

Status: Point in time view as at 01/02/1991.

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

SCHEDULES

SCHEDULE 2

RESIDENT LANDLORDS

PART I

PROVISIONS FOR DETERMINING APPLICATION OF SECTION 12

- 1 In determining whether the condition in section 12(1)(c) of this Act is at any time fulfilled with respect to a tenancy, there shall be disregarded—
- (a) any period of not more than [^{F1}28 days] beginning with the date on which the interest of the landlord under the tenancy becomes vested at law and in equity in an individual who, during that period, does not occupy as his residence another dwelling-house which forms part of the building [^{F2}or, as the case may be, flat] concerned;
 - (b) if, within a period falling within paragraph (a) above, the individual concerned notifies the tenant in writing of his intention to occupy as his residence another [^{F3}dwelling house in the building or, as the case may be, flat concerned], the period beginning with the date on which the interest of the landlord under the tenancy becomes vested in that individual as mentioned in that paragraph and ending—
 - (i) at the expiry of the period of 6 months beginning on that date, or
 - (ii) on the date on which that interest ceases to be so vested, or
 - (iii) on the date on which the condition in section 12(1)(c) again applies, whichever is the earlier; and
 - (c) any period of not more than [^{F4}2 years] beginning with the date on which the interest of the landlord under the tenancy becomes, and during which it remains, vested—
 - (i) ^{F5}
 - (ii) in trustees as such; or
 - (iii) by virtue of section 9 of the ^{M1}Administration of Estates Act 1925, in the Probate Judge, within the meaning of that Act.

Textual Amendments

- F1** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\), s. 65\(3\)\(a\)\(6\)](#)
- F2** Words inserted by [Housing Act 1980 \(c. 51, SIF 61\), s. 65\(3\)\(a\)\(6\)](#)
- F3** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\), s. 65\(3\)\(b\)\(6\)](#)
- F4** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\), s. 65\(3\)\(c\)\(6\)](#)
- F5** [Sch. 2 para. 1 \(c\)\(i\)](#) repealed with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 65\(3\)\(c\)\(6\)\(7\)](#), Sch. 26

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Marginal Citations

M1 1925 c. 23.

- 2 During any period when—
- (a) in the interest of the landlord under the tenancy referred to in section 12(1) is vested in trustees as such, and
 - (b) that interest is or, if it is held on trust for sale, the proceeds of its sale are held on trust for any person who occupies as his residence a dwelling-house which forms part of the building [^{F6}or, as the case may be, flat] referred to in section 12(1)(a),
- the condition in section 12(1)(c) shall be deemed to be fulfilled and, accordingly, no part of that period shall be disregarded by virtue of paragraph 1 above.

Textual Amendments

F6 Words inserted by [Housing Act 1980 \(c. 51, SIF 61\), s. 65\(4\)\(6\)](#)

- [^{F7}2A (1) The tenancy referred to in section 12(1) fails within this paragraph if the interest of the landlord under the tenancy becomes vested in the personal representatives of a deceased person acting in that capacity.
- (2) If the tenancy falls within this paragraph, the condition in section 12(1)(c) shall be deemed to be fulfilled for any period, beginning with the date on which the interest becomes vested in the personal representatives and not exceeding two years, during which the interest of the landlord remains so vested.]

Textual Amendments

F7 [Sch. 2 para. 2A](#) inserted with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 65\(5\)\(6\)\(7\)](#)

- 3 Throughout any period which, by virtue of paragraph 1 above, falls to be disregarded for the purpose of determining whether the condition in section 12(1)(c) is fulfilled with respect to a tenancy, no order shall be made for possession of the dwelling-house subject to that tenancy, other than an order which might be made if that tenancy were or, as the case may be, had been a regulated tenancy.
- 4 For the purposes of section 12, a building is a purpose-built block of flats if as constructed it contained, and it contains, 2 or more flats; and for this purpose “flat” means a dwelling-house which—
- (a) forms part only of a building; and
 - (b) is separated horizontally from another dwelling-house which forms part of the same building.
- 5 For the purposes of section 12, a person shall be treated as occupying a dwelling-house as his residence if, so far as the nature of the case allows, he fulfills the same conditions as, by virtue of section 2(3) of this Act, are required to be fulfilled by a statutory tenant of a dwelling-house.

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