

Status: Point in time view as at 30/09/2021.

*Changes to legislation: There are currently no known outstanding effects
for the Rent Act 1977, SCHEDULE 15. (See end of Document for details)*

SCHEDULES

SCHEDULE 15

Section 98.

GROUND FOR POSSESSION OF DWELLING-HOUSES LET ON OR SUBJECT TO PROTECTED OR STATUTORY TENANCIES

Modifications etc. (not altering text)

- C1** Sch. 15 applied (with modifications) (31.12.2020) by [The Citizens' Rights \(Application Deadline and Temporary Protection\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1209\)](#), regs. 1(1), **3(4)**, 4(5), 12(1)(d)

PART I

CASES IN WHICH COURT MAY ORDER POSSESSION

Case 1

Where any rent lawfully due from the tenant has not been paid, or any obligation of the protected or statutory tenancy which arises under this Act, or—

- (a) in the case of a protected tenancy, any other obligation of the tenancy, in so far as is consistent with the provisions of Part VII of this Act, or
- (b) in the case of a statutory tenancy, any other obligation of the previous protected tenancy which is applicable to the statutory tenancy.

has been broken or not performed.

Case 2

Where the tenant or any person residing or lodging with him or any sub-tenant of his has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers, or has been convicted of using the dwelling-house or allowing the dwelling-house to be used for immoral or illegal purposes.

Case 3

Where the condition of the dwelling-house has, in the opinion of the court, deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any person residing or lodging with him or any sub-tenant of his and, in the case of any act of waste by, or the neglect or default of, a person lodging with the tenant or a sub-tenant of his, where the court is satisfied that the tenant has not, before the making of the order in question, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant, as the case may be.

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Case 4

Where the condition of any furniture provided for use under the tenancy has, in the opinion of the court, deteriorated owing to ill-treatment by the tenant or any person residing or lodging with him or any sub-tenant of his and, in the case of any ill-treatment by a person lodging with the tenant or a sub-tenant of his, where the court is satisfied that the tenant has not, before the making of the order in question, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant, as the case may be.

Case 5

Where the tenant has given notice to quit and, in consequence of that notice, the landlord has contracted to sell or let the dwelling-house or has taken any other steps as the result of which he would, in the opinion of the court, be seriously prejudiced if he could not obtain possession.

Case 6

Where, without the consent of the landlord, the tenant has, at any time after—

- (a) ^{F1}
- (b) 22nd March 1973, in the case of a tenancy which became a regulated tenancy by virtue of section 14 of the ^{M1}Counter-Inflation Act 1973;
- [^{F2}(bb) the commencement of section 73 of the Housing Act 1980, in the case of a tenancy which became a regulated tenancy by virtue of that section.]
- (c) 14th August 1974, in the case of a regulated furnished tenancy; or
- (d) 8th December 1965, in the case of any other tenancy,

assigned or sublet the whole of the dwelling-house or sublet part of the dwelling-house, the remainder being already sublet.

Textual Amendments

F1 Case 6 para. (a) repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**

F2 Case 6 para. (bb) inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 8 para. 2**

Marginal Citations

M1 [1973 c. 9](#).

Textual Amendments

F1 Case 6 para. (a) repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**

F2 Case 6 para. (bb) inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 8 para. 2**

Marginal Citations

M1 [1973 c. 9](#).

Case 7

..... ^{F3}

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Textual Amendments

F3 Case 7 repealed by [Housing Act 1980 \(c. 51, SIF61\)](#), [Sch. 26](#)

Textual Amendments

F3 Case 7 repealed by [Housing Act 1980 \(c. 51, SIF61\)](#), [Sch. 26](#)

Case 8

Where the dwelling-house is reasonably required by the landlord for occupation as a residence for some person engaged in his whole-time employment, or in the whole-time employment of some tenant from him or with whom, conditional on housing being provided, a contract for such employment has been entered into, and the tenant was in the employment of the landlord or a former landlord, and the dwelling-house was let to him in consequence of that employment and he has ceased to be in that employment.

Case 9

Where the dwelling-house is reasonably required by the landlord for occupation as a residence for—

- (a) himself, or
- (b) any son or daughter of his over 18 years of age, or
- (c) his father or mother, or
- (d) if the dwelling-house is let on or subject to a regulated tenancy, the father or mother of his [^{F4}spouse or civil partner],

and the landlord did not become landlord by purchasing the dwelling-house or any interest therein after—

- (i) 7th November 1956, in the case of a [^{F5}tenancy which was then a controlled tenancy];
- (ii) 8th March 1973, in the case of a tenancy which became a regulated tenancy by virtue of section 14 of the ^{M2}Counter-Inflation Act 1973;
- (iii) 24th May 1974, in the case of a regulated furnished tenancy; or
- (iv) 23rd March 1965, in the case of any other tenancy.

Textual Amendments

F4 Words in Sch. 15 Pt. I substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), [Sch. 8 para. 14](#); S.I. 2005/3175, art. 2(1), Sch. 1

F5 Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 57](#) in relation to any tenancy which was a controlled tenancy on 7.11.1956 notwithstanding that it ceased to be a controlled tenancy before 28.11.1980

Marginal Citations

M2 1973 c. 9.

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Textual Amendments

- F4** Words in Sch. 15 Pt. I substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 14**; S.I. 2005/3175, art. 2(1), Sch. 1
- F5** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 25 Pt. I para. 57** in relation to any tenancy which was a controlled tenancy on 7.11.1956 notwithstanding that it ceased to be a controlled tenancy before 28.11.1980

Marginal Citations

- M2** [1973 c. 9](#).

Case 10

Where the court is satisfied that the rent charged by the tenant—

- (a) for any sublet part of the dwelling-house which is a dwelling-house let on a protected tenancy or subject to a statutory tenancy is or was in excess of the maximum rent for the time being recoverable for that part, having regard to . . . ^{F6} Part III of this Act, or
- (b) for any sublet part of the dwelling-house which is subject to a restricted contract is or was in excess of the maximum (if any) which it is lawful for the lessor, within the meaning of Part V of this Act to require or receive having regard to the provisions of that Part.

Textual Amendments

- F6** Words repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**

Textual Amendments

- F6** Words repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**

[^{F7}Case 10A

Textual Amendments

- F7** Sch. 15 Pt. I Case 10A inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 41(6), 94(1)** (with s. 41(7)); S.I. 2016/1037, reg. 5(e)

Both of the following conditions are met in relation to a dwelling-house in England.

Condition 1 is that the Secretary of State has given a notice in writing to the landlord or, in the case of joint landlords, one or more of them which identifies—

- (a) the tenant or, in the case of joint tenants, one or more of them, or
- (b) one or more other persons aged 18 or over who are occupying the dwelling-house, as a person or persons disqualified as a result of their immigration status from occupying the dwelling-house under the tenancy.

Condition 2 is that the person or persons named in the notice—

- (a) fall within paragraph (a) or (b) of condition 1, and

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- (b) are disqualified as a result of their immigration status from occupying the dwelling-house under the tenancy.

For the purposes of this case a person (“P”) is disqualified as a result of their immigration status from occupying the dwelling-house under the tenancy if—

- (a) P is not a relevant national, and
- (b) P does not have a right to rent in relation to the dwelling-house.

P does not have a right to rent in relation to the dwelling-house if—

- (a) P requires leave to enter or remain in the United Kingdom but does not have it, or
- (b) P's leave to enter or remain in the United Kingdom is subject to a condition preventing P from occupying the dwelling-house.

But P is to be treated as having a right to rent in relation to a dwelling-house if the Secretary of State has granted P permission for the purposes of this case to occupy a dwelling-house which is for the time being let on a protected tenancy or subject to a statutory tenancy.

In this case “relevant national” means—

- (a) a British citizen,
 - [an Irish citizen, or
- ^{F8}(aa) a person who is not an Irish citizen and who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.]
- ^{F9}(b)
- ^{F9}(c)]

Textual Amendments

- F8** Words in Sch. 15 Pt. I Case 10A inserted (31.12.2020) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2), **6(2)(a)**
- F9** Words in Sch. 15 Pt. I Case 10A omitted (31.12.2020) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2), **6(2)(b)**

PART II

CASES IN WHICH COURT MUST ORDER POSSESSION WHERE DWELLING-HOUSE SUBJECT TO REGULATED TENANCY

Case 11

[^{F10}Where a person (in this Case referred to as “the owner-occupier”) who let the dwelling-house on a regulated tenancy had, at any time before the letting, occupied it as his residence] and—

- (a) not later than the relevant date the landlord gave notice in writing to the tenant that possession might be recovered under this Case, and
- (b) the dwelling-house has not, since—

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- (i) 22nd March 1973, in the case of a tenancy which became a regulated tenancy by virtue of section 14 of the ^{M3}Counter-Inflation Act 1973;
- (ii) 14th August 1974, in the case of a regulated furnished tenancy; or
- (iii) 8th December 1965, in the case of any other tenancy,

been let by the owner-occupier on a protected tenancy with respect to which the condition mentioned in paragraph (a) above was not satisfied, and

[^{F11}(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.]

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

The giving of a notice before 14th August 1974 under section 79 of the ^{M4}Rent Act 1968 shall be treated, in the case of a regulated furnished tenancy, as compliance with paragraph (a) of this case. [^{F12}Where the dwelling-house has been let by the owner-occupier on a protected tenancy (in this paragraph referred to as “the earlier tenancy”) granted on or after 16th November 1984 but not later than the end of the period of two months beginning with the commencement of the Rent (Amendment) Act 1985 and either—

- (i) the earlier tenancy was granted for a term certain (whether or not to be followed by a further term or to continue thereafter from year to year or some other period) and was during that term a protected shorthold tenancy as defined in section 52 of the Housing Act ^{M5}1980, or
- (ii) the conditions mentioned in paragraphs (a) to (c) of Case 20 were satisfied with respect to the dwelling-house and the earlier tenancy,

then for the purposes of paragraph (b) above the condition in paragraph (a) above is to be treated as having been satisfied with respect to the earlier tenancy.]

Textual Amendments

- F10** Sch. 15 Pt.II *Case 11*: Words from “Where” to “residence” substituted for words from the beginning to “tenancy” by [Rent \(Amendment\) Act 1985 \(c. 24, SIF 75:3, 4\), s. 1\(1\)\(4\)](#)
- F11** Case 11 para. (c) substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 66\(1\)\(5\)\(6\)](#)
- F12** Sch. 15 Pt.II *Case 11*: Words added at the end by [Rent \(Amendment\) Act 1985 \(c. 24, SIF 75:3, 4\) s. 1\(2\)\(4\)](#)

Marginal Citations

- M3** 1973 c. 9.
- M4** 1968 c. 23.
- M5** 1980 c.51 (61).

Textual Amendments

- F10** Sch. 15 Pt.II *Case 11*: Words from “Where” to “residence” substituted for words from the beginning to “tenancy” by [Rent \(Amendment\) Act 1985 \(c. 24, SIF 75:3, 4\), s. 1\(1\)\(4\)](#)
- F11** Case 11 para. (c) substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 66\(1\)\(5\)\(6\)](#)
- F12** Sch. 15 Pt.II *Case 11*: Words added at the end by [Rent \(Amendment\) Act 1985 \(c. 24, SIF 75:3, 4\) s. 1\(2\)\(4\)](#)

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Marginal Citations

- M3 1973 c. 9.
- M4 1968 c. 23.
- M5 1980 c.51 (61).

Case 12

[^{F13}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] it on a regulated tenancy before he has so retired and—

- (a) not later than the relevant date the landlord gave notice in writing to the tenant that possession might be recovered under this Case; and
- (b) the dwelling-house has not, since 14th August 1974, been let by the owner on a protected tenancy with respect to which the condition mentioned in paragraph (a) above was not satisfied; and

[^{F14}(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.]

If the court is of the opinion that, notwithstanding that the condition in paragraph (a) or (b) 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 those paragraphs, as the case may require.

Textual Amendments

- F13 Words substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 66\(4\)\(5\)](#)
- F14 Case 12 para. (c) substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 66\(2\)\(5\)\(6\)](#)

Textual Amendments

- F13 Words substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 66\(4\)\(5\)](#)
- F14 Case 12 para. (c) substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 66\(2\)\(5\)\(6\)](#)

Case 13

Where the dwelling-house is let under a tenancy for a term of years certain not exceeding 8 months and—

- (a) not later than the relevant date the landlord gave notice in writing to the tenant that possession might be recovered under this Case; and
- (b) the dwelling-house was, at some time within the period of 12 months ending on the relevant date, occupied under a right to occupy it for a holiday.

For the purposes of this Case a tenancy shall be treated as being for a term of years certain notwithstanding that it is liable to determination by re-entry or on the happening of any event other than the giving of notice by the landlord to determine the term.

Case 14

Where the dwelling-house is let under a tenancy for a term of years certain not exceeding 12 months and—

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- (a) not later than the relevant date the landlord gave notice in writing to the tenant that possession might be recovered under this Case; and
- (b) at some time within the period of 12 months ending on the relevant date, the dwelling-house was subject to such a tenancy as is referred to in section 8(1) of this Act.

For the purposes of this Case a tenancy shall be treated as being for a term of years certain notwithstanding that it is liable to determination by re-entry or on the happening of any event other than the giving of notice by the landlord to determine the term.

Case 15

Where the dwelling-house is held for the purpose of being available for occupation by a minister of religion as a residence from which to perform the duties of his office and—

- (a) not later than the relevant date the tenant was given notice in writing that possession might be recovered under this Case, and
- (b) the court is satisfied that the dwelling-house is required for occupation by a minister of religion as such a residence.

Case 16

Where the dwelling-house was at any time occupied by a person under the terms of his employment as a person employed in agriculture, and

- (a) the tenant neither is nor at any time was so employed by the landlord and is not the widow of a person who was so employed, and
- (b) not later than the relevant date, the tenant was given notice in writing that possession might be recovered under this Case, and
- (c) the court is satisfied that the dwelling-house is required for occupation by a person employed, or to be employed, by the landlord in agriculture.

For the purposes of this Case “employed”, “employment” and “agriculture” have the same meanings as in the ^{M6}Agricultural Wages Act 1948.

Marginal Citations

M6 1948 c. 47.

Marginal Citations

M6 1948 c. 47.

Case 17

Where proposals for amalgamation, approved for the purposes of a scheme under section 26 of the ^{M7}Agriculture Act 1967, have been carried out and, at the time when the proposals were submitted, the dwelling-house was occupied by a person responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of any part of the land comprised in the amalgamation and

- (a) after the carrying out of the proposals, the dwelling-house was let on a regulated tenancy otherwise than to, or to the widow of, either a person ceasing to be so responsible as part of the amalgamation or a person who is, or at any time was, employed by the landlord in agriculture, and

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- (b) not later than the relevant date the tenant was given notice in writing that possession might be recovered under this Case, and
- (c) the court is satisfied that the dwelling-house is required for occupation by a person employed, or to be employed, by the landlord in agriculture, and
- (d) the proceedings for possession are commenced by the landlord at any time during the period of 5 years beginning with the date on which the proposals for the amalgamation were approved or, if occupation of the dwelling-house after the amalgamation continued in, or was first taken by, a person ceasing to be responsible as mentioned in paragraph (a) above or his widow, during a period expiring 3 years after the date on which the dwelling-house next became unoccupied.

For the purposes of this Case “employed” and “agriculture” have the same meanings as in the ^{M8}Agricultural Wages Act 1948 and “amalgamation” has the same meaning as in Part II of the ^{M9}Agriculture Act 1967.

Marginal Citations

- M7** 1967 c. 22.
- M8** 1948 c. 47.
- M9** 1967 c. 22.

Marginal Citations

- M7** 1967 c. 22.
- M8** 1948 c. 47.
- M9** 1967 c. 22.

Case 18

Where—

- (a) the last occupier of the dwelling-house before the relevant date was a person, or the widow of a person, who was at some time during his occupation responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of land which formed, together with the dwelling-house, an agricultural unit within the meaning of the ^{M10}Agriculture Act 1947, and
- (b) the tenant is neither—
 - (i) a person, or the widow of a person, who is or has at any time been responsible for the control of the farming of any part of the said land, nor
 - (ii) a person, or the widow of a person, who is or at any time was employed by the landlord in agriculture, and
- (c) the creation of the tenancy was not preceded by the carrying out in connection with any of the said land of an amalgamation approved for the purposes of a scheme under section 26 of the ^{M11}Agriculture Act 1967, and
- (d) not later than the relevant date the tenant was given notice in writing that possession might be recovered under this Case, and
- (e) the court is satisfied that the dwelling-house is required for occupation either by a person responsible or to be responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of any part of the said land or by a person employed or to be employed by the landlord in agriculture, and

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- (f) in a case where the relevant date was before 9th August 1972, the proceedings for possession are commenced by the landlord before the expiry of 5 years from the date on which the occupier referred to in paragraph (a) above went out of occupation.

For the purposes of this Case “employed” and “agriculture” have the same meanings as in the ^{M12}Agricultural Wages Act 1948 and “amalgamation” has the same meaning as in Part II of the ^{M13}Agriculture Act 1967.

Marginal Citations

- M10** 1947 c. 48.
M11 1967 c. 22.
M12 1948 c. 47.
M13 1967 c. 22.

Marginal Citations

- M10** 1947 c. 48.
M11 1967 c. 22.
M12 1948 c. 47.
M13 1967 c. 22.

[^{F15}Case 19]

Textual Amendments

- F15** Case 19 added by [Housing Act 1980 \(c. 51, SIF 61\)](#), **s. 55**

Where the dwelling-house was let under a protected shorthold tenancy (or is treated under section 55 of the Housing Act 1980 as having been so let) and—

- (a) there either has been no grant of a further tenancy of the dwelling-house since the end of the protected shorthold tenancy or, if there was such a grant, it was to a person who immediately before the grant was in possession of the dwelling-house as a protected or statutory tenant; and
- (b) the proceedings for possession were commenced after appropriate notice by the landlord to the tenant and not later than months after the expiry of the notice.

A notice is appropriate for this Case if—

- (i) it is in writing and states that proceedings for possession under this Case may be brought after its expiry; and
- (ii) it expires not earlier than 3 months after it is served nor, if, when it is served, the tenancy is a periodic tenancy, before that periodic tenancy could be brought to an end by a notice to quit served by the landlord on the same day;
- (iii) it is served—
- (a) in the period of 3 months immediately preceding the date on which protected shorthold tenancy comes to an end; or
- (b) if that date has passed, in the period of 3 months immediately preceding any anniversary of that date; and

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- (iv) in a case where a previous notice has been served by the landlord on the tenant in respect of the dwelling-house, and that notice was an appropriate notice, it is served not earlier than 3 months after the expiry of the previous notice.

[^{F16}Case 20]

Textual Amendments

F16 Case 20 added by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 67

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 1980 c. 5 1. 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.

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 ^{M14} House of Commons Disqualification Act 1975.

Marginal Citations

M14 1975 c. 24

Marginal Citations

M14 1975 c. 24

PART III

PROVISIONS APPLICABLE TO CASE 9 AND PART II OF THIS SCHEDULE

Provision for Case 9

- 1 A court shall not make an order for possession of a dwelling-house by reason only that the circumstances of the case fall within Case 9 in Part I of this Schedule

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if the court is satisfied that, having regard to all the circumstances of the case, including the question whether other accommodation is available for the landlord or the tenant, greater hardship would be caused by granting the order than by refusing to grant it.

Provision for Part II

- 2 Any reference in Part II of this Schedule to the relevant date shall be construed as follows:—
- (a) except in a case falling within paragraph (b) or (c) below, if the protected tenancy, or, in the case of a statutory tenancy, the previous contractual tenancy, was created before 8th December 1965, the relevant date means 7th June 1966; and
 - (b) except in a case falling within paragraph (c) below, if the tenancy became a regulated tenancy by virtue of section 14 of the ^{M15}Counter-Inflation Act 1973 and the tenancy or, in the case of a statutory tenancy, the previous contractual tenancy, was created before 22nd March 1973, the relevant date means 22nd September 1973; and
 - (c) in the case of a regulated furnished tenancy, if the tenancy or, in the case of a statutory furnished tenancy, the previous contractual tenancy was created before 14th August 1974, the relevant date means 13th February 1975; and
 - (d) in any other case, the relevant date means the date of the commencement of the regulated tenancy in question.

Marginal Citations

M15 1973 c. 9.

PART IV

SUITABLE ALTERNATIVE ACCOMMODATION

- 3 For the purposes of section 98(1)(a) of this Act, a certificate of the ^{F17}local housing authority] for the district in which the dwelling-house in question is situated, certifying that the authority will provide suitable alternative accommodation for the tenant by a date specified in the certificate, shall be conclusive evidence that suitable alternative accommodation will be available for him by that date.

Textual Amendments

F17 Words “local housing authority” substituted for words “housing authority” wherever occurring, by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 4, Sch. 2 para. 35\(11\)\(a\)](#)

- 4 ^{F18}(1) Where no such certificate as is mentioned in ^{F19}paragraph 3] above is produced to the court, accommodation shall be deemed to be suitable for the purposes of section 98(1) (a) of this Act if it consists of either—
- (a) premises which are to be let as a separate dwelling such that they will then be let on a protected tenancy ^{F20}other than one under which the landlord might recover possession of the dwelling-house under one of the cases in Part II of this Schedule)], or

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- (b) premises to be let as a separate dwelling on terms which will, in the opinion of the court, afford to the tenant security of tenure reasonably equivalent to the security afforded by Part VII of this Act in the case of a protected tenancy, [^{F20}or a kind mentioned in paragraph (a) above],

and, in the opinion of the court, the accommodation fulfils the relevant conditions as defined in paragraph 5 below.

- (2) ^{F18}

Textual Amendments

- F18** Sch. 15 Pt. IV para. 4 renumbered as sub-paragraph (1) of that paragraph and after it a new sub-paragraph (2) inserted (the said paragraph 4(2) was repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), [s. 140\(2\)](#), [Sch. 18](#)) by [Housing and Planning Act 1986 \(c. 63, SIF 75:3\)](#), [s. 13\(2\)](#)
- F19** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 58](#)
- F20** Words inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 58](#)

- 5 (1) For the purposes of paragraph 4 above, the relevant conditions are that the accommodation is reasonably suitable to the needs of the tenant and his family as regards proximity to place of work, and either—

- (a) similar as regards rental and extent to the accommodation afforded by dwelling-houses provided in the neighbourhood by any [^{F21}local housing authority] for persons whose needs as regards extent are, in the opinion of the court, similar to those of the tenant and of his family; or
- (b) reasonably suitable to the means of the tenant and to the needs of the tenant and his family as regards extent and character; and

that if any furniture was provided for use under the protected or statutory tenancy in question, furniture is provided for use in the accommodation which is either similar to that so provided or is reasonably suitable to the needs of the tenant and his family.

- (2) For the purposes of sub-paragraph (1)(a) above, a certificate of a [^{F21}local housing authority] stating—

- (a) the extent of the accommodation afforded by dwelling-houses provided by the authority to meet the needs of tenants with families of such number as may be specified in the certificate, and
- (b) the amount of the rent charged by the authority for dwelling-houses affording accommodation of that extent,

shall be conclusive evidence of the facts so stated.

Textual Amendments

- F21** Words “local housing authority” substituted for words “housing authority” wherever occurring, by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), [s. 4](#), [Sch. 2 para. 35\(11\)\(a\)](#)

- 6 Accommodation shall not be deemed to be suitable to the needs of the tenant and his family if the result of their occupation of the accommodation would be that it would be an overcrowded dwelling-house for the purposes of the [^{F22}Part X of the [Housing Act 1985](#)].

Status: Point in time view as at 30/09/2021.

*Changes to legislation: There are currently no known outstanding effects
 for the Rent Act 1977, SCHEDULE 15. (See end of Document for details)*

Textual Amendments

F22 Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 35(11)(b)**

7 Any document purporting to be a certificate of a ^{F23}local housing authority] named therein issued for the purposes of this Schedule and to be signed by the proper officer of that authority shall be received in evidence and, unless the contrary is shown, shall be deemed to be such a certificate without further proof.

Textual Amendments

F23 Words “local housing authority” substituted for words “housing authority” wherever occurring, by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 35(11)(a)**

^{F24}8 In this Part “local housing authority” and “district” in relation to such an authority have the same meaning as in the Housing Act 1985.]

Textual Amendments

F24 Sch. 15 Pt. IV para. 8 substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 35(11)(c)**

^{F25}PART V]

PROVISIONS APPLYING TO CASES 11, 12 AND 20

Textual Amendments

F25 Sch. 15 Pt. V inserted with savings by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 66(3)(6), **Sch. 7**

1 In this Part of this Schedule—
 “mortgage” includes a charge and “mortgagee” shall be construed accordingly;
 “owner” means, in relation to Case 11, the owner-occupier; and
 “successor” means any person deriving title from the owner, other than a purchaser for value or a person deriving title from a purchaser for value.

2 The conditions referred to in Paragraph (c) in each of Cases 11 and 12 and in paragraph (e)(ii) of Case 20 are that—
 (a) the dwelling-house is required as a residence for the owner or any member of his family who resided with the owner when he last occupied the dwelling-house as a residence;
 (b) the owner has retired from regular employment and requires the dwelling-house as a residence;
 (c) the owner has died and the dwelling-house is required as a residence for a member of his family who was residing with him at the time of his death;

Status: Point in time view as at 30/09/2021.

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1977, SCCHEDULE 15. (See end of Document for details)

- (d) the owner has died and the dwelling-house is required by a successor in title as his residence or for the purpose of disposing of it with vacant possession;
- (e) the dwelling-house is subject to a mortgage, made by deed and granted before the tenancy, and the mortgagee—
 - (i) is entitled to exercise a power of sale conferred on him by the mortgage or by section 101 of the Law of Property Act 1925; and
 - (ii) requires the dwelling-house for the purpose of disposing of it with vacant possession in exercise of that power; and
- (f) the dwelling-house is not reasonably suitable to the needs of the owner, having regard to his place of work, and he requires it for the purpose of disposing of it with vacant possession and of using the proceeds of that disposal in acquiring, as his residence, a dwelling-house which is more suitable to those needs.

Status:

Point in time view as at 30/09/2021.

Changes to legislation:

There are currently no known outstanding effects for the Rent Act 1977, SCHEDULE 15.