

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1974. (See end of Document for details)

SCHEDULES

SCHEDULE 1 **E+W+S**

Section 1.

CONSEQUENTIAL AMENDMENTS OF RENT ACT

PART I **E+W+S**

AMENDMENTS OF SCHEDULE 3 TO RENT ACT

1 After Case 3 there shall be inserted the following Case:—

“ Case 3A

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.”

Modifications etc. (not altering text)

C1 The text of Sch. 1 paras. 1, 4(1), 6, 7, 17, 18, 20–25, Sch. 2 paras. 2, 5, 6, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 2 In the application of Case 5 (assignment or sub-letting by tenant without landlord’s consent) to a regulated furnished tenancy, for the reference to 8th December 1965 there shall be substituted a reference to the commencement date.
- 3 In the application of Case 8 (dwelling-house required for landlord or a member of his family) to a dwelling-house subject to a regulated furnished tenancy, for the reference to 23rd March 1965 there shall be substituted a reference to 24th May 1974.
- 4 (1) In Case 9 (overcharging by tenant of his own sub-tenant)—
- (a) after the words “by the tenant” there shall be inserted “ (a) ” and the word “also” shall be omitted ; and
 - (b) subject to sub-paragraph (2) below, at the end of the Case there shall be added the words “ or
 - (b) for any sublet part of the dwelling-house which is subject to a contract to which Part VI of this Act applies is or was in excess of the maximum (if any) which it is lawful for the lessor, within the meaning of that Part, to require or receive having regard to the provisions of that Part”.

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1974. (See end of Document for details)

(2) F1

Textual Amendments

F1 Sch. 1 para. 4(2) repealed by Rent Act 1977 (c. 42, SIF 75:3), s. 155, Sch. 25 (subject to the savings and transitional provisions in Sch. 24)

Modifications etc. (not altering text)

C2 The text of Sch. 1 para. 4(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

C3 The text of Sch. 1 paras. 1, 4(1), 6, 7, 17, 18, 20–25, Sch. 2 paras. 2, 5, 6, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

5 (1) In the application of . . . ^{F2}, Case 11 in Schedule 3 to the ^{M1}Rent (Scotland) Act 1971 (right of owner-occupier to regain possession) to a dwelling-house subject to a regulated furnished tenancy, for the reference to 8th December 1965 there shall be substituted a reference to the commencement date.

(2) For the purposes of [^{F3}Case 11], the giving of a notice before the commencement date under . . . ^{F2}, section 94 of the Rent (Scotland) Act 1971 (notice by owner-occupier to person taking up furnished letting) shall be treated in the case of a regulated furnished tenancy as compliance with paragraph (a) of [^{F3}Case 11].

Textual Amendments

F2 Words repealed by Rent Act 1977 (c. 42, SIF 75:3), s. 155, Sch. 25 (subject to the savings and transitional provisions in Schedule 24)

F3 Words substituted by Rent Act 1977 (c. 42, SIF 75:3), s. 155, Sch. 23 para. 68(b) (subject to the savings and transitional provisions in Schedule 24)

Marginal Citations

M1 1971 c. 28.

6 In Part III, in paragraph 2 (definition of relevant date) at the beginning of sub-paragraph (a) there shall be inserted the words “ except in the case of a regulated furnished tenancy ”, and after that sub-paragraph there shall be inserted the following sub-paragraph:—

“(aa) 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 the commencement date, within the meaning of the Rent Act 1974, the relevant date means the date on which expires the period of six months beginning on that commencement date ; and”

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1974. (See end of Document for details)

Modifications etc. (not altering text)

C4 The text of Sch. 1 paras. 1, 4(1), 6, 7, 17, 18, 20–25, Sch. 2 paras. 2, 5, 6, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

7 In Part IV, in paragraph 3 (meaning of suitable alternative accommodation) the following words shall be added at the end of sub-paragraph (1):—

“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”.

Modifications etc. (not altering text)

C5 The text of Sch. 1 paras. 1, 4(1), 6, 7, 17, 18, 20–25, Sch. 2 paras. 2, 5, 6, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART II E+W+S

8—16. ^{F4}

Textual Amendments

F4 Sch. 1 paras. 8–16, Sch. 2 paras. 1, 3, 4 repealed by Rent Act 1977 (c. 42, SIF 75:3), s. 155, Sch. 25 (subject to the savings and transitional provisions in Sch. 24)

PART III S

^{M2}AMENDMENTS OF PARTS IV, IX AND X OF RENT (SCOTLAND) ACT 1971

Marginal Citations

M2 1971 c. 28.

17 In section 40(3) (circumstances in which applications may be made for variation of registered rent) after the words “terms of the tenancy” there shall be inserted the words “the quantity, quality or condition of any furniture provided for use under the tenancy (excluding any deterioration in that furniture due to fair wear and tear) ”.

Modifications etc. (not altering text)

C6 The text of Sch. 1 paras. 1, 4(1), 6, 7, 17, 18, 20–25, Sch. 2 paras. 2, 5, 6, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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- 18 (1) In section 42 (determination of fair rent) in subsection (1) (circumstances to be considered in determining fair rent) for the words from “age” to the end of the subsection there shall be substituted the words “ age, character, locality and state of repair of the dwelling-house and, if any furniture is provided for use under the tenancy, to the quantity, quality and condition of the furniture ”.
- (2) In subsection (3) of that section (factors to be disregarded)—
- (a) in paragraph (b), after the word “improvement” there shall be inserted the words “ (including any improvement to the furniture provided for use under the tenancy) ” ;
 - (b) at the end there shall be inserted the words “and
 - (c) if any furniture is provided for use under the regulated tenancy, any deterioration in the condition of the furniture due to any ill-treatment by the tenant, any person residing or lodging with him, or any sub-tenant of his”.

Modifications etc. (not altering text)

C7 The text of Sch. 1 paras. 1, 4(1), 6, 7, 17, 18, 20–25, Sch. 2 paras. 2, 5, 6, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 19 In the application of sections 110 to 112 (heritable securities) to a dwelling-house subject to a regulated tenancy which is a regulated furnished tenancy, for any reference to 8th December 1965 there shall be substituted a reference to the commencement date.
- 20 In section 120(1)(b) (certain sublettings not to exclude any part of the lessor’s premises from protection) for the words “attendance or use of furniture” there shall be substituted the words “ or attendance ”.

Modifications etc. (not altering text)

C8 The text of Sch. 1 paras. 1, 4(1), 6, 7, 17, 18, 20–25, Sch. 2 paras. 2, 5, 6, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 21 In section 122(1) (jurisdiction) in paragraph (a) after the words “this Act” there shall be inserted the words “ or the Rent Act 1974 ”.

Modifications etc. (not altering text)

C9 The text of Sch. 1 paras. 1, 4(1), 6, 7, 17, 18, 20–25, Sch. 2 paras. 2, 5, 6, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 22 In section 124 (rules as to procedure) after the words “this Act” there shall be inserted the words “ or the Rent Act 1974 ”.

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Modifications etc. (not altering text)

C10 The text of Sch. 1 paras. 1, 4(1), 6, 7, 17, 18, 20–25, Sch. 2 paras. 2, 5, 6, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 23 In section 125 (powers of local authorities for the purposes of giving information) in subsection (1)(a) after the word “1965” there shall be inserted the word “ and ” and after the word “1972” there shall be inserted the words “ and the Rent Act 1974 ”.

Modifications etc. (not altering text)

C11 The text of Sch. 1 paras. 1, 4(1), 6, 7, 17, 18, 20–25, Sch. 2 paras. 2, 5, 6, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 24 (1) In Schedule 6, in paragraph 10 (procedure on application for registration of rent supported by certificate of fair rent) in sub-paragraph (1) after the words “may be, whether” there shall be inserted “ (a) ” and at the end of the sub-paragraph there shall be inserted the words “and
- (b) if any furniture is or is to be provided for use under a regulated tenancy of the dwelling-house, the quantity, quality and condition of the furniture in the dwelling-house accords with the prescribed particulars contained in the application for the certificate“.
- (2) In sub-paragraph (2) of that paragraph after the words “may be, that” there shall be inserted “ (a) ” and after the words “of the certificate” there shall be inserted the words “and
- (b) if any furniture is or is to be provided for use under a regulated tenancy of the dwelling-house, the quantity, quality and condition of the furniture in the dwelling-house accords with the prescribed particulars contained in the application for the certificate”.

Modifications etc. (not altering text)

C12 The text of Sch. 1 paras. 1, 4(1), 6, 7, 17, 18, 20–25, Sch. 2 paras. 2, 5, 6, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 25 In Schedule 7, in paragraph 1 (form and content of application for certificate of fair rent) the word “and” at the end of sub-paragraph (b) shall be omitted and at the end of the paragraph there shall be inserted the words “;and
- (d) if any furniture is to be provided for use under a regulated tenancy of the dwelling-house, must contain the prescribed particulars with regard to any such furniture”

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1974. (See end of Document for details)

Modifications etc. (not altering text)

C13 The text of Sch. 1 paras. 1, 4(1), 6, 7, 17, 18, 20–25, Sch. 2 paras. 2, 5, 6, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

SCHEDULE 2 **E+W+S**

Section 2

TENANCIES GRANTED BY RESIDENT LANDLORDS

PART I **E+W+S**

SECTION TO BE INSERTED AFTER SECTION 5 OF THE RENT ACT

1 ^{F5}

Textual Amendments

F5 Sch. 1 paras. 8–16, Sch. 2 paras. 1, 3, 4 repealed by Rent Act 1977 (c. 42, SIF 75:3), s. 155, Sch. 25 (subject to the savings and transitional provisions in Sch. 24)

2 The following section shall be inserted after section 5 of the ^{M3}Rent (Scotland) Act 1971 :—

“5A No protected tenancy where landlord’s interest belongs to resident landlord.

(1) Subject to subsection (6) below, a tenancy of a dwelling-house which is granted on or after the commencement date within the meaning of the Rent Act 1974 shall not be a protected tenancy at any time if—

- (a) the dwelling-house forms part only of a building and that building is not a purpose-built block of flats ; and
- (b) subject to subsection (2) below, the tenancy was granted by a person who, at the time when he granted it, occupied as his residence another dwelling-house which also forms part of that building ; and
- (c) subject to subsection (3) below, 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 also formed part of that building.

(2) The condition in paragraph (b) of subsection (1) above shall be deemed to be fulfilled if the tenancy was granted by trustees and, at the time when the tenancy was granted, the interest of the landlord under the tenancy thereby created was held on trust for a person who was entitled to the liferent or to the fee or a share of the fee of that interest and who occupied as his residence a dwelling-house which forms part of the building referred to in paragraph (a) of that subsection.

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1974. (See end of Document for details)

- (3) In determining whether the condition in paragraph (c) of subsection (1) above is at any time fulfilled with respect to a tenancy, there shall be disregarded—
- (a) any period of not more than 14 days beginning with the date of the conveyance of the interest of the landlord under the tenancy to an individual who, during that period, does not occupy as his residence another dwelling-house which forms part of the building concerned ;
 - (b) if, within a period falling within paragraph (a) above, the individual concerned notifies the tenant in writing of his intention to occupy as his residence another such dwelling-house as is referred to in that paragraph, the period beginning with the date of the conveyance mentioned in that paragraph and ending—
 - (i) at the expiry of the period of 6 months beginning on that date, or
 - (ii) on the date on which the interest of the landlord under the tenancy ceases to be held by that individual, or
 - (iii) on the date on which the condition in subsection (1)(c) above again applies,whichever is the earlier ; and
 - (c) any period of not more than 12 months beginning with the date of death of the landlord under the tenancy during which the interest of the landlord under the tenancy is vested in his executor.
- (4) Throughout any period which, by virtue of subsection (3) above, falls to be disregarded for the purpose of determining whether the condition in subsection (1)(c) above is fulfilled with respect to a tenancy, no order for possession of the dwelling-house subject to that tenancy shall be made, other than an order which might be made if that tenancy were or, as the case may be, had been a regulated tenancy.
- (5) During any period when—
- (a) the interest of the landlord under the tenancy referred to in subsection (1) above is vested in trustees ; and
 - (b) that interest is held on trust for a person who is entitled to the life interest 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 the building referred to in paragraph (a) of that subsection,
- the condition in paragraph (c) of that subsection shall be deemed to be fulfilled and, accordingly, no part of that period shall be disregarded by virtue of subsection (3) above.
- (6) This section does not apply to a tenancy of a dwelling-house which forms part of a building if the tenancy is granted to a person who, immediately before it was granted, was a protected or statutory tenant of that dwelling-house or of any other dwelling-house in that building.
- (7) For the purposes of this section, a person shall be treated as occupying a dwelling-house as his residence if, so far as the nature of the case allows, he would be regarded as retaining possession of the dwelling-house for the purposes of paragraph (a) of section 3(1) above if he were such a person as is referred to in that paragraph.

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1974. (See end of Document for details)

- (8) For the purposes of this section—
- (a) a building is a purpose-built block of flats if, as constructed it contained, and it contains, two or more flats, and for this purpose “flat” has the same meaning as in section 208(1) of the Housing (Scotland) Act 1966 ;
 - (b) “conveyance” includes the grant of a tenancy and any other conveyance or transfer other than upon death ;
 - (c) “the date of the conveyance” means the date on which the conveyance was granted, delivered or otherwise made effective.”

Modifications etc. (not altering text)

C14 The text of Sch. 1 paras. 1, 4(1), 6, 7, 17, 18, 20–25, Sch. 2 paras. 2, 5, 6, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M3 1971 c.28.

PART II E+W+S

3, 4. **F6**

Textual Amendments

F6 Sch. 1 paras. 8–16, Sch. 2 paras. 1, 3, 4 repealed by Rent Act 1977 (c. 42, SIF 75:3), s. 155, Sch. 25 (subject to the savings and transitional provisions in Sch. 24)

PART III S

AMENDMENTS OF PART X OF ^{M4}RENT (SCOTLAND) ACT 1971

Marginal Citations

M4 1971 c. 28.

- 5 In section 118 of the Rent (Scotland) Act 1971 (provisions where tenant shares accommodation with landlord) in paragraph (c) after the words “paragraph (b) above” there shall be inserted the words “ or by reason of those circumstances and the operation of section 5A of this Act ”.

Modifications etc. (not altering text)

C15 The text of Sch. 1 paras. 1, 4(1), 6, 7, 17, 18, 20–25, Sch. 2 paras. 2, 5, 6, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1974. (See end of Document for details)

6 After section 119 of that Act there shall be inserted the following section:—

“119A Application of Part VII to tenancies falling within section 5A.

- (1) If and so long as a tenancy is, by virtue only of section 5A of this Act, precluded from being a protected tenancy, it shall be treated for the purposes of Part VII of this Act as a contract to which that Part applies, notwithstanding that the rent may not include payment for the use of furniture or for services.
- (2) In any case where—
 - (a) a tenancy which, by virtue only of section 5A of this Act, was precluded from being a protected tenancy ceases to be so precluded and accordingly becomes a protected tenancy, and
 - (b) before it became a protected tenancy a rent was registered for the dwelling-house concerned under Part VII of this Act,
the amount which is so registered shall be deemed to be registered under Part IV of this Act as the rent for the dwelling-house which is let on that tenancy, and that registration shall be deemed to take effect on the day the tenancy becomes a protected tenancy.
- (3) Section 40(3) of this Act shall not apply to an application for the registration under Part IV of this Act of a rent different from that which is deemed to be registered as mentioned in subsection (2) above.
- (4) The reference in section 41(1)(b) of this Act to a rent being registered for a dwelling-house does not include a rent which is deemed to be registered as mentioned in subsection (2) above.
- (5) If, immediately before a tenancy became a protected tenancy as mentioned in subsection (2)(a) above, the rates in respect of the dwelling-house were borne as mentioned in subsection (2A) of section 89 of this Act and the fact that they were so borne was noted as required by that subsection, then, in the application of Part IV of this Act in relation to the protected tenancy, section 43(2) of this Act shall be deemed to apply.
- (6) If, in a case where a tenancy becomes a protected tenancy as mentioned in subsection (2)(a) above,—
 - (a) a notice to quit had been served in respect of the dwelling-house concerned before the date on which the tenancy became a protected tenancy, and
 - (b) the period at the end of which that notice to quit takes effect had, before that date, been extended under Part VII of this Act, and
 - (c) that period has not expired before that date, the notice to quit shall take effect on the day following that date (whenever it would otherwise take effect) and, accordingly, on that day the protected tenancy shall become a statutory tenancy.”

Modifications etc. (not altering text)

C16 The text of Sch. 1 paras. 1, 4(1), 6, 7, 17, 18, 20–25, Sch. 2 paras. 2, 5, 6, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1974. (See end of Document for details)

SCHEDULE 3 **E+W+S**

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 ^{M5}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 ^{M6}Rent Act 1968 were fulfilled in relation to the grant of the tenancy.
- (2) In the application of the ^{M7}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 ^{M8}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 ^{M9}Rent Act 1968 in a case falling within sub-paragraph (3) above, any period before the commencement date 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.

Marginal Citations

M5 1968 c. 23.

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1974. (See end of Document for details)

M6 1968 c. 23.
M7 1968 c. 23.
M8 1925 c. 23.
M9 1968 c. 23.

- 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 life interest 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)^{M10} Act 1971.

Marginal Citations

M10 1971 c. 28.

- 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.

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- (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 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 ^{M11}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 ^{M12}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.

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1974. (See end of Document for details)

Marginal Citations

- M11 1968 c. 23.
- M12 1971 c. 28.

4–6. F7

Textual Amendments

- F7 Sch. 3 paras. 4–6 repealed by Social Security and Housing Benefits Act 1982 (c. 24, SIF 113:1), s. 48(6), Sch. 5

SCHEDULE 4 **E+W+S**

Section 16(2).

ENACTMENTS REPEALED

Modifications etc. (not altering text)

- C17 The text of Sch. 1 paras. 1, 4(1), 6, 7, 17, 18, 20–25, Sch. 2 paras. 2, 5, 6, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART I E+W+S

REPEALS TAKING EFFECT

Chapter	Short Title	Extent of Repeal
1968 c. 23.	The Rent Act 1968.	In section 2(3) the words “or the use of furniture”, “or use of furniture” and “or the use”. Section 73(3). In section 75, in subsection (1) the words “on the ground of change of circumstances” and subsection (2). Section 78(1)(c). In Schedule 3, in Case 9, the word “also”. In Schedule 7, in paragraph 1 the word “and” at the end of sub-paragraph (b).

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1974. (See end of Document for details)

1971 c. 28.	The Rent (Scotland) Act 1971.	<p>In section 2(3) the words “or the use of furniture”, “or use of furniture” and “or the use”.</p> <p>In section 88(3) the words “or this section as extended by section 90 below”.</p> <p>In section 89(2) the words “or that section as extended by section 90 below”.</p> <p>In section 90, in subsection (1) the words “on the ground of change of circumstances” and subsection (2).</p> <p>Section 93(1)(c).</p> <p>In Schedule 3, in Case 9, the word “also”.</p> <p>In Schedule 7, in paragraph 1 the word “and” at the end of sub-paragraph (b).</p>
1972 c. 46.	The Housing (Financial Provisions) (Scotland) Act 1972.	In Schedule 3, in paragraph 15(1)(g)(ii) the words “125 per cent . of”.
1972 c. 47.	The Housing Finance Act 1972.	<p>In section 23, in subsection (1) the words “or making orders under section 25(3A) of this Act”.</p> <p>In section 25, in subsection (1) the proviso, subsection (3A) and in subsection (4) the words “and orders”.</p> <p>Section 89.</p>
1973 c. 6.	The Furnished Lettings (Rent Allowances) Act 1973.	In Schedule 1, paragraphs 17, 19 and 20.

PART II E+W+S

REPEALS TAKING EFFECT ON DAY APPOINTED
UNDER SUBSECTION (1) OF SECTIONS 11 AND 12

Chapter	Short Title	Extent of Repeal
1972 c. 46.	The Housing (Financial Provisions) (Scotland) Act 1972	In section 16, in subsections (3), (5) and (7) the words “being a qualified person

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1974. (See end of Document for details)

1972 c. 47.	The Housing Finance Act 1972.	<p>within the meaning of subsection (8) of this section”, and subsections (8), (9) and (10).</p> <p>In section 19, in subsections (4) and (6) the words “being a qualified person within the meaning of subsection (12) below”, in subsection (8A) paragraph (b) and the word “and” immediately preceding it and subsections (12) to (14).</p> <p>In section 23, in subsection (1) the words from “or to the descriptions” to the end of the subsection.</p> <p>In section 24, in subsection (10) the words from “or to a person” to “would be a private tenant” and in subsection (11) the words from “or for a person” to “would be a private tenant of a dwelling”.</p>
1973 c. 6.	The Furnished Lettings (Rent Allowances) Act 1973.	In Schedule 1, paragraphs 10 and 12.

Changes to legislation:

There are currently no known outstanding effects for the Rent Act 1974.