



Housing Act 1980

1980 CHAPTER 51

PART II

PRIVATE SECTOR TENANTS

Regulated tenancies

65 Resident landlords

- (1) In section 12(1) of the 1977 Act (certain tenancies granted by resident landlords not to be protected tenancies) for paragraphs (a) to (c) there are substituted the following paragraphs—
 - “(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.”
- (2) Schedule 2 to the 1977 Act (provisions for determining application of section 12) is amended as follows.
- (3) In paragraph 1—

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- (a) in sub-paragraph (a) for the words “14 days” there are substituted the words “28 days” and after the the word “building” there are inserted the words “or, as the case may be, flat”;
 - (b) in sub-paragraph (b) for the words “such dwelling-house as is referred to in that paragraph” there are substituted the words “dwelling-house in the building or, as the case may be, flat concerned”; and
 - (c) in sub-paragraph (c) for the words “12 months” there are substituted the words “2 years” and paragraph (i) is hereby repealed.
- (4) In paragraph 2(b) after the word “ building” there are inserted the words “or, as the case may be, flat”.
- (5) After paragraph 2 there is inserted the following paragraph—

“2A

- (1) The tenancy referred to in section 12(1) falls 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.”
- (6) Subject to subsection (7) below, this section, except subsection (1), applies to tenancies granted before as well as those granted after the commencement of this section.
- (7) In any case where the interest of the landlord under a tenancy vested in the personal representatives (acting in that capacity) of a person who died before the commencement of this section, Schedule 2 to the 1977 Act applies as if paragraph 2A had not been inserted and paragraph 1(c)(i) had not been repealed.

Modifications etc. (not altering text)

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67–69, 70(1), 71, 73(1)–(4), 74(1)(2), 75, 76, 78, 79, 138, 141, 143(3), 148, 152(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

66 Amendment of Cases 11 and 12 of Schedule 15 to Rent Act 1977.

- (1) In Case 11 in Schedule 15 to the 1977 Act (dwelling-house required by a person who was owner occupier at time of letting) for paragraph (c) there is substituted the following paragraph—
 - “(c) the court is of the opinion that of the conditions set out in Part V of this Schedule one of those in paragraphs (a) and (c) to (f) is satisfied.”
- (2) In Case 12 in Schedule 15 (dwelling-house required for use by owner on his retirement) for paragraph (c) there is substituted the following paragraph—
 - “(c) the court is of the opinion that of the conditions set out in Part V of this Schedule one of those in paragraphs (b) to (e) is satisfied.”

Changes to legislation: There are currently no known outstanding effects for the Housing Act 1980, Cross Heading: Regulated tenancies. (See end of Document for details)

- (3) There are inserted in Schedule 15, as a new Part V, the provisions set out in Schedule 7 to this Act; and in section 98 of the 1977 Act (which, among other things, introduces Schedule 15) there is added, at the end, the following subsection—
- “(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.”
- (4) In Case 12 for the words from the beginning to “employment let” there are substituted the words “Where the landlord (in this Case referred to as “the owner”) intends to occupy the dwelling-house as his residence at such time as he might retire from regular employment and has let”.
- (5) Subject to subsection (6) below, Cases 11 and 12, as amended by this section, apply to tenancies granted before, as well as those granted after, the commencement of this section; and nothing in this section invalidates a notice that possession might be recovered under Case 11 or Case 12 which was duly given to a tenant before then.
- (6) Paragraphs (c) and (d) of Part V of Schedule 15 do not apply to Case 11 if the tenancy was granted, and the owner died, before the commencement of this section; and paragraph (d) does not apply to Case 12 in any such case.

Modifications etc. (not altering text)

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

67 Lettings by servicemen.

The following Case shall be added to the Cases in Part II of Schedule 15 to the 1977 Act (mandatory orders for possession) after the Case inserted in Part II by section 55 of this Act—

Case 20

Where the dwelling-house was let by a person (in this Case referred to as “the owner”) at any time after the commencement of section 67 of the Housing Act 1980 and—

- (a) at the time when the owner acquired the dwelling-house he was a member of the regular armed forces of the Crown;
- (b) at the relevant date the owner was a member of the regular armed forces of the Crown;
- (c) not later than the relevant date the owner gave notice in writing to the tenant that possession might be recovered under this Case;
- (d) the dwelling-house has not, since the commencement of section 67 of the Act of 1980 been let by the owner on a protected tenancy with respect to which the condition mentioned in paragraph (c) above was not satisfied; and
- (e) the court is of the opinion that—
 - (i) the dwelling-house is required as a residence for the owner; or
 - (ii) of the conditions set out in Part V of this Schedule one of those in paragraphs (c) to (f) is satisfied.

Changes to legislation: There are currently no known outstanding effects for the Housing Act 1980, Cross Heading: Regulated tenancies. (See end of Document for details)

If the court is of the opinion that, notwithstanding that the condition in paragraph (c) or (d) above is not complied with, it is just and equitable to make an order for possession of the dwelling-house, the court may dispense with the requirements of either or both of these paragraphs, as the case may require.

For the purposes of this Case “regular armed forces of the Crown” has the same meaning as in section 1 of the House of Commons Disqualification Act 1975.”

Modifications etc. (not altering text)

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

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