



Rent (Agriculture) Act 1976

1976 CHAPTER 80

PART I

PRELIMINARY

Protected occupancies

2 Protected occupiers in their own right.

- (1) Where a person has, in relation to a dwelling-house, a relevant licence or tenancy and the dwelling-house is in qualifying ownership, or has been in qualifying ownership at any time during the subsistence of the licence or tenancy (whether it was at the time a relevant licence or tenancy or not), he shall be a protected occupier of the dwelling-house if—
 - (a) he is a qualifying worker, or
 - (b) he has been a qualifying worker at any time during the subsistence of the licence or tenancy (whether it was at the time a relevant licence or tenancy or not).
- (2) Where a person has, in relation to a dwelling-house, a relevant licence or tenancy and the dwelling-house is in qualifying ownership, or has been in qualifying ownership at any time during the subsistence of the licence or tenancy (whether it was at the time a relevant licence or tenancy or not), he shall be a protected occupier of the dwelling-house if and so long as he is incapable of whole-time work in agriculture, or work in agriculture as a permit worker, in consequence of a qualifying injury or disease.
- (3) A person who has, in relation to a dwelling-house, a relevant licence or tenancy shall be a protected occupier of the dwelling-house if—
 - (a) immediately before the licence or tenancy was granted, he was a protected occupier or statutory tenant of the dwelling-house in his own right, or
 - (b) the licence or tenancy was granted in consideration of his giving up possession of another dwelling-house of which he was such an occupier or such a tenant.
- (4) In this Act—

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Rent (Agriculture) Act 1976, Cross Heading: Protected occupancies. (See end of Document for details)

“protected occupier in his own right” means a person who is a protected occupier by virtue of subsection (1), (2) or (3) above;

“statutory tenant in his own right” means a person who is a statutory tenant by virtue of section 4(1) below and who, immediately before he became such a tenant, was a protected occupier in his own right.

3 Protected occupiers by succession.

(1) Subsection (2) or, as the case may be, subsection (3) below shall have effect for determining what person (if any) is a protected occupier of a dwelling-house after the death of a person (“the original occupier”) who, immediately before his death, was a protected occupier of the dwelling-house in his own right.

(2) Where the original occupier was a man who died leaving a widow who was residing [^{F1}in the dwelling-house immediately before his death] then, after his death, if the widow has, in relation to the dwelling-house, a relevant licence or tenancy, she shall be a protected occupier of the dwelling-house.

This subsection is framed by reference to the case where the original occupier was a man, but is to be read as applying equally in the converse case where the original occupier was a woman.

(3) Where—

- (a) the original occupier was not a person who died leaving a surviving spouse who was residing [^{F1}in the dwelling-house immediately before his death], but
- (b) one or more persons who were members of his family were residing with him at the time of and for the period of six months immediately before his death,

then, after his death, if that person or, as the case may be, any of those persons has, in relation to the dwelling-house, a relevant licence or tenancy, that person or, as the case may be, such one of the persons having such a licence or tenancy as may be decided by agreement, or in default of agreement by the county court, shall be a protected occupier of the dwelling-house.

(4) A person who has, in relation to the dwelling-house, a relevant licence or tenancy shall be a protected occupier of the dwelling-house if—

- (a) immediately before the licence or tenancy was granted, he was a protected occupier or statutory tenant of the dwelling-house by succession, or
- (b) the licence or tenancy was granted in consideration of his giving up possession of another dwelling-house of which he was such an occupier or such a tenant.

(5) In this Act—

“protected occupier by succession” means a person who is a protected occupier by virtue of subsection (2), (3) or (4) above;

“statutory tenant by succession” means a person who is a statutory tenant by virtue of section 4(1) below and who, immediately before he became such a tenant, was a protected occupier by succession, or a person who is a statutory tenant by virtue of section 4(3) or (4) below.

(6) A dwelling-house, is in this Act, referred to as subject to a protected occupancy where there is a protected occupier of it.

Status: Point in time view as at 01/02/1991.

Changes to legislation: *There are currently no known outstanding effects for the Rent (Agriculture) Act 1976, Cross Heading: Protected occupancies. (See end of Document for details)*

Textual Amendments

- F1** Words substituted by [Housing Act 1980 \(c. 51\)](#), [s. 76\(3\)\(4\)](#) in relation to deaths occurring after 28.11.1980

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Rent (Agriculture) Act 1976, Cross Heading: Protected occupancies.