



# Rent Act 1977

## 1977 CHAPTER 42

### PART I

#### PRELIMINARY

##### *Exceptions*

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

- (1) A tenancy is not a protected tenancy if the dwelling-house falls within one of the Classes set out in subsection (2) below.
- (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.

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- (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.

## **5 Tenancies at low rents**

- (1) A tenancy is not a protected tenancy if under the tenancy either no rent is payable or, subject to section 17(2) of this Act, 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.
- (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.

## **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 dwelling-house is comprised in an agricultural holding (within the meaning of the Agricultural Holdings Act 1948) 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.

## **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—
  - (a) the dwelling-house forms part only of a building and that building is not a purpose-built block of flats; and
  - (b) the tenancy was granted by a person who, at the time that he granted it, occupied as his residence another dwelling-house which also forms part of that 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 also formed part of that building.
- (2) This section does not apply to a tenancy of a dwelling-house which forms part of a building if—
  - (a) 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, or
  - (b) the tenancy is a tenancy for a term of years certain and is granted to a person who, immediately before it was granted, was the tenant under an earlier tenancy of that dwelling-house or any other dwelling-house in that building and, by virtue of this section or of section 5A of the Rent Act 1968 (which is superseded by this section), that earlier tenancy was not a protected tenancy for the purposes of this Act or, as the case may be, of the Act of 1968.

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- (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.

### **13 Landlord's interest belonging to Crown**

- (1) 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 of the Duchy of Lancaster or to the Duchy of Cornwall, or to a government department or is held in trust for Her Majesty for the purposes of a government department.
- (2) 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 subsection (1) above.

### **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 Stilly, the Council of the Isles of Stilly;
- (c) the Greater London Council, the council of a London borough or the Common Council of the City of London;
- (d) the Commission for the New Towns ;
- (e) a development corporation established by an order made, or having effect as if made, under the New Towns Act 1965 ; or
- (f) the Development Board for Rural Wales;

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.

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

- (1) A tenancy in respect of which any of the conditions specified in subsection (4) below is fulfilled 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; or
  - (b) a housing trust which is a charity within the meaning of the 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.
- (3) A housing association falls within this subsection if—

- (a) it is for the time being registered in the register of housing associations established under section 13 of the Housing Act 1974 ; or
- (b) it has made an application to the Housing Corporation, before 1st April 1975, for registration in that register and the application has not been disposed of by the Corporation; or
- (c) it is for the time being specified in an order made by the Secretary of State under section 80 of the Housing Finance Act 1972 or paragraph 23 of Schedule 1 to the Housing Rents and Subsidies Act 1975; or
- (d) it is a registered society within the meaning of section 74 of the Industrial and Provident Societies Act 1965 and its rules restrict membership to persons who are tenants or prospective tenants of the association and preclude the granting or assignment of tenancies to persons other than members.

In this subsection " housing association" has the same meaning as in section 189(1) of the Housing Act 1957.

- (4) The conditions referred to in subsection (1) above are—
  - (a) that the dwelling-house was provided by the housing association with assistance under section 2 of the Housing &c. Act 1923, section 93(3) of the Housing Act 1936 or section 119(3) of the Housing Act 1957 (powers of local authorities to assist housing associations generally);
  - (b) that the dwelling-house was provided by the housing association in pursuance of an arrangement under section 29 of the Housing Act 1930, section 27 of the Housing Act 1935, section 94 of the Housing Act 1936, or section 120 of the Housing Act 1957 (local authority arrangements for provision of housing);
  - (c) that the dwelling-house was provided or improved by the housing association in accordance with arrangements under section 31 of the Housing Act 1949 or section 121 of the Housing Act 1957 (local authority arrangements for improvement of housing);
  - (d) that the dwelling-house was comprised in a scheme approved for the purpose of section 75 of the Housing Finance Act 1972;
  - (e) that the dwelling-house was comprised in a housing project approved for the purposes of section 29 of the Housing Act 1974;
  - (f) that the housing association is a registered society within the meaning of section 74 of the Industrial and Provident Societies Act 1965 and the provision of the dwelling-house forms part of the purposes for which its business is mainly conducted.
- (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 devote the whole of its funds, including any surplus which may arise from its operations, to the following purposes, that is to say, the provision of houses for persons the majority of whom are in fact members of the working classes, and other purposes incidental thereto; 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 devotes the whole or substantially the whole of its funds to the purposes set out in paragraph (a) of this subsection.
- (6) In subsection (5) above " house " includes—

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- (a) any yard, garden, outhouses and appurtenances belonging thereto or usually enjoyed therewith; and
- (b) any part of a building which is occupied or intended to be occupied as a separate dwelling.

## **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, as defined in paragraph 9 of Schedule 1 to the Housing Rents and Subsidies Act 1975 (housing subsidy where local authority housing functions are exercised by such co-operatives) and the dwelling-house is comprised in an agreement to which that paragraph applies.