



Rent (Agriculture) Act 1976

1976 CHAPTER 80

PART I

PRELIMINARY

Statutory tenancies

4 Statutory tenants and tenancies.

- (1) Subject to section 5 below, where a person ceases to be a protected occupier of a dwelling-house on the termination, whether by notice to quit or by virtue of section 16(3) of this Act or otherwise, of his licence or tenancy, he shall, if and so long as he occupies the dwelling-house as his residence, be the statutory tenant of it.
- (2) Subject to section 5 below, subsection (3), ^{F1}... below shall have effect for determining what person (if any) is the statutory tenant of a dwelling-house at any time after the death of a person (“the original occupier”) who was, immediately before his death, a protected occupier or statutory tenant of the dwelling-house in his own right.
- (3) [^{F2}If the original occupier was a person who died leaving a surviving partner who was residing in the dwelling-house immediately before the original occupier’s death then, after the original occupier’s death, unless the surviving partner is a protected occupier of the dwelling-house by virtue of section 3(2) above, the surviving partner shall be the statutory tenant if and so long as he occupies the dwelling-house as his residence.]

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.

- (4) Where—
 - (a) the original occupier was not a person who died leaving a [^{F3}surviving partner] who was residing [^{F4}in the dwelling-house immediately before [^{F5}the original occupier's] death], but
 - (b) one or more persons who were members of [^{F5}the original occupier's] family were residing with [^{F6}the original occupier][^{F7}in the dwelling-house] at the

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time of and for the ^{F8}... [^{F8}period of 2 years] immediately before [^{F5}the original occupier's] death,

then, after [^{F5}the original occupier's] death, unless that person or, as the case may be, one of those persons is a protected occupier of the ^{F9}... [^{F9}entitled to an assured tenancy of the dwelling-house by succession][^{F10}or, in the case of a dwelling-house in Wales, will be entitled to a secure contract of the dwelling-house by succession].

- (5) In ^{F11}... [^{F11}subsections (1) and (3)] above the phrase “if and so long as he occupies the dwelling-house as his residence” shall be construed in accordance with [^{F12}section 2(3) of the ^{M1}Rent Act 1977] (construction of that phrase in the corresponding provisions of that Act).

[^{F13}(5ZA) In subsections (3) and (4) above “ surviving partner ” means surviving spouse or surviving civil partner.

- (5A) For the purposes of subsection (3) above [^{F14}a person who was living with the original occupier as if they were a married couple or civil partners shall be treated as the spouse or civil partner of the original occupier;] and, subject to subsection (5B) below, “surviving spouse” and “surviving civil partner” in subsection (5ZA) above shall be construed accordingly.]

- (5B) If, immediately after the death of the original occupier, there is, by virtue of subsection (5A) above, more than one person who fulfils the conditions in subsection (3) above, such one of them as may be decided by agreement or, in default of agreement by the county court, shall be the statutory tenant by virtue of that subsection.

- (5C) If the original occupier died within the period of 18 months beginning on the operative date, then, for the purposes of subsection (3) above, a person who was residing in the dwelling-house with the original occupier at the time of his death and for the period which began 6 months before the operative date and ended at the time of his death shall be taken to have been residing with the original occupier for the period of 2 years immediately before his death; and in this subsection “ the operative date ” means the date on which Part I of the Housing Act 1988 came into force.

- (6) A dwelling-house is, in this Act, referred to as subject to a statutory tenancy where there is a statutory tenant of it.

[^{F15}(7) In this section, “secure contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 8 of that Act).]

Textual Amendments

- F1** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(2), **Sch. 18**
- F2** S. 4(3) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 10(2)**; [S.I. 2005/3175](#), art. 2(1), Sch. 1
- F3** Words in s. 4(4) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 10(3)(a)**; [S.I. 2005/3175](#), art. 2(1), Sch. 1
- F4** Words substituted by [Housing Act 1980 \(c. 51\)](#), **s. 76(3)(4)** in relation to deaths occurring after 28.11.1980
- F5** Words in s. 4(4) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 10(3)(b)**; [S.I. 2005/3175](#), art. 2(1), Sch. 1
- F6** Words in s. 4(4) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 10(3)(c)**; [S.I. 2005/3175](#), art. 2(1), Sch. 1

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- F7** Words in s. 4(4)(b) inserted (with effect in accordance with s. 39(4) of the amending Act) by [Housing Act 1988 \(c. 50\)](#), ss. 39(4), 141(3), **Sch. 4 para. 11(a)**
- F8** Words in s. 4(4)(b) substituted (with effect in accordance with s. 39(4) of the amending Act) by [Housing Act 1988 \(c. 50\)](#), ss. 39(4), 141(3), **Sch. 4 para. 11(a)**
- F9** Words in s. 4(4) substituted (with effect in accordance with s. 39(4) of the amending Act) by [Housing Act 1988 \(c. 50\)](#), ss. 39(4), 141(3), **Sch. 4 para. 11(b)**
- F10** Words in s. 4(4) inserted (W.) (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **8(2)(a)**
- F11** Words in s. 4(5) substituted (with effect in accordance with s. 39(4) of the amending Act) by [Housing Act 1988 \(c. 50\)](#), ss. 39(4), 141(3), **Sch. 4 para. 12**
- F12** Words substituted by [Rent Act 1977 \(c. 42\)](#), **Sch. 23 para. 72**
- F13** S. 4(5A)(5ZA) substituted for s. 4(5A) (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 10(4)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F14** Words in s. 4(5A) substituted for s. 4(5A)(a)(b) (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), reg. 1(2), **Sch. 3 para. 4**
- F15** S. 4(7) inserted (W.) (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **8(2)(b)**

Marginal Citations

- M1** 1977 c. 42.

5 No statutory tenancy where landlord’s interest belongs to Crown or to local authority, etc.

- [^{F16}(1) A person shall not at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would, at that time—
- (a) belong to Her Majesty in right of the Crown or to a government department, or
 - (b) be held in trust for Her Majesty for the purposes of a government department; except that an interest belonging to Her Majesty in right of the Crown shall not prevent a person from being a statutory tenant if the interest is under the management of the Crown Estate Commissioners.]
- (2) A person shall not at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would, at that time, belong to any of the bodies specified in subsection (3) below.
- (3) The bodies referred to in subsection (2) above are—
- (a) the council of a county [^{F17}, county borough] or district or, in the application of this Act to the Isles of Scilly, the Council of those Isles;
 - (b)^{F18}the council of a London borough or the Common Council of the City of London;
 - [^{F19}(baa) a police and crime commissioner;]
 - (ba)^{F20}
 - [^{F21}(bb) a joint authority established by Part IV of the Local Government Act 1985;]
 - [^{F22}(bbza) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;
 - (bbzb) a combined authority established under section 103 of that Act;]
 - [^{F23}(bbzc) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;]
 - ^{F24}(bba)

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- [^{F25}(bbb) the London Fire Commissioner;]
- [^{F26}(bbc) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;]
- [^{F27}(bc) the Broads Authority;]
- [^{F28}(bd) any National Park authority;]
- (c) the [^{F29}English new towns residuary body]
- (d) the [^{F30}Regulator of Social Housing];
- ^{F31}(da)
- (e) a development corporation established by an order made, or having effect as if made, under the ^{M2}[^{F32}New Towns Act 1981], and
- (f) a housing trust (as defined in [^{F33}section 15(5) of the ^{M3}Rent Act 1977]) which is a charity ^{F34}....

[^{F35}(3A) In subsection (3)(c) above “ English new towns residuary body ” means the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008 [^{F36}or the Greater London Authority so far as exercising its new towns and urban development functions].]

(4) If any of the conditions for the time being specified in [^{F37}section 15(4) of the ^{M4}Rent Act 1977] (conditions for the operation of the corresponding provision of that Act) is fulfilled, a person shall not be a statutory tenant of a dwelling-house at any time if the interest of his immediate landlord would, at that time, [^{F38}belong to a housing association which—

- [is a private registered provider of social housing;]
- ^{F39}(za)
- (a) is [^{F40}a registered social landlord within the meaning of the Housing Act 1985 (see section 5(4) and (5) of that Act)], or
- (b) is a co-operative housing association within the meaning of [^{F41}the Housing Associations Act 1985].]

Textual Amendments

- F16** S. 5(1) substituted by [Housing Act 1980 \(c. 51\), s. 73\(3\)](#)
- F17** Words in s. 5(3)(a) inserted (1.4.1996) by [1994 c. 19, s. 22\(2\), Sch. 8 para. 2](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 3, [Sch. 1](#)
- F18** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 102, Sch. 17](#)
- F19** S. 5(3)(baa) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 134](#) ; S.I. 2012/2892 , art. 2(i)
- F20** S. 5(3)(ba) (which was inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 84, Sch. 14 para. 55](#)) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\), ss. 231\(7\), 235\(6\), 237, Sch. 13 Pt. I](#)
- F21** S. 5(3)(bb) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 84, Sch. 14 para. 55](#)
- F22** S. 5(3)(bbza)(bbzb) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(6\), Sch. 6 para. 45](#); S.I. 2009/3318, art. 2(c)
- F23** S. 5(3)(bbzc) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\), s. 255\(2\)\(c\), Sch. 4 para. 59](#) (with s. 247)
- F24** S. 5(3)(bba) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\), s. 115\(7\), Sch. 13 para. 6\(12\)](#); S.I. 2015/994, art. 6(g)
- F25** S. 5(3)(bbb) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 2 para. 52](#); S.I. 2018/227, [reg. 4\(c\)](#)

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- F26** S. 5(3)(bbc) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 37**; S.I. 2017/399, reg. 2, Sch. para. 38
- F27** S. 5(3)(bc) inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), **Sch. 6 para. 17**
- F28** S. 5(3)(bd) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 17** (with ss. 7(6), 115, 117, Sch. 8 para. 7)); S.I. 1995/2950, **art. 2(1)**
- F29** Words in s. 5(3)(c) substituted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 8 para. 22(2)**; S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 66-13Sch.)
- F30** Words in s. 5(3)(d) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 8(2)** (with art. 6, Sch. 3)
- F31** S. 5(3)(da) repealed (1.11.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F32** Words substituted by New Towns Act 1981 (c. 64, SIF 123:3), s. 81, **Sch. 12 para. 23**
- F33** Words substituted by Rent Act 1977 (c. 42, SIF 75:3), s. 156, **Sch. 23 para. 73(a)**
- F34** Words in s. 5(3)(f) omitted (14.3.2012 immediately before the Charities Act 2011 (c. 25) comes into force) by virtue of The Charities (Pre-consolidation Amendments) Order 2011 (S.I. 2011/1396), art. 1, Sch. paras. 37(1), **(2)(b)**
- F35** S. 5(3A) inserted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 8 para. 22(3)**; S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 66-13Sch.)
- F36** Words in s. 5(3A) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 4**; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F37** Words substituted by Rent Act 1977 (c. 42), **Sch. 23 para. 73(b)**
- F38** Words and s. 5(4)(a)(b) substituted for words and s. 5(4)(a)–(d) by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 4, 5(2), **Sch. 2 para. 33(2)**
- F39** S. 5(4)(za) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 8(3)** (with art. 6, Sch. 3)
- F40** Words in s. 5(4)(a) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 5(a)**
- F41** Words in s. 5(4)(b) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 5(b)**

Modifications etc. (not altering text)

- C1** S. 5(2) extended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 14(c)**
S. 5(2) extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 24(e)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- C2** S. 5(2)-(4) excluded (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(b), **Sch. 7 para. 12(5)(a)(ii)** (with Sch. 7 para. 12(9)); S.I. 2006/1060, art. 2(1)(a) (with Sch.); S.I. 2006/1535, art. 2(a) (with Sch.)
- C3** S. 5(2)-(4) excluded (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(b), **Sch. 7 para. 4(5)(a)(ii)**; S.I. 2006/1060, art. 2(1)(a) (with Sch.); S.I. 2006/1535, art. 2(a) (with Sch.)
- C4** S. 5(2)-(4) excluded (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(b), **Sch. 7 para. 18(6)(a)(ii)**; S.I. 2006/1060, art. 2(1)(a) (with Sch.); S.I. 2006/1535, art. 2(a) (with Sch.)
- C5** S. 5(2)-(4) excluded (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), **ss. 124(7)(b), 270(4), 270(5)(b)** (with s. 124(9)(10)); S.I. 2006/1060, art. 2(1)(a) (with Sch.); S.I. 2006/1535, art. 2(a) (with Sch.)
- C6** S. 5(3)(baa) excluded (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 2 para. 3**
- C7** S. 5(3)(bb) extended by S.I. 1985/1884, art. 10, **Sch. 3 para. 4(O)**
- C8** S. 5(3)(d) modified (1.12.2008) by Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 1** (with art. 6)

Marginal Citations

- M2** 1981 c. 64.

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M3 1977 c. 42.

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