

SCHEDULES

SCHEDULE 3

Section 16(1).

TRANSITIONAL PROVISIONS

- 1 (1) In any case where—
- (a) before the commencement date a dwelling was subject to a tenancy which is a furnished letting, and
 - (b) the dwelling forms part only of a building, and that building is not a purpose-built block of flats within the meaning of section 5A of the Rent Act 1968, and
 - (c) on that date the interest of the lessor, within the meaning of the relevant Part of the Rent Act, under the furnished letting—
 - (i) belongs to a person who occupies as his residence another dwelling which also forms part of that building, or
 - (ii) is vested in trustees as such and is or, if it is held on trust for sale, the proceeds of its sale are held on trust for a person who occupies as his residence another dwelling which also forms part of that building, and
 - (d) apart from this paragraph the furnished letting would, on the commencement date, become a protected furnished tenancy,
- the Rent Act shall apply, subject to sub-paragraph (2) below, as if the tenancy had been granted on the commencement date and as if the condition in paragraph (b) of section 5A(1) of the Rent Act 1968 were fulfilled in relation to the grant of the tenancy.
- (2) In the application of the Rent Act 1968 to a tenancy by virtue of this paragraph—
- (a) subsection (5) of section 5A shall be omitted ; and
 - (b) in section 102A any reference to section 5A of that Act shall be construed as including a reference to this paragraph.
- (3) In any case where paragraphs (a), (b) and (d) of sub-paragraph (1) above apply but on the commencement date the interest referred to in paragraph (c) of that sub-paragraph is vested—
- (a) in the personal representatives of a deceased person acting in that capacity, or
 - (b) by virtue of section 9 of the Administration of Estates Act 1925, in the Probate Judge, within the meaning of that Act, or
 - (c) in trustees as such,
- then, if the deceased immediately before his death or, as the case may be, the settlor immediately before the creation of the trust occupied as his residence another dwelling which also formed part of the building referred to in paragraph (b) of sub-paragraph (1) above, that sub-paragraph shall apply as if the condition in paragraph (c) thereof were fulfilled.
- (4) In the application of subsection (2)(c) of section 5A of the Rent Act 1968 in a case falling within sub-paragraph (3) above, any period before the commencement date

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during which the interest of the landlord is vested as mentioned in that subsection shall be disregarded in calculating the period of 12 months specified therein.

- 2 (1) In any case where—
- (a) before the commencement date a dwelling-house was subject to a tenancy which is a furnished letting ; and
 - (b) the dwelling-house forms part only of a building and that building is not a purpose-built block of flats within the meaning of section 5A of the Act of 1971 ; and
 - (c) on that date the interest of the lessor, within the meaning of Part VII of that Act, under the furnished letting—
 - (i) belongs to a person who occupies as his residence another dwelling-house which also forms part of that building, or
 - (ii) is vested in trustees and is held on trust for a person who is entitled to the liferent or to the fee or a share of the fee of that interest and who occupies as his residence a dwelling-house which forms part of that building; and
 - (d) apart from this paragraph the furnished letting would, on the commencement date, become a protected furnished tenancy,
- the Act of 1971 shall apply, subject to sub-paragraph (2) below, as if the tenancy had been granted on the commencement date and as if the condition in paragraph (b) of section 5A(1) of that Act were fulfilled in relation to the grant of the tenancy.
- (2) In the application of the Act of 1971 to a tenancy by virtue of this paragraph—
- (a) subsection (6) of section 5A shall be omitted ; and
 - (b) in section 119A any reference to section 5A shall be construed as including a reference to this paragraph.
- (3) In any case where paragraphs (a), (b) and (d) of sub-paragraph (1) above apply but on the commencement date the interest of the lessor under the furnished letting is vested in the executor of a deceased person, then, if that deceased person immediately before his death occupied as his residence another dwelling-house which also formed part of the building referred to in paragraph (b) of sub-paragraph (1) above, that sub-paragraph shall apply as if the condition in paragraph (c) thereof were fulfilled.
- (4) In the application of subsection (3)(c) of section 5A of the Act of 1971, in a case falling within sub-paragraph (3) above, any period before the commencement date during which the interest of the lessor is vested in the executor as mentioned in that subsection shall be disregarded in calculating the period of 12 months specified in that subsection.
- (5) In this paragraph " the Act of 1971 " means the Rent (Scotland) Act 1971.
- 3 (1) This paragraph applies where the tenancy of a dwelling-house has come to an end before the commencement date and, if it had come to an end after that date, it would have then been a protected furnished tenancy.
- (2) No order for possession of the dwelling-house shall be made which would not be made if the tenancy had been a protected furnished tenancy at the time it came to an end.
- (3) Where a court has made an order for possession of the dwelling-house before the commencement date but the order has not been executed, the court, if of opinion that the order would not have been made if the tenancy had been a protected furnished

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tenancy when it came to an end, may, on the application of the person against whom it was made, rescind or vary it in such manner as the court thinks fit for the purpose of giving effect to section 1 of this Act.

- (4) If the tenant under the tenancy which has come to an end duly retains possession of the dwelling-house on the commencement date without an order for possession having been made or after the rescission of such an order, he shall be deemed to do so as a statutory tenant under a regulated tenancy and, subject to sub-paragraph (8) below, as a person who became the statutory tenant on the termination of a protected tenancy under which he was the tenant; and, subject to sub-paragraphs (6) and (7) below, the tenancy referred to in sub-paragraph (1) above shall be treated, in relation to his statutory tenancy,—
- (a) as the original contract of tenancy for the purposes of section 12 of the Rent Act (terms and conditions of statutory tenancies) ; and
 - (b) as the previous contractual tenancy for the purposes of paragraph 2 of Part III of Schedule 3 to the Rent Act.
- (5) In any case where—
- (a) immediately before the commencement date a rent is registered for a dwelling under the relevant Part of the Rent Act, and
 - (b) on the commencement date a person becomes a statutory tenant of that dwelling by virtue of sub-paragraph (4) above,
- the amount which is so registered under the relevant Part of the Rent Act shall be deemed to be registered under Part IV of that Act as the rent for that dwelling, and that registration shall be deemed to take effect on the commencement date.
- (6) In England and Wales the High Court or the county court may by order vary all or any of the terms of the statutory tenancy imposed by sub-paragraph (4) above in any way appearing to the court to be just and equitable, and whether or not in a way authorised by the provisions of sections 23 and 24 of the Rent Act 1968.
- (7) In Scotland the sheriff may by order vary all or any of the terms of the statutory tenancy imposed by sub-paragraph (4) above in any way appearing to him to be just and equitable, and whether or not in a way authorised by the provisions of sections 22 and 23 of the Rent (Scotland) Act 1971.
- (8) If on the commencement date the dwelling-house is occupied by a person who would, if the tenancy had been a protected tenancy, have been the " first successor " as defined in paragraph 4 of Schedule 1 to the Rent Act—
- (a) an application under sub-paragraph (3) above may be made by that person, and
 - (b) sub-paragraph (4) above shall apply where that person retains possession as it applies where the tenant retains possession, except that he shall be the first successor, as so defined.
- 4 (1) The provisions of this paragraph shall have effect with respect to the period beginning on the commencement date and ending on the day appointed for the purposes of subsection (1) of section 11 of this Act, and in the following provisions of this paragraph that period is referred to as " the interim period ".
- (2) During the interim period every allowance scheme (including an allowance scheme which is the model scheme, as defined in section 20(7) of the Housing Finance Act 1972) shall be deemed to be varied to such extent as is necessary to take account of

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the provisions of subsections (2) to (5) of section 11 of this Act and of the repeals of provisions of Part II of that Act contained in Part I of Schedule 4 to this Act.

- (3) No account shall be taken for the purposes of section 24 of the Housing Finance Act 1972 (publicity for schemes) of any deemed variation of a scheme which is effected by sub-paragraph (2) above.
 - (4) Where, during the interim period, an authority vary their allowance scheme to take account of the provisions of the subsections and of the repeals referred to in sub-paragraph (2) above, the variation shall not take effect until the day appointed as mentioned in sub-paragraph (1) above.
 - (5) At any time within the interim period an authority may vary their allowance scheme, with effect from the day appointed as mentioned in sub-paragraph (1) above, to take account of the modifications of Part II of the Housing Finance Act 1972 effected on and after that day by subsection (1) of section 11 of, and Part II of Schedule 4 to, this Act.
 - (6) In this paragraph " allowance scheme " and " authority " have the same meanings as in Part II of the Housing Finance Act 1972.
- 5 Subsection (3) of section 20 of the Housing Finance Act 1972 (proposals for regulations varying Schedules 3 and 4 to that Act to be referred to the Advisory Committee on Rent Rebates and Rent Allowances) shall not apply to regulations which are—
- (a) made within the period of three months beginning on the commencement date ; and
 - (b) expressed to be made for the purpose of making in either of those Schedules variations consequential upon provision made by virtue of paragraph (c) of section 25(3) of that Act (as set out in section 11(7) of this Act).
- 6 (1) The provisions of this paragraph shall have effect with respect to the period beginning on the commencement date and ending on the day appointed for the purposes of subsection (1) of section 12 of this Act, and in the following provisions of this paragraph that period is referred to as " the interim period ".
- (2) During the interim period every allowance scheme (including an allowance scheme which is the model scheme as denned in section 17(5) of the Act of 1972) shall be deemed to be varied to such extent as is necessary to take account of the provisions of subsections (2) to (4) of section 12 of this Act.
 - (3) No account shall be taken for the purposes of section 19(2) of the Act of 1972 (publicity for allowance schemes) of any deemed variation of a scheme which is effected by sub-paragraph (2) above.
 - (4) Where, during the interim period, an authority vary their allowance scheme to take account of the provisions of the subsections referred to in sub-paragraph (2) above, the variation shall not take effect until the day appointed as mentioned in sub-paragraph (1) above.
 - (5) At any time within the interim period an authority may vary, with effect from the day appointed as mentioned in sub-paragraph (1) above, their allowance scheme to take account of the modifications of section 16 of the Act of 1972 effected on and after that day by subsection (1) of section 12 of this Act.

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- (6) In this paragraph " the Act of 1972" means the Housing (Financial Provisions) (Scotland) Act 1972; and " allowance scheme " and " authority " have the same meanings as in Part II of the Act of 1972.