



# Rent Act 1977

## 1977 CHAPTER 42

### PART III

#### RENTS UNDER REGULATED TENANCIES

##### *Regulation of rent*

#### **44 Limit of rent during contractual periods.**

- (1) Where a rent for a dwelling-house is registered under Part IV of this Act, the rent recoverable for any contractual period of a regulated tenancy of the dwelling-house shall be limited to the rent so registered.

This subsection is subject to the following provisions of this Act: subsection (4) below, [<sup>F1</sup>section 71(3)], paragraph 1(3) of Schedule 7, . . . <sup>F2</sup> and paragraph 3 of Schedule 20.

- (2) Where a limit is imposed by subsection (1) above on the rent recoverable in relation to any contractual period of a regulated tenancy, the amount by which the rent payable under the tenancy exceeds that limit shall, notwithstanding anything in any agreement, be irrecoverable from the tenant.
- (3) In this Part of this Act “contractual rent limit” means the limit specified in subsection (1) above.
- (4) Schedule 7 to this Act shall have effect for the purpose of providing a special rent limit in relation to certain tenancies which became regulated tenancies by virtue of section 14 of the <sup>M1</sup>Counter-Inflation Act 1973.

#### **Textual Amendments**

**F1** Words substituted (with saving) by S.I. 1987/264, arts. 2(3), 3, Sch. 1 para. 1, Sch. 2

**F2** Words repealed by Housing Act 1980 (c. 51, SIF 61), Sch. 26

*Status: Point in time view as at 14/03/2012.*

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### Marginal Citations

M1 1973 c. 9.

## 45 Limit of rent during statutory periods.

- (1) Except as otherwise provided by this Part of this Act, where the rent payable for any statutory period of a regulated tenancy of a dwelling-house would exceed the rent recoverable for the last contractual period thereof, the amount of the excess shall, notwithstanding anything in any agreement, be irrecoverable from the tenant.
- (2) Where a rent for the dwelling-house is registered under Part IV of this Act, the following provisions shall apply with respect to the rent for any statutory period of a regulated tenancy of the dwelling-house:—
  - (a) if the rent payable for any statutory period would exceed the rent so registered, the amount of the excess shall, notwithstanding anything in any agreement, be irrecoverable from the tenant; and
  - (b) if the rent payable for any statutory period would be less than the rent so registered, it may be increased up to the amount of that rent by a notice of increase served by the landlord on the tenant and specifying the date from which the increase is to take effect.

This subsection is subject to the following provisions of this Act: [F3section 71(3)], paragraph 1(3) of Schedule 7, . . . F4 . . . F5 and paragraph 3 of Schedule 20.

- (3) The date specified in a notice of increase under subsection (2)(b) above shall not be earlier than the date [F6from which the registration of the rent took effect] nor earlier than 4 weeks before the service of the notice.
- (4) Where no rent for the dwelling-house is registered under Part IV of this Act, sections 46 [F7and 47] of this Act shall have effect with respect to the rent recoverable for any statutory period under a regulated tenancy of the dwelling-house.

### Textual Amendments

- F3 Words substituted (with saving) by S.I. 1987/264, arts. 2(3), 3, Sch. 1 para. 2(a), Sch. 2
- F4 Words repealed (with saving) by S.I. 1987/264, arts. 2(3), 3, Sch. 1 para. 2(b), Sch. 2
- F5 Words repealed by Housing Act 1980 (c. 51, SIF 61), Sch. 26
- F6 Words substituted with saving by Housing Act 1980 (c. 51, SIF 61), s. 61(4)(8)
- F7 Words substituted by Housing Act 1980 (c. 51, SIF 61), Sch. 25 Pt. 1 para. 37

## 46 Adjustment, with respect to rates, of recoverable rent for statutory periods before registration.

- (1) Where—
  - (a) section 45(4) of this Act applies, and
  - (b) any rates in respect of the dwelling-house are, or were during the last contractual period, borne by the landlord or a superior landlord,

then, for any statutory period for which the amount of the rates (ascertained in accordance with Schedule 5 to this Act) differs from the amount, so ascertained, of the rates for the last contractual period, the recoverable rent shall be increased or decreased by the amount of the difference.

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- (2) Where the amount of the recoverable rent is increased by virtue of this section, the increase shall not take effect except in pursuance of a notice of increase served by the landlord on the tenant and specifying the increase and the date from which it is to take effect.
- (3) The date specified in a notice of increase under subsection (2) above shall be not earlier than 6 weeks before the service of the notice, and if it is earlier than the service of the notice any rent unpaid shall become due on the day after the service of the notice.

**47 Adjustment, with respect to services and furniture, of recoverable rent for statutory periods before registration.**

- (1) Where section 45(4) of this Act applies and for any statutory period there is with respect to—
  - (a) the provision of services for the tenant by the landlord or a superior landlord, or
  - (b) the use of furniture by the tenant,or any circumstances relating thereto any difference, in comparison with the last contractual period, such as to affect the amount of the rent which it is reasonable to charge, the recoverable rent for the statutory period shall be increased or decreased by an appropriate amount.
- (2) Any question whether, or by what amount, the recoverable rent for any period is increased or decreased by virtue of this section shall be determined by agreement in writing between the landlord and the tenant or by the county court; and any such determination—
  - (a) may be made so as to relate to past statutory periods; and
  - (b) shall have effect with respect to statutory periods subsequent to the periods to which it relates until revoked or varied by any such agreement as is referred to in this subsection or by the county court.

**48** ..... <sup>F8</sup>

**Textual Amendments**

**F8** S. 48 repealed with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 63, Sch. 25 Pt. II para. 64, [Sch. 26](#)

**49 Notices of increase.**

- (1) Any reference in this section to a notice of increase is a reference to a notice of increase under section 45(2), [<sup>F9</sup> or 46] of this Act.
- (2) A notice of increase must be in the prescribed form.
- (3) Notwithstanding that a notice of increase relates to statutory periods, it may be served during a contractual period.
- (4) Where a notice of increase is served during a contractual period and the protected tenancy could, by a notice to quit served by the landlord at the same time, be brought to an end before the date specified in the notice of increase, the notice of increase shall operate to convert the protected tenancy into a statutory tenancy as from that date.

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- (5) If the county court is satisfied that any error or omission in a notice of increase is due to a bona fide mistake on the part of the landlord, the court may by order amend the notice by correcting any errors or supplying any omission therein which, if not corrected or supplied, would render the notice invalid and, if the court so directs, the notice as so amended shall have effect and be deemed to have had effect as a valid notice.
- (6) Any amendment of a notice of increase under subsection (5) above may be made on such terms and conditions with respect to arrears of rent or otherwise as appear to the court to be just and reasonable.
- (7) No increase of rent which becomes payable by reason of an amendment of a notice of increase under subsection (5) above shall be recoverable in respect of any statutory period which ended more than 6 months before the date of the order making the amendment.

**Textual Amendments**

**F9** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 25 Pt. I para. 38**

**50 Private street works to count as improvements.**

..... **F10** .....

**Textual Amendments**

**F10** Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**

*Rent agreements with tenants having security of tenure*

**51 Protection of tenants with security of tenure.**

- (1) In this Part of this Act a “rent agreement with a tenant having security of tenure” means—
- (a) an agreement increasing the rent payable under a protected tenancy which is a regulated tenancy, or
  - (b) the grant to the tenant under a regulated tenancy, or to any person who might succeed him as a statutory tenant, of another regulated tenancy of the dwelling-house at a rent exceeding the rent under the previous tenancy.
- (2) Where any rates in respect of the dwelling-house are borne by the landlord or a superior landlord, any increase or rent shall be disregarded for the purposes of the definition in subsection (1) above if the increase is no more than one corresponding to an increase in the rates borne by the landlord or a superior landlord in respect of the dwelling-house.
- (3) If—

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- (a) a rent agreement with a tenant having security of tenure takes effect on or after the commencement of this Act, and was made at a time when no rent was registered for the dwelling-house under Part IV of this Act, . . . <sup>F11</sup>
- (b) . . . . . <sup>F11</sup>

the requirements of subsection (4) below shall be observed as respects the agreement.

(4) The requirements are that—

- (a) the agreement is in writing signed by the landlord and the tenant, and
- (b) the document containing the agreement contains a statement, in characters not less conspicuous than those used in any other part of the agreement—
  - (i) that the tenant’s security of tenure under this Act will not be affected if he refuses to enter into the agreement, and
  - (ia) . . . . . <sup>F12</sup>
  - (ii) that entry into the agreement will not deprive the tenant or landlord of the right to apply at any time to the rent officer for the registration of a fair rent under Part IV of this Act,or words to that effect, and
- (c) the statement mentioned in paragraph (b) above is set out at the head of the document containing the agreement.

**Textual Amendments**

**F11** Word “and” and s. 51(3)(b) repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

**F12** [S. 51\(4\)\(b\)\(ia\)](#) was inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [s. 68\(1\)](#) and repealed (with saving) by [S.I. 1987/264](#), [arts. 2\(3\), 3](#), [Sch. 1 para. 3](#), [Sch. 2](#)

**[<sup>F13</sup>52 Protection: special provisions following conversion.**

- (1) This section applies to an agreement with a tenant having security of tenure which is entered into after the commencement of provisions following section 68(2) of the <sup>M2</sup>Housing Act 1980 if the tenancy has become or, conversion. as the case may be, the previous tenancy became a regulated tenancy by conversion.
- (2) Any such agreement which purports to increase the rent payable under a protected tenancy shall, if entered into at a time when no rent is registered for the dwelling-house under Part IV of this Act, be void.
- (3) If any such agreement constitutes a grant of a regulated tenancy and is made at a time when no rent is so registered, any excess of the rent payable under the tenancy so granted (for any contractual or statutory period of the tenancy) over the rent limit applicable to the previous tenancy, shall be irrecoverable from the tenant; but this subsection ceases to apply if a rent is subsequently so registered.
- (4) For the purposes of this section a tenancy is a regulated tenancy by conversion if it has become a regulated tenancy by virtue of—
  - (a) Part VIII of this Act, section 43 of the <sup>M3</sup> Housing Act 1969 or Part 111 or IV of the <sup>M4</sup> Housing Finance Act 1972) (conversion of controlled tenancies into regulated tenancies); or
  - (b) section 18(3) of this Act or paragraph 5 of Schedule 2 to the <sup>M5</sup> Rent Act 1968 (conversion on death of first successor); or

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- (c) section 64 of the Housing Act 1980 (conversion of all remaining controlled tenancies).
- (5) This section does not apply to any agreement where the tenant is neither the person who, at the time of the conversion, was the tenant nor a person who might succeed the tenant at that time as a statutory tenant.
- (6) Where a rent is registered for the dwelling-house and the registration is subsequently cancelled, this section shall not apply to the agreement submitted to the rent officer in connection with the cancellation nor to any agreement made so as to take effect after the cancellation.]

#### Textual Amendments

**F13** S. 52 substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 68(2), [Sch. 25 Pt.II para. 65](#)

#### Marginal Citations

**M2** 1980 c. 51.  
**M3** 1969 c. 33  
**M4** 1972 c. 47  
**M5** 1968 c. 23.

53

F14

#### Textual Amendments

**F14** Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), [Sch. 1 para. 8](#), [Schs. 3, 4, 6](#), [Sch. 7 para. 4](#), [Sch. 10 para. 10](#), [Sch. 11 paras. 13, 14](#) and 15–25, [Sch. 13](#), [Sch. 14 para. 6](#), [Sch. 17 paras. 10, 11](#), [Sch. 19](#), [Sch. 20 paras. 1\(6\)\(7\), 4](#), [Schs. 21, 22](#), [Sch. 23 paras. 1, 4\(g\)–\(i\)](#), 37, 38 repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

#### 54 Failure to comply with provisions for protection of tenants.

- (1) If, in the case of a variation of the terms of a regulated tenancy, there is a failure to observe any of the requirements of section 51, . . . <sup>F15</sup> of this Act, any excess of the rent payable under the terms as varied over the terms without the variation shall be irrecoverable from the tenant.
- (2) If, in the case of the grant of a tenancy, there is a failure to observe any of those requirements, any excess of the rent payable under the tenancy so granted (for any contractual or any statutory period of the tenancy) over the previous limit shall be irrecoverable from the tenant.
- (3) In subsection (2) above the “previous limit” shall be taken to be the amount which (taking account of any previous operation of this section or of section 46 of the <sup>M6</sup>Housing Finance Act 1972, which is superseded by this section) was recoverable by way of rent for the last rental period of the previous tenancy of the dwelling-house, or which would have been so recoverable if all notices of increase authorised by this Act, the <sup>M7</sup>Rent Act 1968 and section 37(3) of the Act of 1972 had been served.

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(4) ..... F16

**Textual Amendments**

**F15** Words repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

**F16** [S. 54\(4\)\(5\)](#) repealed with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. II para. 66](#), [Sch. 26](#)

**Marginal Citations**

**M6** [1972 c. 47](#).

**M7** [1968 c. 23](#).

55 ..... F17

**Textual Amendments**

**F17** [S. 55](#) repealed (with saving) by [S.I. 1987/264, arts. 2\(1\)\(a\), 3](#), [Sch. 2](#)

56 ..... F18

**Textual Amendments**

**F18** [Ss. 56, 114, Sch. 9](#) repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [s. 60\(4\)](#), [Sch. 26](#)

*Enforcement provisions*

**57 Recovery from landlord of sums paid in excess of recoverable rent, etc.**

(1) Where a tenant has paid on account of rent any amount which, by virtue of this Part of this Act, is irrecoverable by the landlord, the tenant who paid it shall be entitled to recover that amount from the landlord who received it or his personal representatives.

(2) Any amount which a tenant is entitled to recover under subsection (1) above may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the landlord.

[<sup>F19</sup>(3) No amount which a tenant is entitled to recover under subsection (1) above shall be recoverable at any time after the expiry of —

(a) one year, in the case of an amount which is irrecoverable by virtue of section 54 of this Act; or

(b) two years, in any other case.]

(4) Any person who, in any rent book or similar document, makes an entry showing or purporting to show any tenant as being in arrears in respect of any sum on account of rent which is irrecoverable by virtue of this Part of this Act shall be liable to a fine not exceeding [<sup>F20</sup>level 3 on the standard scale], unless he proves that, at the time of the making of the entry, the landlord had a bona fide claim that the sum was recoverable.

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- (5) If, where any such entry has been made by or on behalf of any landlord, the landlord on being requested by or on behalf of the tenant to do so, refuses or neglects to cause the entry to be deleted within 7 days, the landlord shall be liable to a fine not exceeding [<sup>F20</sup>level 3 on the standard scale], unless he proves that, at the time of the neglect or refusal to cause the entry to be deleted, he had a bona fide claim that the sum was recoverable.

#### **Textual Amendments**

**F19** S.57(3) substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 68(3)

**F20** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

### **58 Rectification of rent books in light of determination of recoverable rent.**

Where, in any proceedings, the recoverable rent of a dwelling-house subject to a regulated tenancy is determined by a court, then, on the application of the tenant (whether in those or in any subsequent proceedings), the court may call for the production of the rent book or any similar document relating to the dwelling-house and may direct the registrar or clerk of the court to correct any entries showing, or purporting to show, the tenant as being in arrears in respect of any sum which the court has determined to be irrecoverable.

#### *General provisions*

### **59 Adjustment for differences in lengths of rental periods.**

In ascertaining for the purposes of this Part of this Act whether there is any difference with respect to rents or rates between one rental period and another (whether of the same tenancy or not) or the amount of any such difference, any necessary adjustment shall be made to take account of periods of different lengths; and for the purposes of such an adjustment a period of one month shall be treated as equivalent to one-twelfth of a year and a period of a week as equivalent to one-fifty-second of a year.

### **60 Regulations.**

- (1) The Secretary of State may make regulations—
  - (a) prescribing the form of any notice or other document to be given or used in pursuance of this Part of this Act; and
  - (b) prescribing anything required or authorised to be prescribed by this Part of this Act.
- (2) Any such regulations shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **61 Interpretation of Part III.**

- (1) In this Part of this Act, except where the context otherwise requires—
 

“contractual period” means a rental period of a regulated tenancy which is a period beginning before the expiry or termination of the protected tenancy;



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“contractual rent limit” has the meaning assigned to it by section 44(3) of this Act;

F21

“prescribed” means prescribed by regulations under section 60 of this Act and references to a prescribed form include references to a form substantially to the same effect as the prescribed form;

“recoverable rent” means rent which, under a regulated tenancy, is or was for the time being recoverable, having regard to the provisions of this Part of this Act;

“rent agreement with a tenant having security of tenure” has the meaning assigned to it by section 51 of this Act;

“statutory period” means any rental period of a regulated tenancy which is not a contractual period.

- (2) References in this Part of this Act to rates, in respect of a dwelling-house, include references to such proportion of any rates in respect of a hereditament of which the dwelling-house forms part as may be agreed in writing between the landlord and the tenant or determined by the county court.

#### Textual Amendments

F21 Definition repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)

**Status:**

Point in time view as at 14/03/2012.

**Changes to legislation:**

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