



# Protection from Eviction Act 1977

## 1977 CHAPTER 43

An Act to consolidate section 16 of the Rent Act 1957 and Part III of the Rent Act 1965, and related enactments. [29th July 1977]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART I

#### UNLAWFUL EVICTION AND HARASSMENT

#### **1 Unlawful eviction and harassment of occupier**

- (1) In this section " residential occupier ", in relation to any premises, means a person occupying the premises as a residence, whether under a contract or by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of any other person to recover possession of the premises.
- (2) If any person unlawfully deprives the residential occupier of any premises of his occupation of the premises or any part thereof, or attempts to do so, he shall be guilty of an offence unless he proves that he believed, and had reasonable cause to believe, that the residential occupier had ceased to reside in the premises.
- (3) If any person with intent to cause the residential occupier of any premises—
  - (a) to give up the occupation of the premises or any part thereof; or
  - (b) to refrain from exercising any right or pursuing any remedy in respect of the premises or part thereof;

does acts calculated to interfere with the peace or comfort of the residential occupier or members of his household, or persistently withdraws or withholds services reasonably required for the occupation of the premises as a residence, he shall be guilty of an offence.

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- (4) A person guilty of an offence under this section shall be liable—
  - (a) on summary conviction, to a fine not exceeding £400 or to imprisonment for a term not exceeding 6 months or to both;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.
- (5) Nothing in this section shall be taken to prejudice any liability or remedy to which a person guilty of an offence thereunder may be subject in civil proceedings.
- (6) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager or secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

## **2 Restriction on re-entry without due process of law**

Where any premises are let as a dwelling on a lease which is subject to a right of re-entry or forfeiture it shall not be lawful to enforce that right otherwise than by proceedings in the court while any person is lawfully residing in the premises or part of them.

## **3 Prohibition of eviction without due process of law**

- (1) Where any premises have been let as a dwelling under a tenancy which is not a statutorily protected tenancy and—
  - (a) the tenancy (in this section referred to as the former tenancy) has come to an end, but
  - (b) the occupier continues to reside in the premises or part of them,it shall not be lawful for the owner to enforce against the occupier, otherwise than by proceedings in the court, his right to recover possession of the premises.
- (2) In this section " the occupier ", in relation to any premises, means any person lawfully residing in the premises or part of them at the termination of the former tenancy.
- (3) This section shall, with the necessary modifications, apply where the owner's right to recover possession arises on the death of the tenant under a statutory tenancy within the meaning of the Rent Act 1977 or the Rent (Agriculture) Act 1976.

## **4 Special provisions for agricultural employees**

- (1) This section shall apply where the tenant under the former tenancy (within the meaning of section 3 of this Act) occupied the premises under the terms of his employment as a person employed in agriculture, as defined in section 1 of the Rent (Agriculture) Act 1976, but is not a statutory tenant as defined in that Act.
- (2) In this section " the occupier ", in relation to any premises, means—
  - (a) the tenant under the former tenancy; or
  - (b) the widow or widower of the tenant under the former tenancy residing with him at his death or, if the former tenant leaves no such widow or widower, any member of his family residing with him at his death.

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- (3) Without prejudice to any power of the court apart from this section to postpone the operation or suspend the execution of an order for possession, if in proceedings by the owner against the occupier the court makes an order for the possession of the premises the court may suspend the execution of the order on such terms and conditions, including conditions as to the payment by the occupier of arrears of rent, mesne profits and otherwise as the court thinks reasonable.
- (4) Where the order for possession is made within the period of 6 months beginning with the date when the former tenancy came to an end, then, without prejudice to any powers of the court under the preceding provisions of this section or apart from this section to postpone the operation or suspend the execution of the order for a longer period, the court shall suspend the execution of the order for the remainder of the said period of 6 months unless the court—
  - (a) is satisfied either—
    - (i) that other suitable accommodation is, or will within that period be made, available to the occupier; or
    - (ii) that the efficient management of any agricultural land or the efficient carrying on of any agricultural operations would be seriously prejudiced unless the premises are available for occupation by a person employed or to be employed by the owner ; or
    - (iii) that greater hardship (being hardship in respect of matters other than the carrying on of such a business as aforesaid) would be caused by the suspension of the order until the end of that period than by its execution within that period; or
    - (iv) that the occupier, or any person residing or lodging with the occupier, has been causing damage to the premises or has been guilty of conduct which is a nuisance or annoyance to persons occupying other premises; and
  - (b) considers that it would be reasonable not to suspend the execution of the order for the remainder of that period.
- (5) Where the court suspends the execution of an order for possession under subsection (4) above it shall do so on such terms and conditions, including conditions as to the payment by the occupier of arrears of rent, mesne profits and otherwise as the court thinks reasonable.
- (6) A decision of the court not to suspend the execution of the order under subsection (4) above shall not prejudice any other power of the court to postpone the operation or suspend the execution of the order for the whole or part of the period of 6 months mentioned in that subsection.
- (7) Where the court has, under the preceding provisions of this section, suspended the execution of an order for possession, it may from time to time vary the period of suspension or terminate it and may vary any terms or conditions imposed by virtue of this section.
- (8) In considering whether or how to exercise its powers under subsection (3) above, the court shall have regard to all the circumstances and, in particular, to—
  - (a) whether other suitable accommodation is or can be made available to the occupier;
  - (b) whether the efficient management of any agricultural land or the efficient carrying on of any agricultural operations would be seriously prejudiced

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unless the premises were available for occupation by a person employed or to be employed by the owner; and

- (c) whether greater hardship would be caused by the suspension of the execution of the order than by its execution without suspension or further suspension.
- (9) Where in proceedings for the recovery of possession of the premises the court makes an order for possession but suspends the execution of the order under this section, it shall make no order for costs, unless it appears to the court, having regard to the conduct of the owner or of the occupier, that there are special reasons for making such an order.
- (10) Where, in the case of an order for possession of the premises to which subsection (4) above applies, the execution of the order is not suspended under that subsection or, the execution of the order having been so suspended, the suspension is terminated, then, if it is subsequently made to appear to the court that the failure to suspend the execution of the order or, as the case may be, the termination of the suspension was—
- (a) attributable to the provisions of paragraph (a)(ii) of subsection (4), and
  - (b) due to misrepresentation or concealment of material facts by the owner of the premises,
- the court may order the owner to pay to the occupier such sum as appears sufficient as compensation for damage or loss sustained by the occupier as a result of that failure or termination.

## PART II

### NOTICE TO QUIT

#### 5 Validity of notices to quit

- (1) No notice by a landlord or a tenant to quit any premises let (whether before or after the commencement of this Act) as a dwelling shall be valid unless—
  - (a) it is in writing and contains such information as may be prescribed, and
  - (b) it is given not less than 4 weeks before the date on which it is to take effect.
- (2) In this section "prescribed" means prescribed by regulations made by the Secretary of State by statutory instrument, and a statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Regulations under this section may make different provision in relation to different descriptions of lettings and different circumstances.

## PART III

### SUPPLEMENTAL PROVISIONS

#### 6 Prosecution of offences

Proceedings for an offence under this Act may be instituted by any of the following authorities:—

- (a) councils of districts and London boroughs ;

- (b) the Common Council of the City of London;
- (c) the Council of the Isles of Scilly.

## **7 Service of notices**

- (1) If for the purpose of any proceedings (whether civil or criminal) brought or intended to be brought under this Act, any person serves upon—
- (a) any agent of the landlord named as such in the rent book or other similar document, or
  - (b) the person who receives the rent of the dwelling,
- 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.
- (2) If any such agent or other person as is referred to in subsection (1) above fails or refuses forthwith to comply with a notice served on him under that subsection, he shall be liable on summary conviction to a fine not exceeding £5, 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.
- (3) In this section " landlord " includes—
- (a) any person from time to time deriving title under the original landlord,
  - (b) in relation to any dwelling-house, any person other than the tenant who is or, but for Part VII of the Rent Act 1977 would be, entitled to possession of the dwelling-house, and
  - (c) any person who, under a restricted contract (within the meaning of the Rent Act 1977) 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.

## **8 Interpretation**

- (1) In this Act " statutorily protected tenancy " means—
- (a) a protected tenancy within the meaning of the Rent Act 1977 or a tenancy to which Part I of the Landlord and Tenant Act 1954 applies ;
  - (b) a protected occupancy or statutory tenancy as defined in the Rent (Agriculture) Act 1976 ;
  - (c) a tenancy to which Part II of the Landlord and Tenant Act 1954 applies;
  - (d) a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1948.
- (2) For the purposes of Part I of this Act a person who, under the terms of his employment, had exclusive possession of any premises other than as a tenant shall be deemed to have been a tenant and the expressions " let" and " tenancy " shall be construed accordingly.
- (3) In Part I of this Act " the owner ", in relation to any premises, means the person who, as against the occupier, is entitled to possession thereof.

## **9 The court for purposes of the Act**

- (1) The court for the purposes of Part I of this Act shall, subject to this section, be—

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- (a) the county court, in relation to premises with respect to which the county court has for the time being jurisdiction in actions for the recovery of land; and
  - (b) the High Court, in relation to other premises.
- (2) Any powers of a county court in proceedings for the recovery of possession of any premises in the circumstances mentioned in section 3(1) of this Act may be exercised with the leave of the judge by any registrar of the court, except in so far as rules of court otherwise provide.
- (3) Nothing in this Act shall affect the jurisdiction of the High Court in proceedings to enforce a lessor's right of re-entry or forfeiture or to enforce a mortgagee's right of possession in a case where the former tenancy was not binding on the mortgagee.
- (4) Nothing in this Act shall affect the operation of—
- (a) section 59 of the Pluralities Act 1838 ;
  - (b) section 19 of the Defence Act 1842 ;
  - (c) section 6 of the Lecturers and Parish Clerks Act 1844 ;
  - (d) paragraph 3 of Schedule 1 to the Sexual Offences Act 1956; or
  - (e) section 13 of the Compulsory Purchase Act 1965.

## **10 Application to Crown**

In so far as this Act requires the taking of proceedings in the court for the recovery of possession or confers any powers on the court it shall (except in the case of section 4(10)) be binding on the Crown.

## **11 Application to Isles of Scilly**

- (1) In its application to the Isles of Scilly, this Act (except in the case of section 5) shall have effect 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.

## **12 Consequential amendments, etc.**

- (1) Schedule 1 to this Act contains amendments consequential on the provisions of this Act.
- (2) Schedule 2 to this Act contains transitional provisions and savings.
- (3) The enactments mentioned in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (4) The inclusion in this Act of any express saving, transitional provision or amendment shall not be taken to affect the operation in relation to this Act of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

**13 Short title etc.**

- (1) This Act may be cited as the Protection from Eviction 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.
- (4) References in this Act to any enactment are references to that enactment as amended, and include references thereto as applied by any other enactment including, except where the context otherwise requires, this Act.

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## SCHEDULES

### SCHEDULE 1

Section 12.

#### CONSEQUENTIAL AMENDMENTS

##### *Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)*

- 1 In section 22(1) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, for " Part III of the Rent Act 1965 " substitute " Part I of the Protection from Eviction Act 1977 ".

##### *County Courts Act 1959 (c. 22)*

- 2 In section 94(1)(b) of the County Courts Act 1959, for " Part III of the Rent Act 1965 " substitute " Part I of the Protection from Eviction Act 1977 ".

##### *Caravan Sites Act 1968 (c. 52)*

- 3 In section 5(5) of the Caravan Sites Act 1968 (provisions of Part III of the Rent Act 1965 relating to protection against eviction etc. not to apply to caravans on protected sites) for the words " Part III of the Rent Act 1965 " substitute " the Protection from Eviction Act 1977 ".

##### *Rent (Agriculture) Act 1976 (c. 80)*

- 4 In Schedule 5 to the Rent (Agriculture) Act 1976, in paragraph 10(2) for " section 16 of the Rent Act 1957 " substitute " section 5 of the Protection from Eviction Act 1977 ".

### SCHEDULE 2

Section 12.

#### TRANSITIONAL PROVISIONS AND SAVINGS

- 1 (1) In so far as anything done under an enactment repealed by this Act could have been done under a corresponding provision of this Act, it shall not be invalidated by the repeal but shall have effect as if done under that provision.
- (2) Sub-paragraph (1) above applies, in particular, to any regulation, rule, notice or order.
- 2 The enactments mentioned in Schedule 6 to the Rent Act 1965 shall, notwithstanding the repeal of that Act by this Act, continue to have effect as they had effect immediately before the commencement of this Act



SCHEDULE 3

Section 12.

REPEALS

Chapter	Short Title	Extent of Repeal
5 & 6 Eliz. 2. c. 25. 1965 c. 75. 1968 c. 23.	The Rent Act 1957. The Rent Act 1965. The Rent Act 1968.	Section 16. The whole Act, so far as unrepealed. In section 108(2), the words " or under Part III of the Rent Act 1965 ". In section 109(3), the words " or Part III of the Rent Act 1965 (protection against harassment) ". In Schedule 15, the entries relating to sections 32 and 34 of the Rent Act 1965.
1970 c. 40. 1972 c. 47.	The Agriculture Act 1970. The Housing Finance Act 1972.	Section 99. In Schedule 9, paragraph 12(2) and in paragraph 12(3) the words " or to Part III of the Rent Act 1965 ".
1972 c. 71.	The Criminal Justice Act 1972.	Section 30.
1974 c. 44. 1976 c. 80.	The Housing Act 1974. The Rent (Agriculture) Act 1976.	Section 123. In Schedule 8, paragraphs 13, 14 and 15.