual Amendments**

**F26** S. 16A inserted with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), [s. 56\(5\)–\(7\)](#) and repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140, [Sch. 18](#), Note 1

**17 Controlled tenancies.**

..... **F27**

**Textual Amendments**

**F27** 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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## 18 Regulated tenancies.

- (1) Subject to sections 24(3) and 143 of this Act, a “regulated tenancy” is, for the purposes of this Act, a protected or statutory tenancy . . . <sup>F28</sup>
- (2) Where a regulated tenancy is followed by a statutory tenancy of the same dwelling-house, the two shall be treated for the purposes of this Act as together constituting one regulated tenancy.
- (3) . . . . . <sup>F29</sup>

### Textual Amendments

**F28** Words repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

**F29** [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](#)

## [<sup>F30</sup> 18A Modification of Act for controlled tenancies converted into regulated tenancies.

Schedule 17 to this Act applies for the purpose of modifying the provisions of this Act in relation to a tenancy Which, by virtue of any of the following enactments, was converted from a controlled tenancy into a regulated tenancy, that is to say—

- (a) section 18(3) of this Act;
- (b) paragraph 5 of Schedule 2 to the <sup>M4</sup> Rent Act 1968 (which was superseded by section 18(3));
- (c) Part VIII of this Act;
- (d) Part 111 of the Housing Finance Act 1972 (which was superseded by Part VIII);
- (e) Part IV of the Act of 1972 (conversion by reference to rateable values);
- (f) section 64 of the Housing Act 1980 (conversion of remaining controlled tenancies into regulated tenancies).]

### Textual Amendments

**F30** [S. 18A](#) inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 35](#)

### Marginal Citations

**M4** [1968 c. 23.](#)

- 19— . . . . . <sup>F31</sup>
- 21.

### Textual Amendments

**F31** [Ss. 19–21](#) repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140, [Sch. 18](#), Note 1

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### *Shared accommodation*

## **22 Tenant sharing accommodation with persons other than landlord.**

- (1) Where a tenant has the exclusive occupation of any accommodation (“the separate accommodation”) and—
  - (a) the terms as between the tenant and his landlord on which he holds the separate accommodation include the use of other accommodation (“the shared accommodation”) in common with another person or other persons, not being or including the landlord, and
  - (b) by reason only of the circumstances mentioned in paragraph (a) above, the separate accommodation would not, apart from this section, be a dwelling-house let on or subject to a protected or statutory tenancy,the separate accommodation shall be deemed to be a dwelling-house let on a protected tenancy or, as the case may be, subject to a statutory tenancy and the following provisions of this section shall have effect.
- (2) For the avoidance of doubt it is hereby declared that where, for the purpose of determining the rateable value of the separate accommodation, it is necessary to make an apportionment under this Act, regard is to be had to the circumstances mentioned in subsection (1)(a) above.
- (3) While the tenant is in possession of the separate accommodation (whether as a protected or statutory tenant), any term or condition of the contract of tenancy terminating or modifying, or providing for the termination or modification of, his right to the use of any of the shared accommodation which is living accommodation shall be of no effect.
- (4) Where the terms and conditions of the contract of tenancy are such that at any time during the tenancy the persons in common with whom the tenant is entitled to the use of the shared accommodation could be varied, or their number could be increased, nothing in subsection (3) above shall prevent those terms and conditions from having effect so far as they relate to any such variation or increase.
- (5) Without prejudice to the enforcement of any order made under subsection (6) below, while the tenant is in possession of the separate accommodation, no order shall be made for possession of any of the shared accommodation, whether on the application of the immediate landlord of the tenant or on the application of any person under whom that landlord derives title, unless a like order has been made, or is made at the same time, in respect of the separate accommodation; and the provisions of section 98(1) of this Act shall apply accordingly.
- (6) On the application of the landlord, the county court may make such order either—
  - (a) terminating the right of the tenant to use the whole or any part of the shared accommodation other than living accommodation, or
  - (b) modifying his right to use the whole or any part of the shared accommodation, whether by varying the persons or increasing the number of persons entitled to the use of that accommodation, or otherwise,as the court thinks just.
- (7) No order shall be made under subsection (6) above so as to effect any termination or modification of the rights of the tenant which, apart from subsection (3) above, could not be effected by or under the terms of the contract of tenancy.

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- (8) In this section “living accommodation” means accommodation of such a nature that the fact that it constitutes or is included in the shared accommodation is (or, if the tenancy has ended, was) sufficient, apart from this section, to prevent the tenancy from constituting a protected tenancy of a dwelling-house.

### *Sublettings*

## **23 Certain sublettings not to exclude any part of sub-lessor’s premises from protection.**

- (1) Where the tenant of any premises, consisting of a house or part of a house, has sublet a part but not the whole of the premises, then, as against his landlord or any superior landlord, no part of the premises shall be treated as not being a dwelling-house let on or subject to a protected or statutory tenancy by reason only that—
- (a) the terms on which any person claiming under the tenant holds any part of the premises include the use of accommodation in common with other persons; or
  - (b) part of the premises is let to any such person at a rent which includes payments in respect of board or attendance.
- (2) Nothing in this section shall affect the rights against, and liabilities to, each other of the tenant and any person claiming under him, or of any 2 such persons.

### *Business premises*

## **24 Premises with a business use.**

- (1) ..... <sup>F32</sup>
- (3) A tenancy shall not be a regulated tenancy if it is a tenancy to which Part II of the <sup>M5</sup>Landlord and Tenant Act 1954 applies (but this provision is without prejudice to the application of any other provision of this Act to a sub-tenancy of any part of the premises comprised in such a tenancy).

#### **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](#)

#### **Marginal Citations**

**M5** 1954 c. 56.

### *Miscellaneous*

## **25 Rateable value and meaning of “appropriate day”.**

- (1) Except where this Act otherwise provides, the rateable value on any day of a dwelling-house shall be ascertained for the purposes of this Act as follows:—

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- (a) if the dwelling-house is a hereditament for which a rateable value is then shown in the valuation list, it shall be that rateable value;
  - (b) if the dwelling-house forms part only of such a hereditament or consists of or forms part of more than one such hereditament, its rateable value shall be taken to be such value as is found by a proper apportionment or aggregation of the rateable value or values so shown.
- (2) Any question arising under this section as to the proper apportionment or aggregation of any value or values shall be determined by the county court, and the decision of the county court shall be final.
- (3) In this Act “the appropriate day”—
- (a) in relation to any dwelling-house which, on 23rd March 1965, was or formed part of a hereditament for which a rateable value was shown in the valuation list then in force, or consisted or formed part of more than one such hereditament, means that date, and
  - (b) in relation to any other dwelling-house, means the date on which such a value is or was first shown in the valuation list.
- (4) Where, after the date which is the appropriate day in relation to any dwelling-house, the valuation list is altered so as to vary the rateable value of the hereditament of which the dwelling-house consists or forms part and the alteration has effect from a date not later than the appropriate day, the rateable value of the dwelling-house on the appropriate day shall be ascertained as if the value shown in the valuation list on the appropriate day had been the value shown in the list as altered.
- (5) This section applies in relation to any other land as it applies in relation to a dwelling-house.

**Modifications etc. (not altering text)**

- C9** S. 25(1)(2)(4) applied (with modifications) (1.11.1993) by 1993 c. 28, s. 8(2)(c) (with ss. 94(2), 95); S.I. 1993/2134, arts. 2,5

**26 Land and premises let with dwelling-house.**

- (1) For the purposes of this Act, any land or premises let together with a dwelling-house shall, unless it consists of agricultural land exceeding 2 acres in extent, be treated as part of the dwelling-house.
- (2) For the purposes of subsection (1) above “agricultural land” has the meaning set out in section 26(3)(a) of the <sup>M6</sup>General Rate Act 1967 (exclusion of agricultural land and premises from liability for rating).

**Marginal Citations**

- M6** 1967 c. 9.

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## PART II

### RENTS UNDER CONTROLLED TENANCIES

#### *Rent limit*

27— ..... F33  
43.

#### 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](#)

## PART III

### RENTS UNDER REGULATED TENANCIES

#### *Regulation of rent*

#### 44 **Limit of rent during contractual periods.**

- (1) Where a rent for a dwelling-house is registered under Part IV of this Act, the rent recoverable for any contractual period of a regulated tenancy of the dwelling-house shall be limited to the rent so registered.

This subsection is subject to the following provisions of this Act: subsection (4) below, [<sup>F34</sup>section 71(3)], paragraph 1(3) of Schedule 7, . . . <sup>F35</sup> and paragraph 3 of Schedule 20.

- (2) Where a limit is imposed by subsection (1) above on the rent recoverable in relation to any contractual period of a regulated tenancy, the amount by which the rent payable under the tenancy exceeds that limit shall, notwithstanding anything in any agreement, be irrecoverable from the tenant.
- (3) In this Part of this Act “contractual rent limit” means the limit specified in subsection (1) above.
- (4) Schedule 7 to this Act shall have effect for the purpose of providing a special rent limit in relation to certain tenancies which became regulated tenancies by virtue of section 14 of the <sup>M7</sup>Counter-Inflation Act 1973.

#### Textual Amendments

**F34** Words substituted (with saving) by [S.I. 1987/264](#), arts. 2(3), 3, Sch. 1 para. 1, [Sch. 2](#)  
**F35** Words repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

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### Marginal Citations

M7 1973 c. 9.

## 45 Limit of rent during statutory periods.

- (1) Except as otherwise provided by this Part of this Act, where the rent payable for any statutory period of a regulated tenancy of a dwelling-house would exceed the rent recoverable for the last contractual period thereof, the amount of the excess shall, notwithstanding anything in any agreement, be irrecoverable from the tenant.
- (2) Where a rent for the dwelling-house is registered under Part IV of this Act, the following provisions shall apply with respect to the rent for any statutory period of a regulated tenancy of the dwelling-house:—
  - (a) if the rent payable for any statutory period would exceed the rent so registered, the amount of the excess shall, notwithstanding anything in any agreement, be irrecoverable from the tenant; and
  - (b) if the rent payable for any statutory period would be less than the rent so registered, it may be increased up to the amount of that rent by a notice of increase served by the landlord on the tenant and specifying the date from which the increase is to take effect.

This subsection is subject to the following provisions of this Act: [<sup>F36</sup>section 71(3)], paragraph 1(3) of Schedule 7, . . . <sup>F37</sup> . . . <sup>F38</sup> and paragraph 3 of Schedule 20.

- (3) The date specified in a notice of increase under subsection (2)(b) above shall not be earlier than the date [<sup>F39</sup>from which the registration of the rent took effect] nor earlier than 4 weeks before the service of the notice.
- (4) Where no rent for the dwelling-house is registered under Part IV of this Act, sections 46 [<sup>F40</sup>and 47] of this Act shall have effect with respect to the rent recoverable for any statutory period under a regulated tenancy of the dwelling-house.

### Textual Amendments

- F36** Words substituted (with saving) by S.I. 1987/264, arts. 2(3), 3, Sch. 1 para. 2(a), **Sch. 2**
- F37** Words repealed (with saving) by S.I. 1987/264, arts. 2(3), 3, Sch. 1 para. 2(b), **Sch. 2**
- F38** Words repealed by **Housing Act 1980 (c. 51, SIF 61), Sch. 26**
- F39** Words substituted with saving by **Housing Act 1980 (c. 51, SIF 61), s. 61(4)(8)**
- F40** Words substituted by **Housing Act 1980 (c. 51, SIF 61), Sch. 25 Pt. 1 para. 37**

## 46 Adjustment, with respect to rates, of recoverable rent for statutory periods before registration.

- (1) Where—
  - (a) section 45(4) of this Act applies, and
  - (b) any rates in respect of the dwelling-house are, or were during the last contractual period, borne by the landlord or a superior landlord,

then, for any statutory period for which the amount of the rates (ascertained in accordance with Schedule 5 to this Act) differs from the amount, so ascertained, of the rates for the last contractual period, the recoverable rent shall be increased or decreased by the amount of the difference.



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- (2) Where the amount of the recoverable rent is increased by virtue of this section, the increase shall not take effect except in pursuance of a notice of increase served by the landlord on the tenant and specifying the increase and the date from which it is to take effect.
- (3) The date specified in a notice of increase under subsection (2) above shall be not earlier than 6 weeks before the service of the notice, and if it is earlier than the service of the notice any rent unpaid shall become due on the day after the service of the notice.

**47 Adjustment, with respect to services and furniture, of recoverable rent for statutory periods before registration.**

- (1) Where section 45(4) of this Act applies and for any statutory period there is with respect to—
  - (a) the provision of services for the tenant by the landlord or a superior landlord, or
  - (b) the use of furniture by the tenant,or any circumstances relating thereto any difference, in comparison with the last contractual period, such as to affect the amount of the rent which it is reasonable to charge, the recoverable rent for the statutory period shall be increased or decreased by an appropriate amount.
- (2) Any question whether, or by what amount, the recoverable rent for any period is increased or decreased by virtue of this section shall be determined by agreement in writing between the landlord and the tenant or by the county court; and any such determination—
  - (a) may be made so as to relate to past statutory periods; and
  - (b) shall have effect with respect to statutory periods subsequent to the periods to which it relates until revoked or varied by any such agreement as is referred to in this subsection or by the county court.

**48** ..... F41

**Textual Amendments**

**F41** S. 48 repealed with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 63, Sch. 25 Pt. II para. 64, [Sch. 26](#)

**49 Notices of increase.**

- (1) Any reference in this section to a notice of increase is a reference to a notice of increase under section 45(2), [<sup>F42</sup>or 46] of this Act.
- (2) A notice of increase must be in the prescribed form.
- (3) Notwithstanding that a notice of increase relates to statutory periods, it may be served during a contractual period.
- (4) Where a notice of increase is served during a contractual period and the protected tenancy could, by a notice to quit served by the landlord at the same time, be brought to an end before the date specified in the notice of increase, the notice of increase shall operate to convert the protected tenancy into a statutory tenancy as from that date.

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- (5) If the county court is satisfied that any error or omission in a notice of increase is due to a bona fide mistake on the part of the landlord, the court may by order amend the notice by correcting any errors or supplying any omission therein which, if not corrected or supplied, would render the notice invalid and, if the court so directs, the notice as so amended shall have effect and be deemed to have had effect as a valid notice.
- (6) Any amendment of a notice of increase under subsection (5) above may be made on such terms and conditions with respect to arrears of rent or otherwise as appear to the court to be just and reasonable.
- (7) No increase of rent which becomes payable by reason of an amendment of a notice of increase under subsection (5) above shall be recoverable in respect of any statutory period which ended more than 6 months before the date of the order making the amendment.

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**Textual Amendments**  
**F42** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 25 Pt. I para. 38**

**50 Private street works to count as improvements.**

..... **F43**

.....

**Textual Amendments**  
**F43** 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**

*Rent agreements with tenants having security of tenure*

**51 Protection of tenants with security of tenure.**

- (1) In this Part of this Act a “rent agreement with a tenant having security of tenure” means—
  - (a) an agreement increasing the rent payable under a protected tenancy which is a regulated tenancy, or
  - (b) the grant to the tenant under a regulated tenancy, or to any person who might succeed him as a statutory tenant, of another regulated tenancy of the dwelling-house at a rent exceeding the rent under the previous tenancy.
- (2) Where any rates in respect of the dwelling-house are borne by the landlord or a superior landlord, any increase or rent shall be disregarded for the purposes of the definition in subsection (1) above if the increase is no more than one corresponding to an increase in the rates borne by the landlord or a superior landlord in respect of the dwelling-house.
- (3) If—

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- (a) a rent agreement with a tenant having security of tenure takes effect on or after the commencement of this Act, and was made at a time when no rent was registered for the dwelling-house under Part IV of this Act, . . . <sup>F44</sup>

- (b) . . . . . <sup>F44</sup>

the requirements of subsection (4) below shall be observed as respects the agreement.

(4) The requirements are that—

- (a) the agreement is in writing signed by the landlord and the tenant, and
- (b) the document containing the agreement contains a statement, in characters not less conspicuous than those used in any other part of the agreement—

- (i) that the tenant’s security of tenure under this Act will not be affected if he refuses to enter into the agreement, and

- (ia) . . . . . <sup>F45</sup>

- (ii) that entry into the agreement will not deprive the tenant or landlord of the right to apply at any time to the rent officer for the registration of a fair rent under Part IV of this Act,

or words to that effect, and

- (c) the statement mentioned in paragraph (b) above is set out at the head of the document containing the agreement.

**Textual Amendments**

**F44** Word “and” and s. 51(3)(b) repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

**F45** [S. 51\(4\)\(b\)\(ia\)](#) was inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [s. 68\(1\)](#) and repealed (with saving) by [S.I. 1987/264](#), [arts. 2\(3\), 3](#), [Sch. 1 para. 3](#), [Sch. 2](#)

**[<sup>F46</sup>52 Protection: special provisions following conversion.**

- (1) This section applies to an agreement with a tenant having security of tenure which is entered into after the commencement of provisions following section 68(2) of the <sup>M8</sup>Housing Act 1980 if the tenancy has become or, conversion. as the case may be, the previous tenancy became a regulated tenancy by conversion.
- (2) Any such agreement which purports to increase the rent payable under a protected tenancy shall, if entered into at a time when no rent is registered for the dwelling-house under Part IV of this Act, be void.
- (3) If any such agreement constitutes a grant of a regulated tenancy and is made at a time when no rent is so registered, any excess of the rent payable under the tenancy so granted (for any contractual or statutory period of the tenancy) over the rent limit applicable to the previous tenancy, shall be irrecoverable from the tenant; but this subsection ceases to apply if a rent is subsequently so registered.
- (4) For the purposes of this section a tenancy is a regulated tenancy by conversion if it has become a regulated tenancy by virtue of—
  - (a) Part VIII of this Act, section 43 of the <sup>M9</sup> Housing Act 1969 or Part 111 or IV of the <sup>M10</sup> Housing Finance Act 1972) (conversion of controlled tenancies into regulated tenancies); or
  - (b) section 18(3) of this Act or paragraph 5 of Schedule 2 to the <sup>M11</sup> Rent Act 1968 (conversion on death of first successor); or

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- (c) section 64 of the Housing Act 1980 (conversion of all remaining controlled tenancies).
- (5) This section does not apply to any agreement where the tenant is neither the person who, at the time of the conversion, was the tenant nor a person who might succeed the tenant at that time as a statutory tenant.
- (6) Where a rent is registered for the dwelling-house and the registration is subsequently cancelled, this section shall not apply to the agreement submitted to the rent officer in connection with the cancellation nor to any agreement made so as to take effect after the cancellation.]

#### Textual Amendments

**F46** S. 52 substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 68(2), [Sch. 25 Pt.II para. 65](#)

#### Marginal Citations

**M8** 1980 c. 51.  
**M9** 1969 c. 33  
**M10** 1972 c. 47  
**M11** 1968 c. 23.

**53** ..... <sup>F47</sup>

#### Textual Amendments

**F47** 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](#)

#### **54 Failure to comply with provisions for protection of tenants.**

- (1) If, in the case of a variation of the terms of a regulated tenancy, there is a failure to observe any of the requirements of section 51, . . . <sup>F48</sup> of this Act, any excess of the rent payable under the terms as varied over the terms without the variation shall be irrecoverable from the tenant.
- (2) If, in the case of the grant of a tenancy, there is a failure to observe any of those requirements, any excess of the rent payable under the tenancy so granted (for any contractual or any statutory period of the tenancy) over the previous limit shall be irrecoverable from the tenant.
- (3) In subsection (2) above the “previous limit” shall be taken to be the amount which (taking account of any previous operation of this section or of section 46 of the <sup>M12</sup>Housing Finance Act 1972, which is superseded by this section) was recoverable by way of rent for the last rental period of the previous tenancy of the dwelling-house, or which would have been so recoverable if all notices of increase authorised by this Act, the <sup>M13</sup>Rent Act 1968 and section 37(3) of the Act of 1972 had been served.

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(4) ..... F49

**Textual Amendments**

**F48** Words repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

**F49** [S. 54\(4\)\(5\)](#) repealed with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. II para. 66](#), [Sch. 26](#)

**Marginal Citations**

**M12** [1972 c. 47](#).

**M13** [1968 c. 23](#).

55 ..... F50

**Textual Amendments**

**F50** [S. 55](#) repealed (with saving) by [S.I. 1987/264, arts. 2\(1\)\(a\), 3](#), [Sch. 2](#)

56 ..... F51

**Textual Amendments**

**F51** [Ss. 56, 114, Sch. 9](#) repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [s. 60\(4\)](#), [Sch. 26](#)

*Enforcement provisions*

**57 Recovery from landlord of sums paid in excess of recoverable rent, etc.**

(1) Where a tenant has paid on account of rent any amount which, by virtue of this Part of this Act, is irrecoverable by the landlord, the tenant who paid it shall be entitled to recover that amount from the landlord who received it or his personal representatives.

(2) Any amount which a tenant is entitled to recover under subsection (1) above may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the landlord.

[<sup>F52</sup>(3) No amount which a tenant is entitled to recover under subsection (1) above shall be recoverable at any time after the expiry of —

(a) one year, in the case of an amount which is irrecoverable by virtue of section 54 of this Act; or

(b) two years, in any other case.]

(4) Any person who, in any rent book or similar document, makes an entry showing or purporting to show any tenant as being in arrears in respect of any sum on account of rent which is irrecoverable by virtue of this Part of this Act shall be liable to a fine not exceeding [<sup>F53</sup>level 3 on the standard scale], unless he proves that, at the time of the making of the entry, the landlord had a bona fide claim that the sum was recoverable.

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- (5) If, where any such entry has been made by or on behalf of any landlord, the landlord on being requested by or on behalf of the tenant to do so, refuses or neglects to cause the entry to be deleted within 7 days, the landlord shall be liable to a fine not exceeding [<sup>F53</sup>level 3 on the standard scale], unless he proves that, at the time of the neglect or refusal to cause the entry to be deleted, he had a bona fide claim that the sum was recoverable.

#### Textual Amendments

**F52** S.57(3) substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 68(3)

**F53** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

### 58 Rectification of rent books in light of determination of recoverable rent.

Where, in any proceedings, the recoverable rent of a dwelling-house subject to a regulated tenancy is determined by a court, then, on the application of the tenant (whether in those or in any subsequent proceedings), the court may call for the production of the rent book or any similar document relating to the dwelling-house and may direct the registrar or clerk of the court to correct any entries showing, or purporting to show, the tenant as being in arrears in respect of any sum which the court has determined to be irrecoverable.

#### *General provisions*

### 59 Adjustment for differences in lengths of rental periods.

In ascertaining for the purposes of this Part of this Act whether there is any difference with respect to rents or rates between one rental period and another (whether of the same tenancy or not) or the amount of any such difference, any necessary adjustment shall be made to take account of periods of different lengths; and for the purposes of such an adjustment a period of one month shall be treated as equivalent to one-twelfth of a year and a period of a week as equivalent to one-fifty-second of a year.

### 60 Regulations.

- (1) The Secretary of State may make regulations—
- (a) prescribing the form of any notice or other document to be given or used in pursuance of this Part of this Act; and
  - (b) prescribing anything required or authorised to be prescribed by this Part of this Act.
- (2) Any such regulations shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### 61 Interpretation of Part III.

- (1) In this Part of this Act, except where the context otherwise requires—
- “contractual period” means a rental period of a regulated tenancy which is a period beginning before the expiry or termination of the protected tenancy;

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“contractual rent limit” has the meaning assigned to it by section 44(3) of this Act;

F54

“prescribed” means prescribed by regulations under section 60 of this Act and references to a prescribed form include references to a form substantially to the same effect as the prescribed form;

“recoverable rent” means rent which, under a regulated tenancy, is or was for the time being recoverable, having regard to the provisions of this Part of this Act;

“rent agreement with a tenant having security of tenure” has the meaning assigned to it by section 51 of this Act;

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

- (2) References in this Part of this Act to rates, in respect of a dwelling-house, include references to such proportion of any rates in respect of a hereditament of which the dwelling-house forms part as may be agreed in writing between the landlord and the tenant or determined by the county court.

**Textual Amendments**

**F54** Definition repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

**PART IV**

REGISTRATION OF RENTS UNDER REGULATED TENANCIES

**62 Registration areas.**

- (1) The registration areas for the purpose of this Part of this Act [F55] are—
- (a) counties;
  - (b) London boroughs; and
  - (c) the City of London.]
- (2) For the purposes of this Part of this Act—
- (a) ..... F56 the City of London shall be deemed to include the Inner Temple and the Middle Temple, and
  - (b) the Isles of Scilly shall be a registration area and the Council of the Isles of Scilly shall be the local authority for that registration area.

**Textual Amendments**

**F55** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, [Sch. 8 para. 13\(1\)](#)

**F56** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, [Sch. 8 para. 13\(2\)](#)

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### 63 Schemes for appointment of rent officers.

- (1) The Secretary of State shall for every registration area make, after consultation with the local authority, a scheme providing for the appointment by the proper officer of the local authority—
- (a) of such number of rent officers for the area as may be determined by or in accordance with the scheme, . . . <sup>F57</sup>
  - (b) . . . . . <sup>F57</sup>
- (2) A scheme under this section—
- (a) shall provide for the payment by the local authority to rent officers . . . <sup>F58</sup> of remuneration and allowances in accordance with scales approved by the Secretary of State with the consent of the Treasury;
  - (b) shall prohibit the dismissal of a rent officer . . . <sup>F59</sup> except by the proper officer of the local authority on the direction, or with the consent, of the Secretary of State;
  - (c) shall require the local authority to provide for the rent officers office accommodation and clerical and other assistance;
  - (d) shall allocate, or confer on the proper officer of the local authority the duty of allocating, work as between the rent officers and shall confer on the proper officer the duty of supervising the conduct of rent officers . . . <sup>F60</sup>, . . . <sup>F61</sup>
  - (e) . . . . . <sup>F62</sup>
- [<sup>F63</sup>(2A) A scheme under this section may make all or any of the following provisions—
- (a) provision requiring the consent of the Secretary of State to the appointment of rent officers;
  - (b) provision with respect to the appointment of rent officers for fixed periods;
  - (c) provision for the proper officer of the local authority, in such circumstances and subject to such conditions (as to consent or otherwise) as may be specified in the scheme,—
    - (i) to designate a person appointed or to be appointed a rent officer as chief rent officer and to designate one or more such persons as senior rent officers;
    - (ii) to delegate to a person so designated as chief rent officer such functions as may be specified in the scheme; and
    - (iii) to revoke a designation under sub-paragraph (i) above and to revoke or vary a delegation under sub-paragraph (ii) above;
  - (d) provision with respect to the delegation of functions by a chief rent officer to other rent officers (whether designated as senior rent officers or not);
  - (e) provision as to the circumstances in which and the terms on which a rent officer appointed by the scheme may undertake functions outside the area to which the scheme relates in accordance with paragraph (f) below;
  - (f) provision under which a rent officer appointed for an area other than that to which the scheme relates may undertake functions in the area to which the scheme relates and for such a rent officer to be treated for such purposes as may be specified in the scheme (which may include the purposes of paragraphs (c) and (d) above and paragraphs (c) and (d) of subsection (2) above) as if he were a rent officer appointed under the scheme; and
  - (g) provision conferring functions on the proper officer of a local authority with respect to the matters referred to in paragraphs (d) to (f) above.]



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- (3) For the purposes of any local Act scheme, within the meaning of section 8 of the <sup>M14</sup>Superannuation Act 1972, rent officers . . . <sup>F64</sup> appointed in pursuance of a scheme under this section shall be deemed to be officers in the employment of the local authority for whose area the scheme is made; and for the purposes of—
- (a) Part III of the <sup>M15</sup>Social Security Pensions Act 1975, and
  - (b) the <sup>M16</sup>Social Security Act 1975,
- they shall be deemed to be in that employment under a contract of service.
- (4) References in this Part of this Act to the rent officer are references to any rent officer appointed for any area who is authorised to act in accordance with a scheme under this section.
- (5) A scheme under this section may be varied or revoked by a subsequent scheme made thereunder.
- (6) The Secretary of State shall, in respect of each financial year, make to any local authority incurring expenditure which is of a kind mentioned in subsection (7) below, a grant equal to that expenditure.
- (7) The expenditure mentioned in subsection (6) above is any expenditure—
- (a) attributable to this section [<sup>F65</sup>or an order under section 121 of the Housing Act 1988], or
  - (b) incurred in respect of pensions, allowances or gratuities payable to or in respect of rent officers . . . <sup>F66</sup> (appointed in pursuance of a scheme under this section) by virtue of regulations under section 7 [<sup>F67</sup>or section 24] of the <sup>M17</sup>Superannuation Act 1972 [<sup>F68</sup>or]
  - <sup>F69</sup>(c) incurred in respect of increases of pensions payable to or in respect of rent officers (so appointed) by virtue of the Pensions (Increase) Act 1971].
- (8) Any expenditure incurred by the Secretary of State by virtue of subsection (6) above shall be paid out of money provided by Parliament.
- <sup>F70</sup>(9) In the case of a registration area which is a metropolitan county this section shall apply as if—
- (a) the first reference to the local authority in subsection (1) were a reference to the council of each district in the county; and
  - (b) the second reference to the local authority in that subsection, the references to the local authority in subsection (2) and the reference to the local authority for whose area the scheme is made in subsection (3) were references to such one of the councils of the districts in that county as has been designated by the scheme.]

#### Textual Amendments

- F57** S. 63(1)(b) and the word “and” immediately preceding it repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), ss. 120, 140(2), Sch. 14 para. 1, **Sch. 18**
- F58** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), ss. 120, 140(2), Sch. 14 para. 2(a), **Sch. 18**
- F59** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), ss. 120, 140(2), Sch. 14 para. 2(b), **Sch. 18**
- F60** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), ss. 120, 140(2), Sch. 14 para. 2(c), **Sch. 18**
- F61** Word “and” was inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 59(1) and repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), ss. 120, 140(2), Sch. 14 para. 2(c), **Sch. 18**

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- F62** S. 63(2)(e) was inserted by Housing Act 1980 (c. 51, SIF 61), s. 59(1) and repealed by Housing Act 1988 (c. 50, SIF 61, 75:1), ss. 120, 140(2), Sch. 14 para. 2(d), **Sch. 18**
- F63** S. 63(2A) inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 119, **Sch. 14 para. 3**
- F64** Words repealed by Housing Act 1988 (c. 50, SIF 61, 75:1), ss. 119, 140(2), Sch. 14 para. 4, **Sch. 18**
- F65** Words inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 121(3)
- F66** Words repealed by Housing Act 1988 (c. 50, SIF 61, 75:1), s. 140(2), **Sch. 18**
- F67** Words inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 120, **Sch. 14 para. 5(a)**
- F68** Word substituted by Housing Act 1988 (c. 50, SIF 75:1), s. 120, **Sch. 14 para. 5(a)**
- F69** S. 63(7)(c) inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 119, **Sch. 14 para. 5(b)**
- F70** S. 63(9) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 16, **Sch. 8 para. 13(3)**

#### Marginal Citations

- M14** 1972 c. 11.  
**M15** 1975 c. 60.  
**M16** 1975 c. 14.  
**M17** 1972 c. 11.

## 64 Default powers of Secretary of State.

- (1) If the Secretary of State is of opinion that a local authority have failed to carry out any function conferred on them by a scheme under section 63 of this Act he may, after such enquiry as he thinks fit, by order revoke the scheme and, without consulting the local authority, make another scheme under that section.
- (2) A scheme made by virtue of subsection (1) above may confer functions otherwise exercisable by the local authority or the proper officer of the local authority on a person appointed by the Secretary of State and that person may, if another local authority consent, be that other local authority or, as the case may be, the proper officer of that other local authority.
- (3) If the Secretary of State is of opinion that the proper officer of the local authority has failed to carry out any functions conferred on the proper officer by a scheme under section 63 he may (after consultation with the local authority) exercise his power under subsection (5) of that section by making a scheme providing for all or any of the functions otherwise exercisable by the proper officer to be exercised by some other person.
- (4) A scheme made by virtue of this section may contain such incidental and transitional provisions as appear to the Secretary of State to be necessary or expedient.

### *<sup>F71</sup> Amalgamation schemes*

#### Textual Amendments

- F71** Ss. 64A, 64B inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 120, **Sch. 14 Pt. II**

## 64A

- (1) If the Secretary of State is of the opinion—
  - (a) that there is at any time insufficient work in two or more registration areas to justify the existence of a separate service of rent officers for each area, or

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- (b) that it would at any time be beneficial for the efficient administration of the service provided by rent officers in two or more registration areas,  
he may, after consultation with the local authorities concerned, make a scheme under section 63 above designating as an amalgamated registration area the areas of those authorities and making provision accordingly for that amalgamated area.
- (2) Any reference in the following provisions of this Chapter to a registration area includes a reference to an amalgamated registration area and, in relation to such an area, “the constituent authorities” means the local authorities whose areas make up the amalgamated area.
- (3) A scheme under section 63 above made for an amalgamated registration area—
- (a) shall confer on the proper officer of one of the constituent authorities all or any of the functions which, in accordance with section 63 above, fall to be exercisable by the proper officer of the local authority for the registration area;
  - (b) may provide that any rent officer previously appointed for the area of any one of the constituent authorities shall be treated for such purposes as may be specified in the scheme as a rent officer appointed for the amalgamated registration area; and
  - (c) shall make such provision as appears to the Secretary of State to be appropriate for the payment by one or more of the constituent authorities of the remunerations, allowances and other expenditure which under section 63 above is to be paid by the local authority for the area.
- (4) A scheme under section 63 above made for an amalgamated registration area may contain such incidental, transitional and supplementary provisions as appear to the Secretary of State to be necessary or expedient.]

*New basis for administration of rent officer service*

**64B**

- (1) If, with respect to registration areas generally or any particular registration area or areas, it appears to the Secretary of State that it is no longer appropriate for the appointment, remuneration and administration of rent officers to be a function of local authorities, he may by order—
- (a) provide that no scheme under section 63 above shall be made for the area or areas specified in the order; and
  - (b) make, with respect to the area or areas so specified, such provision as appears to him to be appropriate with respect to the appointment, remuneration and administration of rent officers and the payment of pensions, allowances or gratuities to or in respect of them.
- (2) An order under this section shall make provision for any expenditure attributable to the provisions of the order to be met by the Secretary of State in such manner as may be specified in the order (whether by way of grant, reimbursement or otherwise); and any expenditure incurred by the Secretary of State by virtue of this subsection shall be paid out of money provided by Parliament.
- (3) An order under this section—
- (a) may contain such incidental, transitional and supplementary provisions as appear to the Secretary of State to be appropriate, including provisions amending this Part of this Act; and

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- (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **65 Rent assessment committees.**

Rent assessment committees shall be constituted in accordance with Schedule 10 to this Act.

## **66 Register of rents.**

- (1) The rent officer for any area shall prepare and keep up to date a register for the purposes of this Part of this Act and shall make the register available for inspection in such place or places and in such manner as may be provided by the scheme made for the area under section 63 of this Act.
- (2) The register shall contain, in addition to the rent payable under a regulated tenancy of a dwelling-house—
  - (a) the prescribed particulars with regard to the tenancy; and
  - (b) a specification of the dwelling-house.
- (3) A copy of an entry in the register certified under the hand of the rent officer or any person duly authorised by him shall be receivable in evidence in any court and in any proceedings.
- (4) A person requiring such a certified copy shall be entitled to obtain it on payment of the prescribed fee.

## **67 Application for registration of rent.**

- (1) An application for the registration of a rent for a dwelling-house may be made to the rent officer by the landlord or the tenant, or jointly by the landlord and the tenant, under a regulated tenancy of the dwelling-house.
- [<sup>F72</sup>(2) Any such application must be in the prescribed form and must—
  - (a) specify the rent which it is sought to register;
  - (b) where the rent includes any sum payable by the tenant to the landlord for services and the application is made by the landlord, specify that sum and be accompanied by details of the expenditure incurred by the landlord in providing those services; and
  - (c) contain such other particulars as may be prescribed.]
- (3) Subject to subsection (4) below, where a rent for a dwelling-house has been registered under this Part of this Act, no application by the tenant alone or by the landlord alone for the registration of a different rent for that dwelling-house shall be entertained before the expiry of [<sup>F73</sup>2 years] from the relevant date (as defined in subsection (5) below) except on the ground that, since that date, there has been such a change in—
  - (a) the condition of the dwelling-house (including the making of any improvement therein),
  - (b) the terms of the tenancy,
  - (c) the quantity, quality or condition of any furniture provided for use under the tenancy (deterioration by fair wear and tear excluded), or

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- (d) any other circumstances taken into consideration when the rent was registered or confirmed,  
as to make the registered rent no longer a fair rent.
- (4) Notwithstanding anything in subsection (3) above, an application such as is mentioned in that subsection which is made by the landlord alone and is so made within the last 3 months of the period of [<sup>F73</sup>2 years] referred to in that subsection may be entertained notwithstanding that that period has not expired.
- [<sup>F74</sup>(5) In this section <sup>F75</sup>... “relevant date”, in relation to a rent which has been registered under this Part of this Act, means the date from which the registration took effect or, in the case of a registered rent which has been confirmed, the date from which the confirmation (or, where there have been two or more successive confirmations, the last of them) took effect.]
- <sup>F76</sup>(6) .....
- (7) <sup>F75</sup>... The provisions of Part I of Schedule 11 to this Act [<sup>F77</sup>as modified by the Regulated Tenancies (Procedure) Regulations 1980][<sup>F78</sup>and by the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1981] shall have effect with respect to the procedure to be followed on applications for the registration of rents.

#### Textual Amendments

- F72** S. 67(2) substituted by [Housing Act 1980 \(c. 51, SIF 61\), s. 59\(2\)](#)
- F73** Words “2 years” substituted (with saving) for “3 years” by [Housing Act 1980 \(c. 51, SIF 61\), s. 60\(1\)\(2\)](#) (Editorial note: the amending section 60 was subsequently repealed without saving by [Housing Act 1988 \(c. 50, SIF 61, 75:1\), s. 140\(2\), Sch. 18](#))
- F74** S. 67(5) substituted (with saving) by [Housing Act 1980 \(c. 51, SIF 61\), s. 61\(5\)\(8\)](#)
- F75** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\), s. 140\(2\), Sch. 18](#)
- F76** S. 67(6) repealed by [Housing Act 1980 \(c. 51, SIF 61\), Sch. 26](#)
- F77** Words inserted by [S.I.1980/1696, reg. 2](#) as respects applications for the registration of a rent made after coming into operation of regulations on 28.11.1980
- F78** Words inserted by [S.I. 1981/1783, reg. 2\(2\)](#)

VALID FROM 01/04/1993

#### [<sup>F79</sup>67A Application before 1st April 1994 for interim increase of rent in certain cases where landlord liable for council tax

- (1) Subject to subsection (4) below, an application under this section for the registration under section 70A of this Act of an increased rent for a dwelling-house may be made by the landlord or the tenant, or jointly by the landlord and the tenant, under a regulated tenancy of the dwelling-house in any case where—
- under Part I of the Local Government Finance Act 1992 the landlord or a superior landlord is liable to pay council tax in respect of a dwelling (within the meaning of that Part of that Act) which includes the dwelling-house,
  - under the terms of the tenancy (or an agreement collateral to the tenancy) the tenant is liable to make payments to the landlord in respect of council tax,
  - the case falls within subsection (2) or subsection (3) below, and

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- (d) no previous application has been made under this section in relation to the dwelling-house.
- (2) The case falls within this subsection if—
- (a) a rent has been registered under this Part of this Act before 1st April 1993,
  - (b) the period of two years from the relevant date has not yet expired, and
  - (c) since the relevant date there has been no such change in circumstances of a kind mentioned in paragraphs (a) to (d) of section 67(3) of this Act (other than circumstances relating to council tax) as to make the registered rent no longer a fair rent.
- (3) The case falls within this subsection if an application under section 67 of this Act has been made before 1st April 1993 but has not been disposed of before that date.
- (4) No application may be made under this section after 31st March 1994.
- (5) Any such application must be in the prescribed form and must—
- (a) specify the rent which it is sought to register to take into account the tenant's liability to make payments to the landlord in respect of council tax; and
  - (b) contain such other particulars as may be prescribed.
- (6) The provisions of Part I of Schedule 11 to this Act (as modified by the Regulated Tenancies (Procedure) Regulations 1980 and by the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1981) shall have effect with respect to the procedure to be followed on applications for the registration of rents.
- (7) In this section “relevant date”, in relation to a rent which has been registered under this Part of this Act, has the same meaning as in section 67 of this Act.]

#### Textual Amendments

**F79** S. 67A inserted (1.4.1993) by S.I. 1993/651, art. 2(2), Sch. 2 para.3

**68, 69.** ..... <sup>F80</sup>

#### Textual Amendments

**F80** Ss. 68, 69 repealed (with saving) by Housing Act 1988 (c. 50, SIF 61, 75:1), s. 140, Sch. 17 para. 22, Sch. 18

### 70 Determination of fair rent.

- (1) In determining, for the purposes of this Part of this Act, what rent is or would be a fair rent under a regulated tenancy of a dwelling-house, regard shall be had to all the circumstances (other than personal circumstances) and in particular to—
- (a) the age, character, locality and state of repair of the dwelling-house, . . . <sup>F81</sup>
  - (b) if any furniture is provided for use under the tenancy, the quantity, quality and condition of the furniture [<sup>F82</sup>, and]

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- [<sup>F82</sup>(c) any premium, or sum in the nature of a premium, which has been or may be lawfully required or received on the grant, renewal, continuance or assignment of the tenancy.]
- (2) For the purposes of the determination it shall be assumed that the number of persons seeking to become tenants of similar dwelling-houses in the locality on the terms (other than those relating to rent) of the regulated tenancy is not substantially greater than the number of such dwelling-houses in the locality which are available for letting on such terms.
- (3) There shall be disregarded—
  - (a) any disrepair or other defect attributable to a failure by the tenant under the regulated tenancy or any predecessor in title of his to comply with any terms thereof;
  - (b) any improvement carried out, otherwise than in pursuance of the terms of the tenancy, by the tenant under the regulated tenancy or any predecessor in title of his;
  - (c) . . . . .<sup>F83</sup>
  - (e) if any furniture is provided for use under the regulated tenancy, any improvement to the furniture by the tenant under the regulated tenancy or any predecessor in title of his or, as the case may be, any deterioration in the condition of the furniture due to any ill-treatment by the tenant, any person residing or lodging with him, or any sub-tenant of his.
- (4) In this section “improvement” includes the replacement of any fixture or fitting.
- [<sup>F84</sup>(4A) In this section “premium” has the same meaning as in Part IX of this Act, and “sum in the nature of a premium” means—
  - (a) any such loan as is mentioned in section 119 or 120 of this Act,
  - (b) any such excess over the reasonable price of furniture as is mentioned in section 123 of this Act, and
  - (c) any such advance payment of rent as is mentioned in section 126 of this Act.]
- (5) . . . . .<sup>F85</sup>

**Textual Amendments**

**F81** Word repealed by [Housing and Planning Act 1986 \(c. 63, SIF 61, 75:3, 81:1, 123:1\)](#), ss. 17(2), 24(3), [Sch. 12 Pt. 1](#)

**F82** “, and” and s. 70(1)(c) inserted by [Housing and Planning Act 1986 \(c. 63, SIF 75:3\)](#), [s. 17\(2\)\(4\)](#)

**F83** [S. 70\(3\)\(c\)\(d\)](#) repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

**F84** [S. 70\(4A\)](#) inserted by [Housing and Planning Act 1986 \(c. 63, SIF 75:3\)](#), [s. 17\(3\)\(4\)](#)

**F85** [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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VALID FROM 01/04/1993

**[<sup>F86</sup>70A Interim determination of fair rent on application under section 67A**

- (1) Where an application is made under section 67A of this Act—
  - (a) the rent officer shall determine the amount by which, having regard to the provisions of section 70(3A) of this Act, the existing registered rent might reasonably be increased to take account of the tenant's liability to make payments to the landlord in respect of council tax; and
  - (b) the amount to be registered as the rent of the dwelling-house shall be the existing registered rent plus the amount referred to in paragraph (a) above.
- (2) Where in a case falling within section 67A(3) of this Act a rent officer has before him at the same time an application under section 67 and an application under section 67A of this Act and the rent officer proposes to entertain the two applications together, the rent officer shall make a determination in relation to the application under section 67 before making his determination in relation to the application under section 67A; and the reference in subsection (1)(a) above to the existing registered rent shall have effect as a reference to the rent determined on the application under section 67.]

**Textual Amendments**

**F86** S. 70A inserted (1.4.1993) by S.I. 1993/651, art. 2(2), Sch. 2 para.4

**71 Amount to be registered as rent.**

- (1) The amount to be registered as the rent of any dwelling-house shall include any sums payable by the tenant to the landlord for the use of furniture or for services, whether or not those sums are separate from the sums payable for the occupation of the dwelling-house or are payable under separate agreements.
- (2) Where any rates in respect of a dwelling-house are borne by the landlord or a superior landlord, the amount to be registered under this Part of this Act as the rent of the dwelling-house shall be the same as if the rates were not so borne; but the fact that they are so borne shall be noted on the register.
- (3) Where subsection (2) above applies, the amount of the rates for any rental period, ascertained in accordance with Schedule 5 to this Act—
  - (a) shall, subject to paragraphs 1(4) and 4(3) of Schedule 9 to this Act, be added to the limit imposed by section 44(1) of this Act . . . <sup>F87</sup>; and
  - (b) if the rental period is a statutory period, as defined in section 61 of this Act, shall be recoverable, without service of any notice of increase, in addition to the sums recoverable from the tenant apart from this subsection.
- (4) Where, under a regulated tenancy, the sums payable by the tenant to the landlord include any sums varying according to the cost from time to time of—
  - (a) any services provided by the landlord or a superior landlord, or
  - (b) any works of maintenance or repair carried out by the landlord or a superior landlord,



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the amount to be registered under this Part of this Act as rent may, if the rent officer is satisfied or, as the case may be, the rent assessment committee are satisfied, that the terms as to the variation are reasonable, be entered as an amount variable in accordance with those terms.

#### Textual Amendments

**F87** Words repealed by S.I. 1987/264, arts. 2(3), 3, Sch. 1 para. 4, Sch. 2

#### [<sup>F88</sup>72 **Effect of registration of rent.**

- (1) The registration of a rent for a dwelling-house takes effect—
  - (a) if the rent is determined by the rent officer, from the date when it is registered, and
  - (b) if the rent is determined by a rent assessment committee, from the date when the committee make their decision.
- (2) If the rent for the time being registered is confirmed, the confirmation takes effect—
  - (a) if it is made by the rent officer, from the date when it is noted in the register, and
  - (b) if it is made by a rent assessment committee, from the date when the committee make their decision.
- (3) If (by virtue of section 67(4) of this Act) an application for registration of a rent is made before the expiry of the period mentioned in section 67(3) and the resulting registration of a rent for the dwelling-house, or confirmation of the rent for the time being registered, would, but for this subsection, take effect before the expiry of that period it shall take effect on the expiry of that period.
- (4) The date from which the registration or confirmation of a rent takes effect shall be entered in the register.
- (5) As from the date on which the registration of a rent takes effect any previous registration of a rent for the dwelling-house ceases to have effect.
- (6) Where a valid notice of increase under any provision of Part III of this Act has been served on a tenant and, in consequence of the registration of a rent, part but not the whole of the increase specified in the notice becomes irrecoverable from the tenant, the registration shall not invalidate the notice, but the notice shall, as from the date from which the registration takes effect, have effect as if it specified such part only of the increase as has not become irrecoverable.]

#### Textual Amendments

**F88** S. 72 substituted with saving by Housing Act 1980 (c. 51, SIF 61), s. 61(1)(8)

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VALID FROM 01/07/1992

**[<sup>F89</sup>72A Amounts attributable to services.**

In order to assist authorities to give effect to the housing benefit scheme under Part VII of the Social Security Contributions and Benefits Act 1992, where a rent is registered, there shall be noted on the register the amount (if any) of the registered rent which, in the opinion of the rent officer or rent assessment committee, is fairly attributable to the provision of services, except any amount which is negligible in the opinion of the officer or, as the case may be, the committee.]

**Textual Amendments**

**F89** S. 72A inserted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), ss. 4, 7\(2\), Sch. 2 para.47](#)

**73 Cancellation of registration of rent.**

(1) An application may be made in accordance with this section for the cancellation of the registration of a rent for a dwelling-house where—

- (a) a rent agreement as respects the dwelling-house takes effect, or is to take effect, after the expiration of a period of [<sup>F90</sup>3 years] beginning with the relevant date (as defined in section 67(5) of this Act), and
- (b) the period for which the tenancy has effect cannot end, or be brought to an end by the landlord (except for non-payment of rent or a breach of the terms of the tenancy), earlier than 12 months after the date of the application, and
- (c) the application is made jointly by the landlord and the tenant under the agreement.

[<sup>F91</sup>(1A) Such an application may also be made where—

- (a) not less than two years have elapsed since the relevant date (as defined in section 67(5) of this Act); and
- (b) the dwelling-house is not for the time being subject to a regulated tenancy; and
- (c) the application is made by the person who would be the landlord if the dwelling-house were let on such a tenancy.]

(2) The rent agreement may be one providing that the agreement does not take effect unless the application for cancellation of registration is granted.

[<sup>F92</sup>(3) An application under this section must—

- (a) be in the form prescribed for the application concerned and contain the prescribed particulars; and
- (b) be accompanied, in the case of an application under subsection (1) above, by a copy of the rent agreement.]

(4) If [<sup>F93</sup>the application is made under subsection (1) above and] the rent officer is satisfied that the rent, or the highest rent, payable under the rent agreement does not exceed a fair rent for the dwelling-house, he shall cancel the registration [<sup>F94</sup>and he shall also cancel the registration if the application is made under subsection (1A) above].

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- (5) Where [<sup>F95</sup>the application is made under subsection (1) above and] under the terms of the rent agreement the sums payable by the tenant to the landlord include any sums varying according to the cost from time to time of any services provided by the landlord or a superior landlord, or of any works of maintenance or repair carried out by the landlord or a superior landlord, the rent officer shall not cancel the registration unless he is satisfied that those terms are reasonable.
- (6) [<sup>F96</sup>A cancellation made in pursuance of an application under subsection (1) above] shall not take effect until the date when the agreement takes effect; and if the cancellation is registered before that date, the date on which it is to take effect shall be noted on the register.
- (7) The cancellation of the registration shall be without prejudice to a further registration of a rent at any time after cancellation.
- (8) The rent officer shall notify the applicants of his decision to grant, or to refuse, any application under this section.
- (9) In this section “rent agreement” means—
  - (a) an agreement increasing the rent payable under a protected tenancy which is a regulated tenancy, or
  - (b) where a regulated tenancy is terminated, and a new regulated tenancy is granted at a rent exceeding the rent under the previous tenancy, the grant of the new tenancy.

#### Textual Amendments

- F90** Words “2 years” were substituted for the words “3 years” 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 confirmation is noted in the register, before 28.11.1980 by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 40](#)
- F91** [S. 73\(1A\)](#) inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [s. 62\(2\)](#)
- F92** [S. 73\(3\)](#) substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [s. 62\(3\)](#)
- F93** Words inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [s. 62\(4\)\(a\)](#)
- F94** Words inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [s. 62\(4\)\(b\)](#)
- F95** Words inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [s. 62\(5\)](#)
- F96** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [s. 62\(6\)](#)

## 74 Regulations.

- (1) The Secretary of State may make regulations—
  - (a) prescribing the form of any notice, application, register or other document to be given, made or used in pursuance of this Part of this Act;
  - (b) regulating the procedure to be followed by rent officers and rent assessment committees [<sup>F97</sup>whether under this Act or Part I of the Housing Act 1988][<sup>F98</sup>or Schedule 10 to the Local Government and Housing Act 1989]; and
  - (c) prescribing anything required or authorised to be prescribed by this Part of this Act.
- (2) Regulations under subsection (1)(b) above may contain provisions modifying the following provisions of this Act:—
  - (a) Section 67, . . . <sup>F99</sup> or 72;

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- (b) Part I . . . <sup>F99</sup> of Schedule 11;
- (c) . . . . . <sup>F100</sup>

but no regulations containing such provisions shall have effect unless approved by a resolution of each House of Parliament.

- (3) Regulations made under this section shall be made by statutory instrument which, except in a case falling within subsection (2) above, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Textual Amendments**

**F97** Words added by [Housing Act 1988 \(c. 50, SIF 75:1, 81:1, 123:1\)](#), s. 41(1)

**F98** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194, [Sch. 11 para. 51](#)

**F99** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(2), [Sch. 18](#)

**F100** [S. 74\(2\)\(c\)](#) repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(2), [Sch. 18](#)

**75 Interpretation of Part IV.**

- (1) In this Part of this Act, except where the context otherwise requires—
  - “improvement” includes structural alteration, extension or addition and the provision of additional fixtures or fittings, but does not include anything done by way of decoration or repair;
  - “prescribed” means prescribed by regulations under section 74 of this Act, and references to a prescribed form include references to a form substantially to the same effect as the prescribed form.
- (2) References in this Part of this Act to rates, in respect of a dwelling-house, include references to such proportion of any rates in respect of a hereditament of which the dwelling-house forms part as may be agreed in writing between the landlord and the tenant or determined by the county court.

**PART V**

**RENTS UNDER RESTRICTED CONTRACTS**

- 76** . . . . . <sup>F101</sup>

**Textual Amendments**

**F101** [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, 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 \(c. 51\)](#), [Sch. 26](#)

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### Control of rents

#### 77 Reference of contracts to rent tribunals and obtaining by them of information.

- (1) Either the lessor or the lessee under a restricted contract . . . <sup>F102</sup> may refer the contract to the rent tribunal . . . <sup>F103</sup>.
- (2) Where a restricted contract is referred to a rent tribunal under subsection (1) above they may, by notice in writing served on the lessor, require him to give to them, within such period (not less than 7 days from the date of the service of the notice) as may be specified in the notice, such information as they may reasonably require regarding such of the prescribed particulars relating to the contract as are specified in the notice.
- (3) If, within the period specified in a notice under subsection (2) above, the lessor fails without reasonable cause to comply with the provisions of the notice 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.
- (4) Proceedings for an offence under this section shall not be instituted otherwise than by the local authority.

#### Textual Amendments

**F102** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140, Sch. 17 para. 23, **Sch. 18**

**F103** Words repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**

#### Modifications etc. (not altering text)

**C10** [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.)

#### 78 Powers of rent tribunals on reference of contracts.

- (1) Where a restricted contract is referred to a rent tribunal and the reference is not, before the tribunal have entered upon consideration of it, withdrawn by the party or authority who made it, the tribunal shall consider it.
- (2) After making such inquiry as they think fit and giving to—
  - (a) each party to the contract, and
  - (b) if the general management of the dwelling is vested in and exercisable by a housing authority, that authority,an opportunity of being heard or, at his or their option, of submitting representations in writing, the tribunal, subject to subsections (3) and (4) below,—
  - (i) shall approve the rent payable under the contract, or
  - (ii) shall reduce or increase the rent to such sum as they may, in all the circumstances, think reasonable, or
  - (iii) may, if they think fit in all the circumstances, dismiss the reference, and shall notify the parties . . . <sup>F104</sup> of their decision.
- (3) On the reference of a restricted contract relating to a dwelling for which a rent is registered under Part IV of this Act, the rent tribunal may not reduce the rent payable

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under the contract below the amount which would be recoverable from the tenant under a regulated tenancy of the dwelling.

- (4) An approval, reduction or increase under this section may be limited to rent payable in respect of a particular period.
- (5) In [<sup>F105</sup>subsection (2)] above “housing authority” [<sup>F106</sup>means a local housing authority within the meaning of the Housing Act 1985].

**Textual Amendments**

**F104** Words repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

**F105** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 42](#)

**F106** Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, [Sch. 2 para. 35\(4\)](#)

**79 Register of rents under restricted contracts.**

- (1) The [<sup>F107</sup>president of every rent assessment panel] shall prepare and keep up to date a register for the purposes of this Part of this Act and shall make the register available for inspection in such place or places and in such manner as the Secretary of State may direct.
  - (2) The register shall be so prepared and kept up to date as to contain, with regard to any contract relating to a dwelling situated in the area of the [<sup>F108</sup>rent assessment panel] and under which a rent is payable which has been approved, reduced or increased under section 78 of this Act, entries of—
    - (a) the prescribed particulars with regard to the contract;
    - (b) a specification of the dwelling to which the contract relates; and
    - (c) the rent as approved, reduced or increased by the rent tribunal, and, in a case in which the approval, reduction or increase is limited to rent payable in respect of a particular period, a specification of that period.
  - (3) Where any rates in respect of a dwelling are borne by the lessor or any person having any title superior to that of the lessor, the amount to be entered in the register under this section as the rent payable for the dwelling shall be the same as if the rates were not so borne; but the fact that they are so borne shall be noted in the register.
  - (4) ..... <sup>F109</sup>
  - (5) A copy of an entry in the register certified under the hand of an officer duly authorised in that behalf by the [<sup>F110</sup>president of the rent assessment panel concerned] shall be receivable in evidence in any court and in any proceedings.
  - (6) A person requiring such a certified copy shall be entitled to obtain it on payment of the prescribed fee.
- [<sup>F111</sup>(6A) Every local authority shall, before the expiry of the period of three months beginning of the commencement of paragraph 44 of Schedule 25 to the Housing Act 1980, send to the president of the appropriate rent assessment panel the register previously kept by the authority under this section.]

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### Textual Amendments

- F107** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 25 Pt. I para. 43(a)**
- F108** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 25 Pt. I para. 43(b)**
- 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**
- F110** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 25 Pt. I para. 43(d)**
- F111** [S. 79\(6A\)](#) inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 25 Pt. I para. 44**

## 80 Reconsideration of rent after registration.

- (1) Where the rent payable for any dwelling has been entered in the register under section 79 of this Act the lessor or the lessee . . . <sup>F112</sup> may refer the case to the rent tribunal for reconsideration of the rent so entered.
- (2) Where the rent under a restricted contract has been registered under section 79 of this Act, a rent tribunal shall not be required to entertain a reference, made otherwise than by the lessor and the lessee jointly, for the registration of a different rent for the dwelling concerned before the expiry of the period of [<sup>F113</sup>2 years] beginning on the date on which the rent was last considered by the tribunal, except on the ground that, since that date, there has been such a change in—
- the condition of the dwelling,
  - the furniture or services provided,
  - the terms of the contract, or
  - any other circumstances taken into consideration when the rent was last considered,
- as to make the registered rent no longer a reasonable rent.

### Textual Amendments

- F112** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(2), **Sch. 18**
- F113** Words substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 70

VALID FROM 01/04/1993

### [<sup>F114</sup>80A Reference before 1st April 1994 for interim increase of rent in certain cases where lessor liable for council tax

- (1) In any case where—
- under Part I of the Local Government Finance Act 1992 the lessor under a restricted contract or any person having any title superior to that of the lessor is liable to pay council tax in respect of a hereditament which includes the dwelling to which the restricted contract relates,

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- (b) under the terms of the restricted contract (or an agreement collateral to the contract) the lessee is liable to make payments to the lessor in respect of council tax,
- (c) the case falls within subsection (2) or subsection (3) below, and
- (d) no previous reference under this section in relation to the dwelling has been made to the rent tribunal,

the lessor or the lessee may, subject to subsection (4) below, refer the contract to the rent tribunal under this section for consideration of an increased rent.

- (2) The case falls within this subsection if—
  - (a) a rent has been entered in the register under section 79 of this Act before 1st April 1993,
  - (b) the period of two years beginning on the date on which the rent was last considered by the tribunal has not yet expired, and
  - (c) since that date there has been no such change in circumstances of a kind mentioned in paragraphs (a) to (d) of section 80 of this Act (other than circumstances relating to council tax) as to make the registered rent no longer a reasonable rent.
- (3) The case falls within this subsection if a reference under section 77 or 80 of this Act has been made before 1st April 1993 but has not been disposed of before that date.
- (4) No reference may be made under this section after 31st March 1994.
- (5) Where a reference is made under this section—
  - (a) the rent tribunal shall (after making such inquiry as they think fit and giving to each party to the contract an opportunity of being heard or of submitting representations in writing) increase the amount of the existing registered rent by such amount as is reasonable, having regard to the provisions of section 78(2A) of this Act, to take account of the lessee’s liability to make payments to the lessor in respect of council tax, and
  - (b) the amount to be registered under section 79 of this Act as the rent of the dwelling shall be the existing registered rent plus the amount referred to in paragraph (a) above.
- (6) Where in a case to which subsection (3) above applies a rent tribunal have before them at the same time a reference under section 77 or 80 of this Act and a reference under this section and the rent tribunal propose to entertain the two references together, the tribunal shall approve, reduce or increase the rent under the reference under section 77 or 80 before making their increase in relation to the reference under this section; and the reference in subsection 5(a) above to the existing registered rent shall have effect as a reference to the rent determined on the reference under section 77 or 80.
- (7) In this section “hereditament” means a dwelling within the meaning of Part I of the Local Government Finance Act 1992.]

#### Textual Amendments

F114 S. 80A inserted (1.4.1993) by S.I. 1993/651, art. 2(2), Sch. 2 para. 5



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## 81 Effect of registration of rent.

- (1) Where the rent payable for any dwelling is entered in the register under section 79 of this Act, it shall not be lawful to require or receive on account of rent for that dwelling under a restricted contract payment of any amount in excess of the rent so registered—
  - (a) in respect of any period subsequent to the date of the entry, or
  - (b) where a particular period is specified in the register, in respect of that period.
- (2) Where subsection (3) of section 79 applies, the amount entered in the register under that section shall be treated for the purposes of this section as increased for any rental period by the amount of the rates for that period, ascertained in accordance with Schedule 5 to this Act.
- (3) Where any payment has been made or received in contravention of this section, the amount of the excess shall be recoverable by the person by whom it was paid.
- (4) Any person who requires or receives any payment in contravention of this section shall be liable to a fine not exceeding [<sup>F115</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding 6 months or both, and, without prejudice to any other method of recovery, the court by which a person is found guilty of an offence under this subsection may order the amount paid in excess to be repaid to the person by whom the payment was made.
- (5) Proceedings for an offence under this section shall not be instituted otherwise than by the local authority.

### Textual Amendments

**F115** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

## [<sup>F116</sup>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 registration of entry, on an application made under this section, if—
  - (a) .....<sup>F117</sup>
  - (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.]

### Textual Amendments

**F116** S. 81A inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 71(1)

**F117** S. 81A(1)(a) repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), ss. 36(4), 140(2), [Sch. 18](#)

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### *Miscellaneous and general*

#### **82 Jurisdiction of rent tribunals.**

Where a restricted contract is referred to a rent tribunal under this Part, or Part VII, of this Act and—

- (a) the contract relates to a dwelling consisting of or comprising part only of a hereditament, and
- (b) no apportionment of the rateable value of the hereditament has been made under section 25 of this Act,

then, unless the lessor in the course of the proceedings requires that such an apportionment shall be made and, within 2 weeks of making the requirement, brings proceedings in the county court for the making of the apportionment, the rent tribunal shall have jurisdiction to deal with the reference if it appears to them that, had the apportionment been made, they would have had jurisdiction.

#### **83 Local authorities for Part V.**

- (1) For the purposes of this Part of this Act, the local authority shall be—
  - (a) in a district or London borough, the council of the district or borough in question, and
  - (b) in the City of London, the Common Council.
- (2) The local authority shall have power to publish information regarding the provisions of this Part, and sections 103 to 106, of this Act.

#### **84 Regulations.**

The Secretary of State may by statutory instrument make regulations—

- (a) .....<sup>F118</sup>
- (c) for prescribing anything which is required by this Part of this Act to be prescribed; and
- (d) generally for carrying into effect the provisions of this Part, and sections 103 to 106, of this Act.

#### **Textual Amendments**

**F118** S. 84(a)(b) repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

#### **85 Interpretation of Part V.**

- (1) In this Part of this Act, except where the context otherwise requires,—

“dwelling” means a house or part of a house;

“lessee” means the person to whom is granted, under a restricted contract, the right to occupy the dwelling in question as a residence and any person directly or indirectly deriving title from the grantee;

“lessor” means the person who, under a restricted contract, grants to another the right to occupy the dwelling in question as a residence and any person directly or indirectly deriving title from the grantor;

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“register” means the register kept by [<sup>F119</sup>president of the rent assessment panel concerned] in pursuance of section 79 of this Act;

“rent tribunal” [<sup>F120</sup>shall be construed in accordance with section 72 of the Housing Act 1980]

“services” includes attendance, the provision of heating or lighting, the supply of hot water and any other privilege or facility connected with the occupancy of a dwelling, other than a privilege or facility requisite for the purposes of access, cold water supply or sanitary accommodation.

- (2) References in this Part of this Act to a party to a contract include references to any person directly or indirectly deriving title from such a party.
- (3) Where separate sums are payable by the lessee of any dwelling to the lessor for any two or more of the following:—
- (a) occupation of the dwelling,
  - (b) use of furniture, and
  - (c) services,

any reference in this Part of this Act to “rent” in relation to that dwelling is a reference to the aggregate of those sums and, where those sums are payable under separate contracts, those contracts shall be deemed to be one contract.

- (4) The references in sections 79(3) and 81(2) of this Act to rates, in respect of a dwelling, include references to such proportion of any rates in respect of a hereditament of which the dwelling forms part as may be agreed in writing between the lessor and the lessee or determined by the county court.

#### Textual Amendments

**F119** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 45\(a\)](#)

**F120** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 45\(b\)](#)

## PART VI

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

#### *Registration of rents*

#### **86 Tenancies to which Part VI applies.**

- (1) In this Part of this Act “housing association tenancy” means a tenancy to which this Part of this Act applies.
- (2) This Part of this Act applies to a tenancy [<sup>F121</sup>(other than a co-ownership tenancy)] where—
- (a) the interest of the landlord under that tenancy belongs to a housing association or housing trust, or to the Housing Corporation [<sup>F122</sup>or Housing for Wales], and
  - (b) the tenancy would be a protected tenancy but for section 15 or 16 of this Act, and is not a tenancy to which Part II of the <sup>M18</sup>Landlord and Tenant Act 1954 applies.

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- (3) In this Part of this Act “housing association”<sup>[F123]</sup> has the same meaning as in the Housing Associations Act 1985]
- (a) restrict membership to persons who are tenants or prospective tenants of the association, and
  - (b) preclude the granting or assigning of tenancies to persons other than members.
- [<sup>F124</sup>(3A) For the purposes of this section a tenancy is a “co-ownership tenancy” if—
- (a) it was granted by a housing association which [<sup>F125</sup>is a co-operative housing association within the meaning of the Housing Associations Act 1985]; and
  - (b) the tenant (or his personal representatives) will, under the terms of the tenancy agreement or of the agreement under which he became a member of the association, be entitled, on his ceasing to be a member and subject to any conditions stated in either agreement, to a sum calculated by reference directly or indirectly to the value of the dwelling-house.]
- [<sup>F126</sup>(4) In this Part of this Act “housing trust” has the same meaning as in section 15 of this Act.]
- (5) . . . . . <sup>F127</sup>

#### Textual Amendments

- F121** Words inserted by Housing Act 1980 (c. 51, SIF 61), **Sch. 10 para. 1(2)**
- F122** Words inserted by Housing Act 1988 (c. 50, SIF 61, 75:1), s. 140(1), **Sch. 17 para. 100**
- F123** Words substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 35(5)(a)**
- F124** S. 86(3A) inserted by Housing Act 1980 (c. 51, SIF 61), **Sch. 10 para. 1(4)**
- F125** Words substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 35(5)(b)**
- F126** S. 86(4) substituted by Housing Act 1980 (c. 51, SIF 61), **Sch. 10 para. 1(5)**
- F127** 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**

#### Modifications etc. (not altering text)

- C11** S. 86(2)(b) modified by Housing Act 1988 (c. 50, SIF 75:1), s. 35(3)

#### Marginal Citations

- M18** 1954 c. 56.

## 87 Rents to be registrable.

- (1) There shall be a part of the register under Part IV of this Act in which rents may be registered for dwelling-houses which are let, or are, or are to be, available for letting, under a housing association tenancy.
- (2) In relation to that part of the register the following (and no other) provisions of this Act:—
  - (a) sections 67, . . . <sup>F128</sup>[<sup>F129</sup>70 and 72].

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(b) section 71, except subsection (3), and

(c) Schedules 11 . . . <sup>F128</sup>.

shall apply in relation to housing association tenancies, and in their application to such tenancies shall have effect as if for any reference in those provisions to a regulated tenancy there were substituted a reference to a housing association tenancy.

(3) . . . . . <sup>F130</sup>

(6) A rent registered in any part of the register for a dwelling-house which becomes, or ceases to be, one subject to a housing association tenancy, shall be as effective as if it were registered in any other part of the register.

#### Textual Amendments

**F128** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(2), **Sch. 18**

**F129** Words substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. **61(3)(a)(8)**

**F130** [S. 87\(3\)–\(5\)](#) repealed with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. **61(3)(a)(8)**, Sch. 26

#### Modifications etc. (not altering text)

**C12** [S. 87](#) amended by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 74, **Sch. 9 para. 3**

### 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>F131</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>F132</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;
  - (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).

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- (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>M19</sup>Housing (Financial Provisions) Act 1924;
  - [<sup>F133</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>M20</sup>Housing Act 1949; and
  - [<sup>F134</sup>(d) section 33 of the Housing Act 1985, or any corresponding earlier enactment; [<sup>F135</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

- F131** 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)
- F132** 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
- F133** [S. 88\(7\)\(b\)](#) substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 35(6)(a)**
- F134** [S. 88\(7\)\(d\)](#) substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 35(6)(b)**
- F135** Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 35(6)(c)**

#### Marginal Citations

- M19** 1924 c. 35.  
**M20** 1949 c. 60.

#### Textual Amendments

- F136** [S. 89](#) 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)

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90 ..... F137

**Textual Amendments**

F137 S. 90 repealed with saving by Housing Act 1980 (c. 51, SIF 61), Sch. 25 Pt. II para. 77, Sch. 26

91 ..... F138

**Textual Amendments**

F138 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

*Conversion to regulated tenancies*

**92 Conversion of housing association tenancies into regulated tenancies.**

- (1) If at any time, by virtue of subsections (1) and (3) of section 15 of this Act, a tenancy ceases to be one to which this Part of this Act applies and becomes a protected tenancy, that tenancy shall be a regulated tenancy and the housing association which is the landlord under that tenancy shall give notice in writing to the tenant, in such form as may be prescribed, informing him that his tenancy is no longer excluded from protection under this Act.
- (2) If, without reasonable excuse, a housing association fails to give notice to a tenant under subsection (1) above within the period of 21 days beginning on the day on which his tenancy becomes a protected tenancy, the association shall be liable to a fine not exceeding £100.
- (3) Where an offence under subsection (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 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.
- (4) Schedule 14 to this Act shall have effect for supplementing this section.
- (5) In this section—  
  - “housing association” has the same meaning as in [F139]the Housing Associations Act 1985]; . . . F140
- (6) ..... F141

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### Textual Amendments

**F139** Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 35(7)**

**F140** Word and definition repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**

**F141** 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**

### *Miscellaneous*

## 93 Increase of rent without notice to quit.

- (1) Subject to subsections (2) and (3) below, where a housing association tenancy is a weekly or other periodical tenancy, the rent payable to the housing association or, as the case may be, the housing trust or the Housing Corporation [<sup>F142</sup>or Housing for Wales] (in this section called “the landlord”) may, without the tenancy being terminated, be increased with effect from the beginning of any rental period by a written notice of increase [<sup>F143</sup>specifying the date on which the increase is to take effect and given by the landlord to the tenant not later than four weeks before that date.].
- [<sup>F144</sup>(2) Where notice of increase is given under subsection (1) above and the tenant, before the date specified in the notice of increase, gives a valid notice to quit, the notice of increase does not take effect unless the tenant, with the written agreement of the landlord, withdraws his notice to quit before that date.]
- (3) ..... <sup>F145</sup>
- (4) This section shall apply to a tenancy notwithstanding that the letting took place before the coming into force of this Act.
- (5) Nothing in this section shall authorise any rent to be increased above the rent limit, and any reference in section 88 of this Act to the variation by agreement of the rent recoverable under a tenancy shall include a reference to variation under this section.

### Textual Amendments

**F142** Words inserted by [Housing Act 1988 \(c. 50, SIF 61, 75: 1\)](#), s. 140(1), **Sch. 17 para. 100**

**F143** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 10 para. 5(2)(5)** in relation to notices of increase given after 28.11.1980

**F144** S. 93(2) substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 10 para. 5(3)(5)** in relation to notices of increase given after 28.11.1980

**F145** S. 93(3) repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), Sch. 10 para. 5(4)(5), **Sch. 26** in relation to notices of increase given after 28.11.1980



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## 94 Recovery from landlord of sums paid in excess of recoverable rent, etc.

- (1) Where a tenant has paid on account of rent any amount which, by virtue of this Part of this Act, is irrecoverable by the landlord, the tenant who paid it shall be entitled to recover that amount from the landlord who received it or his personal representatives.
- (2) Any amount which a tenant is entitled to recover under subsection (1) above may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the landlord.
- (3) No amount which a tenant is entitled to recover under subsection (1) above shall be recoverable at any time after the expiry of 2 years from the date of payment.
- (4) Any person who, in any rent book or similar document, makes an entry showing or purporting to show any tenant as being in arrears in respect of any sum on account of rent which is irrecoverable by virtue of this Part of this Act shall be liable to a fine not exceeding [F146]level 3 on the standard scale], unless he proves that, at the time of the making of the entry, the landlord had a bona fide claim that the sum was recoverable.
- (5) If, where any such entry has been made by or on behalf of any landlord, the landlord on being requested by or on behalf of the tenant to do so, refuses or neglects to cause the entry to be deleted within 7 days, the landlord shall be liable to a fine not exceeding [F146]level 3 on the standard scale], unless he proves that, at the time of the neglect or refusal to cause the entry to be deleted, he had a bona fide claim that the sum was recoverable.

### Textual Amendments

F146 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

## 95 Duty of landlord to supply statement of rent under previous tenancy.

- (1) Where the rent payable under a tenancy is subject to the rent limit specified in section 88(4)(b) of this Act, the landlord shall, on being so requested in writing by the tenant, supply him with a statement in writing of the rent which was payable for the last rental period of the other tenancy referred to in that subsection.
- (2) If, without reasonable excuse, a landlord who has received such a request—
  - (a) fails to supply the statement referred to in subsection (1) above within 21 days of receiving the request, or
  - (b) supplies a statement which is false in any material particular,
 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 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.

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**Modifications etc. (not altering text)**

**C13** 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.)

**96 Supplemental.**

- (1) ..... <sup>F147</sup>
- (3) A county court shall have jurisdiction, either in the course of any proceedings relating to a dwelling-house or on an application made for the purpose by the landlord or the tenant, to determine any question as to the rent limit under this Part of this Act, or as to any matter which is or may become material for determining any such question.
- (4) In ascertaining for the purposes of this Part of this Act whether there is any difference with respect to rents or rates between one rental period and another (whether of the same tenancy or not) or the amount of any such difference, any necessary adjustments shall be made to take account of periods of different lengths.
- (5) For the purposes of such an adjustment a period of one month shall be treated as equivalent to one-twelfth of a year and a period of a week as equivalent to one-fifty-second of a year.

**Textual Amendments**

**F147** S. 96(1)(2) repealed with saving by Housing Act 1980 (c. 51, SIF 61), s. 61(3)(b)(8), Sch. 26

**97 Interpretation of Part VI.**

- (1) In this Part of this Act, except where the context otherwise requires—  
“housing association”, “housing association tenancy” and “housing trust”  
have the meanings assigned to them by section 86 of this Act; and  
“tenancy” means a housing association tenancy.
- (2) In this Part of this Act references to registration are, subject to section 87(5) of this Act and unless the context otherwise requires, references to registration pursuant to section 87.
- (3) It is hereby declared that any power of giving directions conferred on the Secretary of State by this Part of this Act includes power to vary or revoke directions so given.

**PART VII**

SECURITY OF TENURE

**Modifications etc. (not altering text)**

**C14** Pt. VII (ss. 98-107) restricted (1.11.1993) by 1993 c. 28, s. 59(2)(c)(i) (with ss. 94(2), 95); S.I. 1993/2134, arts. 2,5

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*Limitations on recovery of possession of dwelling-houses  
let on protected tenancies or subject to statutory tenancies*

**98 Grounds for possession of certain dwelling-houses.**

- (1) Subject to this Part of this Act, a court shall not make an order for possession of a dwelling-house which is for the time being let on a protected tenancy or subject to a statutory tenancy unless the court considers it reasonable to make such an order and either—
  - (a) the court is satisfied that suitable alternative accommodation is available for the tenant or will be available for him when the order in question takes effect, or
  - (b) the circumstances are as specified in any of the Cases in Part I of Schedule 15 to this Act.
- (2) If, apart from subsection (1) above, the landlord would be entitled to recover possession of a dwelling-house which is for the time being let on or subject to a regulated tenancy, the court shall make an order for possession if the circumstances of the case are as specified in any of the Cases in Part II of Schedule 15.
- (3) Part III of Schedule 15 shall have effect in relation to Case 9 in that Schedule and for determining the relevant date for the purposes of the Cases in Part II of that Schedule.
- (4) Part IV of Schedule 15 shall have effect for determining whether, for the purposes of subsection (1)(a) above, suitable alternative accommodation is or will be available for a tenant.
- [<sup>F148</sup>(5) Part V of Schedule 15 shall have effect for the purpose of setting out conditions which are relevant to Cases 11 and 12 of that Schedule.]

**Textual Amendments**

**F148** S. 98(5) added with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 66(3)(5)

**Modifications etc. (not altering text)**

**C15** S. 98(1)(a) modified by [Housing Act 1985 \(c. 68, SIF 61\)](#), s. 309(1)

**C16** S. 98(1)(a) restricted by [S.I. 1986/2092](#), art. 9

**99 Grounds for possession of certain dwelling-houses let to agricultural workers, etc.**

- (1) This section applies to any protected or statutory tenancy which—
  - (a) if it were a tenancy at a low rent, and
  - (b) if (where relevant) any earlier tenancy granted to the tenant, or to a member of his family, had been a tenancy at a low rent,would be a protected occupancy or statutory tenancy as defined in the <sup>M21</sup>Rent (Agriculture) Act 1976.
- (2) Notwithstanding anything in section 98 of this Act, the court shall not make an order for possession of a dwelling-house which is for the time being let on or subject to a tenancy to which this section applies unless the court considers it reasonable to make

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such an order and the circumstances are as specified in any of the Cases (except Case 8) in Part I of Schedule 15 to this Act or in either of the Cases in Schedule 16 to this Act.

- (3) If, apart from subsection (2) above, the landlord would be entitled to recover possession of a dwelling-house which is for the time being let on or subject to a tenancy to which this section applies, the court shall make an order for possession if the circumstances are as specified in any of the Cases (except Cases 16 to 18) in Part II of Schedule 15 to this Act.

#### Marginal Citations

**M21** 1976 c. 80.

### **100 Extended discretion of court in claims for possession of certain dwelling-houses.**

- (1) Subject to subsection (5) below, a court may adjourn for such period or periods as it thinks fit, proceedings for possession of a dwelling-house which is let on a protected tenancy or subject to a statutory tenancy.
- (2) On the making of an order for possession of such a dwelling-house, or at any time before the execution of such an order (whether made before or after the commencement of this Act), the court, subject to subsection (5) below, may—
- (a) stay or suspend execution of the order, or
  - (b) postpone the date of possession,
- for such period or periods as the court thinks fit.
- [<sup>F149</sup>(3) On any such adjournment as is referred to in subsection (1) above or 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 tenant or would otherwise be unreasonable, impose conditions with regard to payment by the tenant 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.]
- (4) If any such conditions as are referred to in subsection (3) above are complied with, the court may, if it thinks fit, discharge or rescind any such order as is referred to in subsection (2) above.
- [<sup>F150</sup>(4A) Subsection (4B) below applies in any case where—
- (a) proceedings are brought for possession of a dwelling-house which is let on a protected tenancy or subject to a statutory tenancy;
  - (b) the tenant's spouse or former spouse, having rights of occupation under the Matrimonial Homes Act 1967, is then in occupation of the dwelling-house; and
  - (c) the tenancy is terminated as a result of those proceedings.
- (4B) 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 adjournment as is referred to in subsection (1) above or 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 tenancy.]

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- (5) This section shall not apply if the circumstances are as specified in any of the Cases in Part II of Schedule 15.

**Textual Amendments**

**F149** S. 100(3) substituted by [Housing Act 1980 \(c. 51, SIF 61\), s. 75\(2\)](#)

**F150** S. 100(4A)(4B) inserted by [Housing Act 1980 \(c. 51, SIF 61\), s. 75\(3\)](#)

**[<sup>F151</sup>101 Overcrowded dwelling-houses.**

At any time when a dwelling-house is over-crowded within the meaning of Part X of the Housing Act 1985 in such circumstances as to render the occupier guilty of an offence, nothing in this Part of this Act shall prevent the immediate landlord of the occupier from obtaining possession of the dwelling-house.]

**Textual Amendments**

**F151** S. 101 substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 4, Sch. 2 para. 35\(8\), Sch. 3 para. 3](#)

**102 Compensation for misrepresentation or concealment in Cases 8 and 9.**

Where, in such circumstances as are specified in Case 8 or Case 9 in Schedule 15 to this Act, a landlord obtains an order for possession of a dwelling-house let on a protected tenancy or subject to a statutory tenancy and it is subsequently made to appear to the court that the order was obtained by misrepresentation or concealment of material facts, the court may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by that tenant as a result of the order.

**[<sup>F152</sup>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 <sup>M22</sup> Housing Act 1980.]

**Textual Amendments**

**F152** S. 102A inserted by [Housing Act 1980 \(c. 51, SIF 61\), s. 69\(3\)](#)

**Marginal Citations**

**M22** 1980 c. 51

*Restricted contracts*

**103 Notice to quit served after reference of contract to rent tribunal.**

- (1) If, after a restricted contract has been referred to a rent tribunal by the lessee . . . <sup>F153</sup> under section 77 or 80 of this Act, a notice to quit the dwelling to which the contract

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relates is served by the lessor on the lessee at any time before the decision of the tribunal is given or within the period of 6 months thereafter, then, subject to sections 105 and 106 of this Act, the notice shall not take effect before the expiry of that period.

- (2) In a case falling within subsection (1) above,—
- (a) the rent tribunal may, if they think fit, direct that a shorter period shall be substituted for the period of 6 months specified in that subsection; and
  - (b) if the reference to the rent tribunal is withdrawn, the period during which the notice to quit is not to take effect shall end on the expiry of 7 days from the withdrawal of the reference.

#### Textual Amendments

**F153** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(2), [Sch. 18](#)

#### Modifications etc. (not altering text)

**C17** [Ss. 103–106](#) excluded by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. **69(3)**

### **104 Application to tribunal for security of tenure where notice to quit is served.**

- (1) Subject to sections 105 and 106(3) of this Act, where—
- (a) a notice to quit a dwelling the subject of a restricted contract has been served, and
  - (b) the restricted contract has been referred to a rent tribunal under section 77 or 80 of this Act (whether before or after the service of the notice to quit) and the reference has not been withdrawn, and
  - (c) the period at the end of which the notice to quit takes effect (whether by virtue of the contract, of section 103 of this Act or of this section) has not expired,
- he lessee may apply to the rent tribunal for the extension of that period.
- (2) Where an application is made under this section, the notice to quit to which the application relates shall not have effect before the determination of the application unless the application is withdrawn.
- (3) On an application under this section, the rent tribunal, after making such inquiry as they think fit and giving to each party an opportunity of being heard or, at his option, of submitting representations in writing, may direct that the notice to quit shall not have effect until the end of such period, not exceeding 6 months from the date on which the notice to quit would have effect apart from the direction, as may be specified in the direction.
- (4) If the rent tribunal refuse to give a direction under this section,—
- (a) the notice to quit shall not have effect before the expiry of 7 days from the determination of the application; and
  - (b) no subsequent application under this section shall be made in relation to the same notice to quit.
- (5) On coming to a determination on an application under this section, the rent tribunal shall notify the parties of their determination.

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**Modifications etc. (not altering text)**

**C18** Ss. 103–106 excluded by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 69(3)

**105 Notices to quit served by owner-occupiers.**

Where a person who has occupied a dwelling as a residence (in this section referred to as “the owner-occupier”) has, by virtue of a restricted contract, granted the right to occupy the dwelling to another person and—

- (a) at or before the time when the right was granted (or, if it was granted before 8th December 1965, not later than 7th June 1966) the owner-occupier has given notice in writing to that other person that he is the owner-occupier within the meaning of this section, and
- (b) if the dwelling is part of a house, the owner-occupier does not occupy any other part of the house as his residence,

neither section 103 nor 104 of this Act shall apply where a notice to quit the dwelling is served if, at the time the notice is to take effect, the dwelling is required as a residence for the owner-occupier or any member of his family who resided with him when he last occupied the dwelling as a residence.

**Modifications etc. (not altering text)**

**C19** Ss. 103–106 excluded by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 69(3)

**106 Reduction of period of notice on account of lessee’s default.**

(1) Subsections (2) and (3) below apply where a restricted contract has been referred to a rent tribunal and the period at the end of which a notice to quit will take effect has been determined by virtue of section 103 of this Act or extended under section 104.

(2) If, in a case where this subsection applies, it appears to the rent tribunal, on an application made by the lessor for a direction under this section,—

- (a) that the lessee has not complied with the terms of the contract, or
- (b) that the lessee or any person residing or lodging with him has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers or has been convicted of using the dwelling, or allowing the dwelling to be used, for an immoral or illegal purpose, or
- (c) that the condition of the dwelling has deteriorated owing to any act or neglect of the lessee or any person residing or lodging with him, or
- (d) that the condition of any furniture provided for the use of the lessee under the contract has deteriorated owing to any ill-treatment by the lessee or any person residing or lodging with him,

the rent tribunal may direct that the period referred to in subsection (1) above shall be reduced so as to end at a date specified in the direction.

(3) No application may be made under section 104 of this Act with respect to a notice to quit if a direction has been given under subsection (2) above reducing the period at the end of which the notice is to take effect.

(4) In any case where—

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- (a) a notice to quit a dwelling which is the subject of a restricted contract has been served, and
- (b) the period at the end of which the notice to quit takes effect is for the time being extended by virtue of section 103 or 104 of this Act, and
- (c) at some time during that period the lessor institutes proceedings in the county court for the recovery of possession of the dwelling, and
- (d) in those proceedings the county court is satisfied that any of paragraphs (a) to (d) of subsection (2) above applies,

the court may direct that the period referred to in paragraph (b) above shall be reduced so as to end at a date specified in the direction

**Modifications etc. (not altering text)**

**C20** Ss. 103–106 excluded by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 69(3)

**[<sup>F154</sup>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 court in certain of section 69 of the <sup>M23</sup> Housing Act 1980.
- (2) On the making of an order for possession of such a dwelling-house, or at any time before the execution of such an order, the court may—
  - (a) stay or suspend execution of the order, or
  - (b) postpone the date of possession,
 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 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 then 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.]



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<b>Textual Amendments</b>	
<b>F154</b>	S. 106A inserted by <a href="#">Housing Act 1980 (c. 51, SIF 61)</a> , s. 69(2)
<b>Marginal Citations</b>	
<b>M23</b>	1980 c. 51.

*Miscellaneous*

**107 Interpretation of Part VII.**

- (1) In this Part of this Act, except where the context otherwise requires—
  - “dwelling” means a house or part of a house;
  - “lessee” means the person to whom is granted, under a restricted contract, the right to occupy the dwelling in question as a residence and any person directly or indirectly deriving title from the grantee; and
  - “lessor” means the person who, under a restricted contract, grants to another the right to occupy the dwelling in question as a residence and any person directly or indirectly deriving title from the grantor.
- (2) References in this Part of this Act to a party to a contract include references to any person directly or indirectly deriving title from such a party.

**PART VIII**

CONVERSION OF CONTROLLED TENANCIES INTO REGULATED TENANCIES

*Dwelling-houses in good repair and provided with standard amenities*

<b>108</b> —	.....	<b>F155</b>
<b>113.</b>		

<b>Textual Amendments</b>	
<b>F155</b>	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 <a href="#">Housing Act 1980 (c. 51, SIF 61)</a> , <a href="#">Sch. 26</a>

<b>114</b>	.....	<b>F156</b>
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**Textual Amendments**

**F156** Ss. 56, 114, Sch. 9 repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 60(4), [Sch. 26](#)

*Miscellaneous*

**115** ..... <sup>F157</sup>

**Textual Amendments**

**F157** 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](#)

**116 Consent of tenant.**

[<sup>F158</sup>(1) This section applies where a dwelling-house is subject to a statutory tenancy and the landlord wishes to carry out works which can not be carried out without the consent of the tenant.]

(2) If the tenant is unwilling to give his consent, then, if the condition specified in [<sup>F159</sup>any of paragraphs (a) to (c)], of subsection (3) below is satisfied, the county court may, on the application of the landlord, make an order empowering him to enter and carry out the works.

[<sup>F160</sup>(3) The condition is—

(a) that the works were specified in application for an [<sup>F161</sup>improvement grant, intermediate grant or common parts grant] under [<sup>F162</sup>Part XV of the Housing Act 1985] and the application has been approved, or

(b) that the works are specified in a certificate issued by [<sup>F163</sup>the local housing authority within the meaning of that Act] and stating that if an application is to be made by the landlord for such a grant in respect of the works, the application would be likely to be approved. [<sup>F164</sup>or]

[<sup>F164</sup>(c) that the works were specified in an application for a renovation grant, a common parts grant, a disabled facilities grant or an HMO grant under Part VIII of the Local Government and Housing Act 1989 and the application has been approved.]]

(4) An order under subsection (2) above may be made subject to such conditions as to the time at which the works are to be carried out and as to any provision to be made for the accommodation of the tenant and his household while they are carried out as the court may think fit.

(5) Where such an order is made subject to any condition as to time, compliance with that condition shall be deemed to be also compliance with any condition imposed by the [<sup>F165</sup>local housing authority under section 512(2) of the Housing Act 1985][<sup>F166</sup>or, as the case may be, with any condition under section 118(2) of the Local Government and Housing Act 1989].

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- (6) In determining whether to make such an order and, if it is made, what (if any) conditions it should be subject to, the court shall have regard to all the circumstances and in particular to—
- (a) any disadvantage to the tenant that might be expected to result from the works, and
  - (b) the accommodation that might be available for him whilst the works are carried out, and
  - (c) the age and health of the tenant,
- but the court shall not take into account the means or resources of the tenant.

**Textual Amendments**

- F158** S. 116(1) substituted by Housing Act 1980 (c. 51, SIF 61), **Sch. 25 Pt. I para. 47(2)**
- F159** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194, **Sch. 11 para. 52(1)**
- F160** S. 116(3) substituted by Housing Act 1980 (c. 51, SIF 61), **Sch. 25 Pt. I para. 47(3)**
- F161** Words substituted by Housing and Planning Act 1986 (c. 63, SIF 75:3), s. 15, **Sch. 3 para. 15** (which said Sch. 3 was repealed by Local Government and Housing Act 1989 (c.42, SIF 75:1), ss. 194(2), **Sch. 12 Pt. II**
- F162** Words substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 35(9)(a)**
- F163** Words substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 35(9)(b)**
- F164** Word “or” and para. (c) added by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194, **Sch. 11 para. 52(2)**
- F165** Words substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 35(9)(c)**
- F166** Words inserted by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194, **Sch. 11 para. 52(3)**

117 ..... **F167**

**Textual Amendments**

- F167** 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**

118 **Interpretation of Part VIII.**

..... **F168**

**Textual Amendments**

- F168** S. 118 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4**

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## PART IX

### PREMIUMS, ETC.

#### Modifications etc. (not altering text)

**C21** Pt. IX excluded by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 8 para. 4\(2\)\(3\)](#)

#### **119 Prohibition of premiums and loans on grant of protected tenancies.**

- (1) Any person who, as a condition of the grant, renewal or continuance of a protected tenancy, requires, in addition to the rent, the payment of any premium or the making of any loan (whether secured or unsecured) shall be guilty of an offence.
- (2) Any person who, in connection with the grant, renewal or continuance of a protected tenancy, receives any premium in addition to the rent shall be guilty of an offence.
- (3) A person guilty of an offence under this section shall be liable to a fine not exceeding [<sup>F169</sup>level 3 on the standard scale].
- (4) The court by which a person is convicted of an offence under this section relating to requiring or receiving any premium may order the amount of the premium to be repaid to the person by whom it was paid.

#### Textual Amendments

**F169** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)

#### **120 Prohibition of premiums and loans on assignment of protected tenancies.**

- (1) Subject to section 121 of this Act, any person who, as a condition of the assignment of a protected tenancy, requires the payment of any premium or the making of any loan (whether secured or unsecured) shall be guilty of an offence.
- (2) Subject to section 121 of this Act, any person who, in connection with the assignment of a protected tenancy, receives any premium shall be guilty of an offence.
- (3) Notwithstanding anything in subsections (1) and (2) above, an assignor of a protected tenancy of a dwelling-house may, if apart from this section he would be entitled to do so, require the payment by the assignee or receive from the assignee a payment—
  - (a) of so much of any outgoings discharged by the assignor as is referable to any period after the assignment takes effect;
  - (b) of a sum not exceeding the amount of any expenditure reasonably incurred by the assignor in carrying out any structural alteration of the dwelling-house or in providing or improving fixtures therein, being fixtures which, as against the landlord, he is not entitled to remove;
  - (c) where the assignor became a tenant of the dwelling-house by virtue of an assignment of the protected tenancy, of a sum not exceeding any reasonable amount paid by him to his assignor in respect of expenditure incurred by that 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

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- (d) where part of the dwelling-house 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 assignee in connection with the assignment or accruing to him in consequence thereof.
- (4) Without prejudice to subsection (3) above, the assignor shall not be guilty of an offence under this section by reason only that—
- (a) any payment of outgoings required or received by him on the assignment was a payment of outgoings referable to a period before the assignment took effect; or
  - (b) any expenditure which he incurred in carrying out structural alterations of the dwelling-house or in providing or improving fixtures therein and in respect of which he required or received the payment of any sum on the assignment was not reasonably incurred; or
  - (c) any amount paid by him as mentioned in subsection (3)(c) above was not a reasonable amount; or
  - (d) any amount which he required to be paid, or which he received, on the assignment in respect of goodwill was not a reasonable amount.
- (5) Notwithstanding anything in subsections (1) and (2) above, Part I of Schedule 18 to this Act shall have effect in relation to the assignment of protected tenancies which are regulated tenancies in cases where a premium was lawfully required or received at the commencement of the tenancy.
- (6) A person guilty of an offence under this section shall be liable to a fine not exceeding [F170 level 3 on the standard scale].
- (7) The court by which a person is convicted of an offence under this section relating to requiring or receiving any premium may order the amount of the premium, or so much of it as cannot lawfully be required or received under this section (including any amount which, by virtue of subsection (4) above, does not give rise to an offence), to be repaid to the person by whom it was paid.

#### Textual Amendments

F170 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

### 121 Tenancies which became regulated by virtue of Counter-Inflation Act 1973.

Part II of Schedule 18 to this Act shall have effect where a premium was lawfully required and paid on the grant, renewal or continuance of 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 <sup>M24</sup>Counter-Inflation Act 1973 (which brought certain tenancies of dwelling-houses with high rateable values within the protection of the <sup>M25</sup>Rent Act 1968).

#### Marginal Citations

M24 1973 c. 9.

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M25 1968 c. 23

## 122 Prohibition of premiums on grant or assignment of rights under restricted contracts.

- (1) This section applies in relation to any premises if—
  - (a) under Part V of this Act, a rent is registered for those premises in the register kept in pursuance of section 79 of this Act; and
  - (b) in a case where the approval, reduction or increase of the rent by the rent tribunal is limited to rent payable in respect of a particular period, that period has not expired.
- (2) Any person who, as a condition of the grant, renewal, continuance or assignment of rights under a restricted contract, requires the payment of any premium shall be guilty of an offence.
- (3) Nothing in subsection (2) above shall prevent a person from requiring—
  - (a) that there shall be paid so much of any outgoings discharged by a grantor or assignor as is referable to any period after the grant or assignment takes effect; or
  - (b) that there shall be paid a reasonable amount in respect of goodwill of a business, trade, or profession, where the goodwill is transferred to a grantee or assignee in connection with the grant or assignment or accrues to him in consequence thereof.
- (4) A person guilty of an offence under this section shall be liable to a fine not exceeding [<sup>F171</sup>level 3 on the standard scale].
- (5) The court by which a person is convicted of an offence under this section may order the amount of the premium, or so much of it as cannot lawfully be required under this section, to be repaid to the person by whom it was paid.

### Textual Amendments

**F171** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

## 123 Excessive price for furniture to be treated as premium.

Where the purchase of any furniture has been required as a condition of the grant, renewal, continuance or assignment—

- (a) of a protected tenancy, or
- (b) of rights under a restricted contract which relates to premises falling within section 122(1) of this Act,

then, if the price exceeds the reasonable price of the furniture, the excess shall be treated, for the purposes of this Part of this Act, as if it were a premium required to be paid as a condition of the grant, renewal, continuance or assignment of the protected tenancy or, as the case may be, the rights under the restricted contract.

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## 124 Punishment of attempts to obtain from prospective tenants excessive prices for furniture.

- (1) Any person who, in connection with the proposed grant, renewal, continuance or assignment, on terms which require the purchase of furniture, of a protected tenancy—
  - (a) offers the furniture at a price which he knows or ought to know is unreasonably high, or otherwise seeks to obtain such a price for the furniture, or
  - (b) fails to furnish, to any person seeking to obtain or retain accommodation whom he provides with particulars of the tenancy, a written inventory of the furniture, specifying the price sought for each item,
 shall be liable to a fine not exceeding [<sup>F172</sup>level 3 on the standard scale].
- (2) Where a local authority have reasonable grounds for suspecting that an offence under subsection (1)(a) above has been committed with respect to a protected tenancy or proposed protected tenancy of a dwelling-house, they may give notice to the person entitled to possession of the dwelling-house or his agent that, on such date as may be specified in the notice, which shall not be earlier than—
  - (a) 24 hours after the giving of the notice, or
  - (b) if the dwelling-house is unoccupied, the expiry of such period after the giving of the notice as may be reasonable in the circumstances,
 facilities will be required for entry to the dwelling-house and inspection of the furniture therein.
- (3) A notice under this section may be given by post.
- (4) Where a notice is given under this section, any person authorised by the local authority may avail himself of any facilities for such entry and inspection as are referred to in subsection (2) above which are provided on the specified date but shall, if so required, produce some duly authenticated document showing that he is authorised by the local authority.
- (5) If it is shown to the satisfaction of a justice of the peace, on sworn information in writing, that a person required to give facilities under this section has failed to give them, the justice may, by warrant under his hand, empower the local authority, by any person authorised by them, to enter the dwelling-house in question, if need be by force, and inspect the furniture therein.
- (6) A person empowered by or under the preceding provisions of this section to enter a dwelling-house may take with him such other persons as may be necessary and, if the dwelling-house is unoccupied, shall leave it as effectively secured against trespassers as he found it.
- (7) Any person who wilfully obstructs a person acting in pursuance of a warrant issued under subsection (5) above shall be liable on a first conviction to a fine not exceeding £20 and, on a second or subsequent conviction, to a fine not exceeding £50.
- (8) In this section “local authority” means the council of a district or of a London borough or the Common Council of the City of London.

### Textual Amendments

**F172** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

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**Modifications etc. (not altering text)**

**C22** 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.)

**125 Recovery of premiums and loans unlawfully required or received.**

- (1) Where under any agreement (whether made before or after the commencement of this Act) any premium is paid after the commencement of this Act and the whole or any part of that premium could not lawfully be required or received under the preceding provisions of this Part of this Act, the amount of the premium or, as the case may be, so much of it as could not lawfully be required or received, shall be recoverable by the person by whom it was paid.
- (2) Nothing in section 119 or 120 of this Act shall invalidate any agreement for the making of a loan or any security issued in pursuance of such an agreement but, notwithstanding anything in the agreement for the loan, any sum lent in circumstances involving a contravention of either of those sections shall be repayable to the lender on demand.

**126 Avoidance of requirements for advance payment of rent in certain cases.**

- (1) Where a protected tenancy which is a regulated tenancy is granted, continued or renewed, any requirement that rent shall be payable—
  - (a) before the beginning of the rental period in respect of which it is payable, or
  - (b) earlier than 6 months before the end of the rental period in respect of which it is payable (if that period is more than 6 months),
 shall be void, whether the requirement is imposed as a condition of the grant, renewal or continuance of the tenancy or under the terms thereof.
- (2) Any requirement avoided by subsection (1) above is, in this section, referred to as a “prohibited requirement”.
- (3) Rent for any rental period to which a prohibited requirement relates shall be irrecoverable from the tenant.
- (4) Any person who purports to impose any prohibited requirement shall be liable to a fine not exceeding [<sup>F173</sup>level 3 on the standard scale], and the court by which he is convicted may order any amount of rent paid in compliance with the prohibited requirement to be repaid to the person by whom it was paid.
- (5) Where a tenant has paid on account of rent any amount which, by virtue of this section, is irrecoverable the tenant shall be entitled to recover that amount from the landlord who received it or his personal representatives.
- (6) Any amount which a tenant is entitled to recover under subsection (5) above may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the landlord.
- (7) No amount which a tenant is entitled to recover under subsection (5) above shall be recoverable at any time after the expiry of 2 years from the date of payment.
- (8) Any person who, in any rent book or similar document makes an entry showing or purporting to show any tenant as being in arrears in respect of any sum on account



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of rent which is irrecoverable by virtue of this section shall be liable to a fine not exceeding [<sup>F174</sup>level 3 on the standard scale], unless he proves that, at the time of the making of the entry, the landlord has a bona fide claim that the sum was recoverable.

- (9) If, where any such entry has been made by or on behalf of any landlord, the landlord on being requested by or on behalf of the tenant to do so, refuses or neglects to cause the entry to be deleted within 7 days, the landlord shall be liable to a fine not exceeding [<sup>F174</sup>level 3 on the standard scale], unless he proves that, at the time of the neglect or refusal to cause the entry to be deleted, he had a bona fide claim that the sum was recoverable.

#### Textual Amendments

**F173** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46

**F174** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46

### 127 Allowable premiums in relation to certain long tenancies.

- (1) Where a tenancy is both a long tenancy within the meaning of Part I of the <sup>M26</sup>Landlord and Tenant Act 1954 and a protected tenancy, then—
- (a) if the conditions specified in subsection (2) below are satisfied with respect to it, nothing in this Part of this Act or in Part VII of the <sup>M27</sup>Rent Act 1968 (provisions superseded by this Part) or the enactments replaced by the said Part VII shall apply or be deemed ever to have applied to the tenancy;
  - (b) if any of those conditions are not satisfied with respect to it, Part II of Schedule 18 to this Act shall apply and, if the tenancy was granted before the passing of this Act, be deemed always to have applied to it.
- (2) The conditions mentioned in subsection (1)(a) above are—
- (a) that the tenancy is not, and cannot become, terminable within 20 years of the date when it was granted by notice given to the tenant; and
  - (b) that, unless the tenancy was granted before 25th July 1969 or was granted in pursuance of Part I of the <sup>M28</sup>Leasehold Reform Act 1967, the sums payable by the tenant otherwise than in respect of rates, services, repairs, maintenance or insurance are not, under the terms of the tenancy, varied or liable to be varied within 20 years of the date when it was granted nor, thereafter, more than once in any 21 years; and
- [<sup>F175</sup>(c) that the terms of the tenancy do not inhibit both the assignment and the underletting of the whole of the premises comprised in the tenancy.]
- (3) Where the condition specified in subsection (2)(b) above would be satisfied with respect to a sub-tenancy but for a term providing for one variation, within 20 years of the date when the sub-tenancy was granted, of the sums payable by the sub-tenant, that condition shall be deemed to be satisfied notwithstanding that term, if it is satisfied with respect to a superior tenancy of the premises comprised in the sub-tenancy (or of those and other premises).
- [<sup>F176</sup>(3A) If the conditions in subsection (3B) below are satisfied in respect of a tenancy, this Part of this Act shall not apply to that tenancy and, together with Part VII of the <sup>M29</sup>Rent Act 1968 and the enactments replaced by Part VII, shall be deemed never to have applied to it.
- (3B) The conditions are that—

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- (a) the tenancy was granted before 16th July 1980;
  - (b) a premium was lawfully required and paid on the grant of the tenancy;
  - (c) the tenancy was, at the time when it was granted, a tenancy at a low rent; and
  - (d) the terms of the tenancy do not inhibit both the assignment and the underletting of the whole of the premises comprised in the tenancy.
- (3C) If the conditions in subsection (3D) below are satisfied in respect of a tenancy, this section shall have effect, in relation to that tenancy, as if for the words “20 years” and “21 years”, in subsection (2)(b) and (3) above there were substituted, respectively, the words “6 years” and “7 years”.
- (3D) The conditions are that—
- (a) the tenancy is granted after 15th July 1980;
  - (b) at the time when it is granted it is a tenancy at a low rent; and
  - (c) the terms of the tenancy ensure that any variation of the sums payable by the tenant otherwise than in respect of rates, services, repairs or maintenance, cannot lead to those sums exceeding an annual rate of two-thirds of the rateable value of the dwelling-house at the date when the variation is made.
- For the purposes of this subsection the rateable value of a dwelling-house shall be ascertained in accordance with section 25 of this Act (disregarding subsection (4)) by reference to the value shown in the valuation list at the date when the variation is made.]
- (4) Nothing in this section shall affect the recovery, in pursuance of any judgment given or order or agreement made before 20th May 1969, of any amount which it was not lawful to receive under the law in force at the time it was received.
- (5) In this section “grant” includes continuance and renewal <sup>F177</sup> and for the purposes of subsections (2)(c) and (3B)(d) above the terms of a tenancy inhibit an assignment or underletting if they—
- <sup>F177</sup>(a) preclude it; or
  - (b) permit it subject to a consent but exclude section 144 of the <sup>M30</sup> Law of Property Act 1925 (no payment in nature of fine); or
  - (c) permit it subject to a consent but require in connection with a request for consent the making of an offer to surrender the tenancy.]

#### Textual Amendments

**F175** S. 127(2)(c) substituted retrospectively by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 78(1)(2)

**F176** S. 127(3A)–(3D) inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 78(4)

**F177** Words added retrospectively by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 78(1)(3)

#### Modifications etc. (not altering text)

**C23** S. 127: by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 115 it is provided that with respect to (a) any premium received or required to be paid after the commencement of that 1988 Act or, (b) any loan required to be made after that commencement, section 127 shall have effect subject to the following amendments— (1) for subsections (2) and (3) there shall be substituted “(2) The conditions mentioned in subsection (1)(a) above are—(a) that the landlord has no power to determine the tenancy at any time within twenty years beginning on the date when it was granted; and (b) that the terms of the tenancy do not inhibit both the assignment and the underletting of the whole of the premises comprised in the tenancy; but for the purpose of paragraph (b) above there shall be disregarded any term of the tenancy which inhibits assignment and underletting only during a period which is or falls within the final seven

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years of the term for which the tenancy was granted. (3) The reference in subsection (2) above to a power of the landlord to determine a tenancy does not include a reference to a power of re-entry or forfeiture for breach of any term or condition of the tenancy.” and, (2) subsections (3C) and (3D) shall be omitted and in subsection (5) for “(2)(c)” there shall be substituted “(2)(b)”

#### Marginal Citations

**M26** 1954 c. 27.

**M27** 1968 c. 23.

**M28** 1967 c. 88.

**M29** 1968 c.23

**M30** 1925 c. 20.

### 128 Interpretation of Part IX.

- (1) In this Part of this Act, unless the context otherwise requires,—
- “furniture” includes fittings and other articles; and
- [<sup>F178</sup>“premium” includes—
- (a) any fine or other like sum;
  - (b) any other pecuniary consideration in addition to rent; and
  - (c) any sum paid by way of a deposit, other than one which does not exceed one-sixth of the annual rent and is reasonable in relation to the potential liability in respect of which it is paid.]
- (2) For the avoidance of doubt it is hereby declared that nothing in this Part of this Act shall render any amount recoverable more than once.

#### Textual Amendments

**F178** Definition substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 79

## PART X

### MORTGAGES

### 129 Mortgages to which Part X applies.

- (1) This Part of this Act is concerned with mortgages which—
- (a) were created before the relevant date, and
  - [<sup>F179</sup>(b) are regulated mortgages as defined in section 131 of this Act.]
- (2) For the purposes of this Part of this Act, “relevant date”—
- (a) in a case where, on 28th November 1967, land consisting of or including a dwelling-house was subject to a long tenancy which became a regulated tenancy on that date by virtue of section 39 of the <sup>M31</sup>Leasehold Reform Act 1967, means, in relation to that land, 28th November 1967;
  - (b) in a case where, on 22nd March 1973, land consisting of or including a dwelling-house was subject to a tenancy which became a regulated tenancy by virtue of section 14 of the <sup>M32</sup>Counter-Inflation Act 1973, means, in relation to that land, 22nd March 1973;

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- (c) in the case of land consisting of or including a dwelling-house subject to a regulated furnished tenancy, means, in relation to that land, 14th August 1974; and
- (d) in any other case, means 8th December 1965.

**Textual Amendments**

**F179** S. 129(1)(b) substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 25 Pt. I para. 48**

**Marginal Citations**

**M31** 1967 c. 88.

**M32** 1973 c. 9.

**130** ..... **F180**

**Textual Amendments**

**F180** 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**

**131 Regulated mortgages.**

- (1) Subject to subsection (2) below, a mortgage which falls within section 129(1)(a) of this Act . . . <sup>F181</sup> is a regulated mortgage if—
  - (a) it is a legal mortgage of land consisting of or including a dwelling-house which is let on or subject to a regulated tenancy, and
  - (b) the regulated tenancy is binding on the mortgagee.
- (2) Notwithstanding that a mortgage falls within subsection (1) above, it is not a regulated mortgage if—
  - (a) the rateable value on the appropriate day of the dwelling-house which falls within subsection (1)(a) above or, if there is more than one such dwelling-house comprised in the mortgage, the aggregate of the rateable values of those dwelling-houses on the appropriate day is less than one-tenth of the rateable value on the appropriate day of the whole of the land comprised in the mortgage, or
  - (b) the mortgagor is in breach of covenant, but for this purpose a breach of the covenant for the repayment of the principal money otherwise than by instalments shall be disregarded.
- (3) Subsection (2)(a) above shall have effect, in the <sup>M33</sup>case of land consisting of or including a dwelling-house which on 22nd March 1973 was subject to a tenancy which became a regulated tenancy by virtue of section 14 of the Counter-Inflation Act 1973, as if for the reference to the appropriate day there were substituted a reference to 7th March 1973.
- (4) In this section “legal mortgage” includes a charge by way of legal mortgage.

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- (5) Any reference in this Part of this Act to a regulated mortgage shall be construed in accordance with this section.

#### Textual Amendments

**F181** Words repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

#### Marginal Citations

**M33** [1973 c. 9](#).

### 132 Powers of court to mitigate hardship to mortgagors under regulated mortgages.

- (1) The powers of the court under this section [<sup>F182</sup>become exercisable, in relation to a regulated mortgage,] only on an application made by the mortgagor within 21 days, or such longer time as the courts may allow, after the occurrence of one of the following events:—

- (a) the rate of interest payable in respect of the mortgage is increased; or
- (b) a rent for a dwelling-house comprised in the mortgage is registered under Part IV of this Act and the rent so registered is lower than the rent which was payable immediately before the registration; or
- (c) the mortgagee, not being a mortgagee who was in possession on the relevant date, demands payment of the principal money secured by the mortgage or takes any steps for exercising any right of foreclosure or sale or for otherwise enforcing his security.

Paragraph (b) above shall not apply to a case falling within section 129(2)(b) of this Act.

- (2) If the court is satisfied on any such application that, by reason of the event in question and of the operation of this Act, the mortgagor would suffer severe financial hardship unless relief were given under this section, the court may by order make such provision—

- (a) limiting the rate of interest,
- (b) extending the time for the repayment of the principal money, or
- (c) otherwise varying the terms of the mortgage or imposing any limitation or condition on the exercise of any right or remedy in respect thereof,

as it thinks appropriate.

- (3) Where the court makes an order under subsection (2) above in relation to a mortgage which comprises other land as well as a dwelling-house or dwelling-houses subject to a regulated tenancy the order may, if the mortgagee so requests, make provision for apportioning the money secured by the mortgage between that other land and the dwelling-house or dwelling-houses.
- (4) Where such an apportionment is made, the other provisions of the order made by the court shall not apply in relation to the other land referred to in that subsection and the money secured by the other land, and the mortgage shall have effect for all purposes as two separate mortgages of the apportioned parts.
- (5) Where the court has made an order under this section it may vary or revoke it by a subsequent order.

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- (6) The court for the purposes of this section is a county court, except that where an application under subsection (1) above is made in pursuance of any step taken by the mortgagee in the High Court it is the High Court.

#### Textual Amendments

**F182** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 49](#)

**133**— ..... **F183**  
**135.**

#### Textual Amendments

**F183** 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](#)

### 136 Interpretation of Part X.

In this Part of this Act, except where the context otherwise requires—

- (a) “mortgagee” and “mortgagor” include any person from time to time deriving title under the original mortgagee or mortgagor; and
- (b) “legal mortgage” in relation to regulated mortgages, [<sup>F184</sup>includes] any charge registered under the <sup>M34</sup>Land Registration Act 1925.

#### Textual Amendments

**F184** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 50](#)

#### Marginal Citations

**M34** 1925 c. 21.

## PART XI

### GENERAL

#### *Sublettings*

### 137 Effect on sub-tenancy of determination of superior tenancy.

- (1) If a court makes an order for possession of a dwelling-house from—
- (a) a protected or statutory tenant, or
  - (b) a protected occupier or statutory tenant as defined in the <sup>M35</sup>Rent (Agriculture) Act 1976.

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and the order is made by virtue of section 98(1) or 99(2) of this Act or, as the case may be, under Part I of Schedule 4 to that Act, nothing in the order shall affect the right of any sub-tenant to whom the dwelling-house or any part of it has been lawfully sublet before the commencement of the proceedings to retain possession by virtue of . . .<sup>F185</sup> this Act, nor shall the order operate to give a right to possession against any such sub-tenant.

(2) Where a statutorily protected tenancy of a dwelling-house is determined, either as a result of an order for possession or for any other reason, any sub-tenant to whom the dwelling-house or any part of it has been lawfully sublet shall, subject to this Act, be deemed to become the tenant of the landlord on the same terms as if the tenant's statutorily protected tenancy had continued.

(3) Where a dwelling-house—

(a) forms part of premises which have been let as a whole on a superior tenancy but do not constitute a dwelling-house let on a statutorily protected tenancy; and

(b) is itself subject to a protected or statutory tenancy,

then, from the coming to an end of the superior tenancy, this Act shall apply in relation to the dwelling-house as if, in lieu of the superior tenancy, there had been separate tenancies of the dwelling-house and of the remainder of the premises, for the like purposes as under the superior tenancy, and at rents equal to the just proportion of the rent under the superior tenancy.

In this subsection “premises” includes, if the sub-tenancy in question is a protected or statutory tenancy to which section 99 of this Act applies, an agricultural holding within the meaning of the [<sup>F186</sup>Agricultural Holdings Act 1986].

(4) In subsections (2) and (3) above “statutorily protected tenancy” means—

(a) a protected or statutory tenancy;

(b) a protected occupancy or statutory tenancy as defined in the <sup>M36</sup>Rent (Agriculture) Act 1976; or

(c) if the sub-tenancy in question is a protected or statutory tenancy to which section 99 of this Act applies, a tenancy of an agricultural holding within the meaning of the [<sup>F186</sup>Agricultural Holdings Act 1986].

(5) Subject to subsection (6) below, a long tenancy of a dwelling-house which is also a tenancy at a low rent but which, had it not been a tenancy at a low rent, would have been a protected tenancy [<sup>F187</sup>or an assured tenancy, within the meaning of Part I of the Housing Act 1988], shall be treated for the purposes of subsection (2) above as a statutorily protected tenancy.

(6) Notwithstanding anything in subsection (5) above, subsection (2) above shall not have effect where the sub-tenancy in question was created (whether immediately or derivatively) out of a long tenancy falling within subsection (5) above and, at the time of the creation of the sub-tenancy—

(a) a notice to terminate the long tenancy had been given under section 4(1) of the <sup>M37</sup>Landlord and Tenant Act 1954 [<sup>F188</sup>or, as the case may be, served under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989]; or

(b) the long tenancy was being continued by section 3(1) of [<sup>F189</sup>the said Act of 1954 or, as the case may be, paragraph 3 of the said Schedule 10];

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unless the sub-tenancy was created with the consent in writing of the person who at the time when it was created was the landlord, within the meaning of [F190Part I of the said Act of 1954 or, as the case may be, the said Schedule 10].

- (7) This section shall apply equally where a protected occupier of a dwelling-house, or part of a dwelling-house, has a relevant licence as defined in the M38Rent (Agriculture) Act 1976, and in this section “tenancy” and all cognate expressions shall be construed accordingly.

#### Textual Amendments

- F185** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(2), Sch. 17 para. 25, **Sch. 18**
- F186** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 60**
- F187** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194, **Sch. 11 para. 53(1)**
- F188** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194, **Sch. 11 para. 53(2)(a)**
- F189** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194, **Sch. 11 para. 53(2)(b)**
- F190** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194, **Sch. 11 para. 53(2)(c)**

#### Modifications etc. (not altering text)

- C24** S. 137 excluded by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 54(1)
- C25** S. 137(2)(5) restricted (1.11.1993) by 1993 c. 28, s. 61, **Sch. 14 para. 3(2)(a)** (with ss. 94(2), 95); S.I. 1993/2134, **arts. 2,5**

#### Marginal Citations

- M35** 1976 c. 80.
- M36** 1976 c. 80.
- M37** 1954 c. 56.
- M38** 1976 c. 80.

### 138 Effect on furnished sub-tenancy of determination of superior unfurnished tenancy.

- (1) If, in a case where section 137(2) of this Act applies, the conditions mentioned in subsection (2) below are fulfilled, the terms on which the sub-tenant is, by virtue of section 137(2), deemed to become the tenant of the landlord shall not include any terms as to the provision by the landlord of furniture or services.
- (2) The conditions are:—
- (a) that the statutorily protected tenancy which is determined as mentioned in section 137(2) was neither a protected furnished tenancy nor a statutory furnished tenancy; and
  - (b) that, immediately before the determination of that statutorily protected tenancy, the sub-tenant referred to in section 137(2) was the tenant under a protected furnished tenancy or a statutory furnished tenancy; and
  - (c) that the landlord, within the period of 6 weeks beginning with the day on which the statutorily protected tenancy referred to in section 137(2) is



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determined, serves notice on the sub-tenant that this section is to apply to his tenancy or statutory tenancy.

- (3) In this section “statutorily protected tenancy” has the <sup>F191</sup>same meaning as it has for the purposes of section 137(2) of this Act.]

#### Textual Amendments

**F191** Words substituted retrospectively by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 51](#)

### 139 **Obligation to notify sublettings of dwelling-houses let on or subject to protected or statutory tenancies.**

- (1) If the tenant of a dwelling-house let on or subject to a protected or statutory tenancy sublets any part of the dwelling-house on a protected tenancy, then, subject to subsection (2) below, he shall, within 14 days after the subletting, supply the landlord with a statement in writing of the subletting giving particulars of occupancy, including the rent charged.
- (2) Subsection (1) above shall not require the supply of a statement in relation to a subletting of any part of a dwelling-house if the particulars which would be required to be included in the statement as to the rent and other conditions of the sub-tenancy would be the same as in the last statement supplied in accordance with that subsection with respect to a previous subletting of that part.
- (3) A tenant who is required to supply a statement in accordance with subsection (1) above and who, without reasonable excuse—
- fails to supply a statement, or
  - supplies a statement which is false in any material particular,
- shall be liable to a fine not exceeding <sup>F192</sup>level 1 on the standard scale].
- (4) In this section—
- “protected tenancy” includes a protected occupancy under the <sup>M39</sup>Rent (Agriculture) Act 1976;
  - “statutory tenancy” includes a statutory tenancy under that Act.

#### Textual Amendments

**F192** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

#### Marginal Citations

**M39** 1976 c. 80.

### *Fire Precautions*

### 140 **Modification of Act in relation to fire precautions.**

Schedule 20 to this Act shall have effect for the purpose of modifying this Act in connection with certain provisions of the <sup>M40</sup>Fire Precautions Act 1971.

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### Marginal Citations

M40 1971 c. 40.

## Jurisdiction and procedure

### 141 County court jurisdiction.

- (1) A county court shall have jurisdiction, either in the course of any proceedings relating to a dwelling or on an application made for the purpose by the landlord or the tenant, to determine any question—
- (a) as to whether a tenancy is a protected tenancy or whether any person is a statutory tenant of a dwelling-house, . . . <sup>F193</sup> or
  - (b) as to the rent limit; or
  - (c) . . . . . <sup>F194</sup>
  - (d) as to the application of Part V and sections 103 to 106 of this Act to a contract; or
  - (e) as to whether a protected, statutory or regulated tenancy is a protected, statutory or regulated furnished tenancy;
- or as to any matter which is or may become material for determining any such question.
- (2) . . . . . <sup>F195</sup>
- (3) A county court shall have jurisdiction to deal with any claim or other proceedings arising out of any of the provisions of this Act specified in subsection (5) below, notwithstanding that by reason of the amount of the claim or otherwise the case would not, apart from this subsection, be within the jurisdiction of a county court.
- [<sup>F196</sup>(4) If, under any of the provisions of this Act specified in subsection (5) below, a person takes proceedings in the High Court which he could have taken in the county court, he shall not be entitled to recover any costs.]
- [<sup>F196</sup>(5) The provisions referred to in subsections (3) and (4) above are—
- (a) . . . . . <sup>F197</sup>
  - (b) in Part III, section 57;
  - (c) Part VII, except sections 98(2) and 101;
  - (d) in Part IX, sections 125 and 126;
  - (e) in Part X, sections 133(1), 134 and 135; and
  - (f) in this Part of this Act, sections 145 and 147.]

### Textual Amendments

**F193** Words repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**

**F194** [S. 141\(1\)\(c\)](#) repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**

**F195** [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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**F196** S. 141(4)(5) repealed (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 123(3)(4), 125(7), **Sch. 20**

**F197** S. 141(5)(a) repealed by Housing Act 1980 (c. 51, SIF 61), **Sch. 26**

## 142 Rules as to procedure.

- (1) The Lord Chancellor may make such rules and give such directions as he thinks fit for the purpose of giving effect to the provisions of this Act and may, by those rules or directions, provide for the conduct so far as desirable in private of any proceedings for the purposes of those provisions and for the remission of any fees.
- (2) The power vested in the Lord Chancellor by subsection (1) above may, when the Great Seal is in commission, be exercised by any Lord Commissioner.
- (3) The power conferred by subsection (1) above shall not be exercisable in relation to the following provisions of this Act:—
  - (a) Part IV, except section 75(2);
  - (b) Part V;
  - (c) Part VI;
  - (d) sections 103 to 106, except subsection (4).
- (4) Any rules made under this section shall be contained in a statutory instrument.

### *Release from provisions of Act*

## 143 Release from rent regulation.

- (1) Where the Secretary of State is satisfied with respect to every part of any area that the number of persons seeking to become tenants there—
  - (a) of dwelling-houses exceeding a specified rateable value, or
  - (b) of any class or description of dwelling-house or of dwelling-house exceeding a specified rateable value,
 is not substantially greater than the number of such dwelling-houses in that part, he may by order provide that no such dwelling-house in the area shall be the subject of a regulated tenancy or the subject of a protected occupancy or statutory tenancy under the <sup>M41</sup>Rent (Agriculture) Act 1976.
- (2) An order under this section may contain such transitional provisions, including provisions to avoid or mitigate hardship, as appear to the Secretary of State to be desirable.
- (3) The power to make an order under this section shall be exercisable by statutory instrument and no such order shall have effect unless it is approved by a resolution of each House of Parliament.

### Marginal Citations

**M41** 1976 c. 80.

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#### 144 Release from restricted contract provisions.

- (1) The Secretary of State may by order provide that, as from such date as may be specified in the order, section 19 of this Act shall not apply to a dwelling the rateable value of which on such day as may be specified in the order exceeds such amount as may be so specified.
- (2) An order under this section—
  - (a) may be made so as to relate to the whole of England and Wales or to such area in England and Wales as may be specified in the order, and so as to apply generally or only to, or except to, such classes or descriptions of dwellings as may be specified in the order; and
  - (b) may contain such transitional provisions as appear to the Secretary of State to be desirable.
- (3) The power to make an order under this section shall be exercisable by statutory instrument and no such order shall have effect unless it is approved by a resolution of each House of Parliament.

#### 145 ..... F198

##### Textual Amendments

**F198** S. 145 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), ss. 3, 5, Sch. 1 Pt. I, Sch. 4

#### Miscellaneous

#### 146 Long tenancies at a low rent.

- (1) In determining whether a long tenancy was, at any time,—
  - (a) a tenancy at a low rent within the meaning of the <sup>M42</sup>Rent Act 1968; or
  - (b) a tenancy to which, by virtue of section 12(7) of the Act of 1920, the Rent Acts did not apply;
 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.
- (2) In subsection (1) 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;

“the Act of 1920” means the <sup>M43</sup>Increase of Rent and Mortgage Interest (Restrictions) Act 1920; and

“the Rent Acts” means the Rent and Mortgage Interest Restrictions Acts 1920 to 1939.

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### Marginal Citations

**M42** 1968 c. 23.

**M43** 1920 c. 17.

## 147 Restriction on levy of distress for rent.

- (1) No distress for the rent of any dwelling-house let on a protected tenancy or subject to a statutory tenancy shall be levied except with the leave of the county court; and the court shall, with respect to any application for such leave, have the same or similar powers with respect to adjournment, stay, suspension, postponement and otherwise as are conferred by section 100 of this Act in relation to proceedings for possession of such a dwelling-house.
- (2) Nothing in subsection (1) above shall apply to distress levied under [<sup>F199</sup>section 102 of the County Courts Act 1984].

### Textual Amendments

**F199** Words substituted by County Courts Act 1984 (c. 28, SIF 34), s. 148(1), Sch. 2 para. 67

## 148 Implied term in all protected tenancies.

It shall be a condition of a protected tenancy of a dwelling-house that the tenant shall afford to the landlord access to the dwelling-house and all reasonable facilities for executing therein any repairs which the landlord is entitled to execute.

### *Supplemental*

## 149 Powers of local authorities for the purposes of giving information.

- (1) Any local authority to which this section applies shall have power—
  - (a) to publish information, for the assistance of landlords and tenants and others, as to their rights and duties under—
    - [<sup>F200</sup>(i) sections 4 to 7 (provision of rent books) and sections 18 to 30 (service charges) of the Landlord and Tenant Act 1985,]
    - (ii) the <sup>M44</sup>Protection from Eviction Act 1977,
    - [<sup>F201</sup>(iii) Part II . . . <sup>F202</sup>, of the Housing Act 1980;]
    - (iv) this Act,
    - [<sup>F203</sup>(v) Chapters I to III of Part I of the Housing Act 1988]
 and as to the procedure for enforcing those rights or securing the performance of those duties, and
  - (b) to publish information, for the assistance of owners and occupiers of dwelling-houses and others, as to their rights and duties under the <sup>M45</sup>Rent (Agriculture) Act 1976 and as to the procedure for enforcing those rights or securing the performance of those duties, and
  - (c) to make any such information as is mentioned in paragraph (a) or (b) above available in any other way, and

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- (d) to furnish particulars as to the availability, extent and character of alternative accommodation.
- (2) This section applies to the following local authorities:—
- (a) councils of districts and of London boroughs;
  - (b) the Common Council of the City of London; and
  - (c) the Council of the Isles of Scilly.

#### Textual Amendments

- F200** S. 149(1)(a)(i) substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, [Sch. 2 para. 35\(10\)](#)
- F201** S. 149(1)(a)(iii) substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 53](#)
- F202** Words repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), ss. 3, 5, [Sch. 1 Pt. I, Sch. 4](#)
- F203** S. 149(1)(a)(v) inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 43

#### Marginal Citations

- M44** 1977 c. 43.
- M45** 1976 c. 80.

### 150 Prosecution of offences.

- (1) Offences under this Act are punishable summarily.
- (2) Proceedings for an offence under this Act . . . <sup>F204</sup> may be instituted by any local authority to which section 149 of this Act applies.

#### Textual Amendments

- F204** Words repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

### 151 Service of notices on landlord's agents.

- (1) Any document required or authorised by this Act to be served by the tenant of a dwelling-house on the landlord thereof shall be deemed to be duly served on him if it is served—
- (a) on any agent of the landlord named as such in the rent book or other similar document; or
  - (b) on the person who receives the rent of the dwelling-house.
- (2) Where a dwelling-house is subject to a regulated tenancy, subsection (1) above shall apply also in relation to any document required or authorised by this Act to be served on the landlord by a person other than the tenant.
- (3) If for the purpose of any proceedings (whether civil or criminal) brought or intended to be brought under this Act, any person serves upon any such agent or other person as is referred to in paragraph (a) or paragraph (b) of subsection (1) above a notice in writing requiring the agent or other person to disclose to him the full name and place of abode or place of business of the landlord, that agent or other person shall forthwith comply with the notice.

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- (4) If any such agent or other person as is referred to in subsection (3) above fails or refuses forthwith to comply with a notice served on him under that subsection, he shall be liable to a fine not exceeding [<sup>F205</sup>level 4 on the standard scale], unless he shows to the satisfaction of the court that he did not know, and could not with reasonable diligence have ascertained, such of the facts required by the notice to be disclosed as were not disclosed by him.
- (5) So far as this section relates to Part V or IX or sections 103 to 107, of this Act, references to a landlord and to a tenant shall respectively include references to a lessor and to a lessee as defined by section 85 of this Act.

**Textual Amendments**

**F205** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 39, 46, [Sch. 3](#)

**152 Interpretation.**

- (1) In this Act, except where the context otherwise requires,—
  - “the appropriate day” has the meaning assigned to it by section 25(3) of this Act;
  - .....<sup>F206</sup>“landlord” includes any person from time to time deriving title under the original landlord and also includes, in relation to any dwelling-house, any person other than the tenant who is, or but for Part VII of this Act would be, entitled to possession of the dwelling-house;
  - “let” includes “sublet”;
  - “long tenancy” means a tenancy granted for a term of years certain exceeding 21 years, whether or not subsequently extended by act of the parties or by any enactment;
  - “protected furnished tenancy”, “regulated furnished tenancy” and “statutory furnished tenancy” mean a protected or, as the case may be, regulated or statutory tenancy—
    - (a) under which the dwelling-house concerned is bona fide let at a rent which includes payments in respect of furniture, and
    - (b) in respect of which the amount of rent which is fairly attributable to the use of furniture, having regard to the value of that use to the tenant, forms a substantial part of the whole rent;
  - “protected tenant” and “protected tenancy” shall be construed in accordance with section 1 of this Act;
  - “rates” includes water rates and charges but does not include an owner’s drainage rate as defined in section 63(2)(a) of the<sup>M46</sup>Land Drainage Act 1976;
  - “rateable value” shall be construed in accordance with section 25 of this Act;
  - “regulated tenancy” shall be construed in accordance with section 18 of this Act;
  - “rent tribunal” has the meaning given by section 76(1) of this Act;
  - “rental period” means a period in respect of which a payment of rent falls to be made;

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“restricted contract” shall be construed in accordance with section 19 of this Act;

“statutory tenant” and “statutory tenancy” shall be construed in accordance with section 2 of this Act;

“tenant” includes statutory tenant and also includes a sub-tenant and any person deriving title under the original tenant or sub-tenant;

“tenancy” includes “sub-tenancy”;

“tenancy at a low rent” has the meaning assigned to it by section 5 of this Act.

- (2) Except in so far as the context otherwise requires, any reference in this Act to any other enactment shall be taken as referring to that enactment as amended by or under any other enactment, including this Act.

**Textual Amendments**  
**F206** Definition repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

**Marginal Citations**  
**M46** [1976 c. 70](#).

**153 Application to Isles of Scilly.**

- (1) With the exception of Part V, and sections [<sup>F207</sup>102A to 106A], of this Act (which do not apply to the Isles of Scilly) this Act applies to the Isles subject to such exceptions, adaptations and modifications as the Secretary of State may by order direct.
- (2) The power to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) An order under this section may be varied or revoked by a subsequent order.

**Textual Amendments**  
**F207** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 54](#)

**154 Application to Crown property.**

- (1) Subject to sections 13 and 19(5)(b) of this Act this Act shall apply in relation to premises in which there subsists, or at any material time subsisted, a Crown interest as it applies in relation to premises in which no such interest subsists or ever subsisted.
- (2) In this section “Crown interest” means an interest which belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster or to the Duchy of Cornwall, or to a government department, or which is held in trust for Her Majesty for the purposes of a government department.

**155 Modifications, amendments, transitional provisions, repeals etc.**

- (1) ..... <sup>F208</sup>



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- (2) Subject to subsection (3) below, the enactments specified in Schedule 23 to this Act shall have effect subject to the amendments specified in that Schedule.
- (3) The savings and transitional provisions in Schedule 24 to this Act shall have effect.
- (4) The inclusion in this Act of any express saving, transitional provision or amendment shall not be taken as prejudicing the operation of [F209 sections 16(1) and 17(2) of the Interpretation Act 1978] (which relates to the effect of repeals).
- (5) Subject to subsection (3) above, the enactments specified in Schedule 25 to this Act (which include enactments which were spent before the passing of this Act) are hereby repealed to the extent specified in the third column of that Schedule.

#### Textual Amendments

**F208** 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](#)

**F209** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), [s. 25\(2\)](#)

#### 156 Short title, commencement and extent.

- (1) This Act may be cited as the Rent Act 1977.
- (2) This Act shall come into force on the expiry of the period of one month beginning with the date on which it is passed.
- (3) This Act does not extend to Scotland or Northern Ireland.

**Status:**

Point in time view as at 01/02/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:**

Rent Act 1977 is up to date with all changes known to be in force on or before 26 April 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.