



Rent (Agriculture) Act 1976

1976 CHAPTER 80

PART II

SECURITY OF TENURE

Protected occupancies and statutory tenancies

6 Grounds for possession.

- (1) A court shall not make an order for possession of a dwelling-house subject to a protected occupancy or statutory tenancy except in the Cases in Schedule 4 to this Act.
- (2) A landlord who obtains an order for possession of a dwelling-house as against a statutory tenant shall not be required to give to the statutory tenant any notice to quit.
- (3) Where in Case IX in the said Schedule a landlord obtains an order for possession of the dwelling-house, and it is subsequently made to appear to the court that the order was obtained by misrepresentation or concealment of material facts, the court may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by the tenant as a result of the order.
- (4) In subsection (3) above and in Schedule 4 to this Act “tenant” means a protected occupier or a statutory tenant.
- (5) Section 7 below has effect as regards the Cases in Part I of the said Schedule.
- (6) If, apart from subsection (1) above, the landlord would be entitled to recover possession of a dwelling-house subject to a protected occupancy or statutory tenancy, the court shall make an order for possession if the circumstances of the case are as specified in any of the Cases in Part II of the said Schedule.

7 Discretion of court in giving possession.

- (1) This section applies in the Cases in Part I of Schedule 4 to this Act.

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(2) In those Cases the court shall not make an order unless it considers it reasonable to do so.

[^{F1}(2A) In those cases the court may adjourn for such period or periods as it thinks fit.]

(3) On the making of the order for possession, or at any time before execution of the order, the court may—

- (a) stay or suspend execution of the order, or
- (b) postpone the date of possession,

for such period or periods as the court thinks fit.

[^{F2}(4) On any such adjournment as is referred to in subsection (2A) above or any such stay, suspension or postponement as is referred to in subsection (3) above, the court shall, unless it considers that to do so would cause exceptional hardship to the tenant or would otherwise be unreasonable, impose conditions with regard to payment by the tenant of arrears of rent (if any) and rent or payments in respect of occupation after termination of the tenancy (mesne profits) and may impose such other conditions as it thinks fit.]

(5) If conditions so imposed are complied with, the court may if it thinks fit discharge or rescind the order for possession.

[^{F3}(5A) ^{F3}Subsection (5B) below applies in any case where—

- (a) proceedings are brought for possession of a dwelling-house which is subject to a protected occupancy or statutory tenancy;
- (b) the tenant's spouse or former spouse, having rights of occupation under the Matrimonial Homes Act 1967, is then in occupation of the dwelling-house; and
- (c) the tenancy is terminated as a result of those proceedings.

(5B) In any case to which this subsection applies, the spouse or former spouse shall, so long as he or she remains in occupation, have the same rights in relation to or in connection with any such adjournment as is referred to in subsection (2A) above or any such stay, suspension or postponement as is referred to in subsection (3) above as he or she would have if those rights of occupation were not affected by the termination of the tenancy.]

(6) In this section “tenant” means a protected occupier or a statutory tenant [^{F4}and “tenancy” shall be construed accordingly].

Textual Amendments

- F1** S. 7(2A) inserted by [Housing Act 1980 \(c. 51\), s. 75\(5\)](#)
- F2** S. 7(4) substituted by [Housing Act 1980 \(c. 51\), s. 75\(6\)](#)
- F3** S. 7(5A)(5B) inserted by [Housing Act 1980 \(c. 51\), s. 75\(7\)](#)
- F4** Words added by [Housing Act 1980 \(c. 51\), Sch. 25 para. 32](#)

8 Restriction on levy of distress for rent.

(1) Subject to subsection (2) below, no distress for the rent of any dwelling-house subject to a protected occupancy or statutory tenancy shall be levied except with the leave of the county court; and P the court shall, with respect to any application for such leave, have the same or similar powers with respect to adjournment, stay, suspension,

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postponement and otherwise as are conferred by section 7 of this Act, in relation to proceedings for possession of such a dwelling-house.

- (2) Nothing in subsection (1) above shall apply to distress levied under [^{F5}section 102 of the ^{M1}County Courts Act 1984] (claims for rent where goods seized in execution).

Textual Amendments

F5 Words substituted by County Courts Act 1984 (c. 28, SIF 34), s. 148(2), Sch. 2 para. 62

Marginal Citations

M1 1984 c. 28.

9 Effect of determination of superior tenancy, etc.

- (1) If a court makes an order for possession of a dwelling-house from a protected occupier or statutory tenant, or from a protected or statutory tenant for the purposes of [^{F6}the ^{M2}Rent Act 1977], and the order is made by virtue of Part I of Schedule 4 to this Act or, as the case may be, [^{F6}section 98 or 99(2)] of that Act, nothing in the order shall affect the right of any sub-tenant—
- (a) to whom the dwelling-house or any part of it has been lawfully sublet before the commencement of the proceedings, and
 - (b) who is a protected occupier or statutory tenant thereof,
- to retain possession by virtue of this Act, nor shall the order operate to give a right to possession against any such sub-tenant.
- (2) Where a statutorily protected tenancy of a dwelling-house is determined, either as a result of an order for possession or for any other reason, any sub-tenant—
- (a) to whom the dwelling-house or any part of it has been lawfully sublet, and
 - (b) who is a protected occupier or statutory tenant thereof,
- shall, subject to the provisions of this Act, be deemed to become the tenant of the landlord on the same terms as if the tenant's statutorily protected tenancy had continued.
- (3) Where a dwelling-house—
- (a) forms part of premises which have been let as a whole on a superior tenancy but do not constitute a dwelling-house let on a statutorily protected tenancy; and
 - (b) is itself subject to a protected occupancy or statutory tenancy,
- then, from the coming to an end of the superior tenancy, this Act shall apply in relation to the dwelling-house as if, in lieu of the superior tenancy, there had been separate tenancies of the dwelling-house and of the remainder of the premises, for the like purposes as under the superior tenancy, and at rents equal to the just proportion of the rent under the superior tenancy.

In this subsection “premises” includes an agricultural holding within the meaning of the [^{F7M3}Agricultural Holdings Act 1986][^{F8}held under a tenancy in relation to which that Act applies and land comprised in a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995.].

- (4) In subsections (2) and (3) above “statutorily protected tenancy” means—

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- (a) a protected occupancy or statutory tenancy;
 - (b) a protected or statutory tenancy for the purposes of [^{F9}the ^{M4}Rent Act 1977];
 - [^{F10}(c) a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1986 which is a tenancy in relation to which that Act applies; or
 - (d) a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995.]
- (5) Subject to subsection (6) below, a long tenancy of a dwelling-house which is also a tenancy at a low rent but which, had it not been a tenancy at a low rent, would have been a protected tenancy for the purposes of [^{F9}the Rent Act 1977], shall be treated for the purposes of subsection (2) above as a statutorily protected tenancy.
- (6) Notwithstanding anything in subsection (5) above, subsection (2) above shall not have effect where the sub-tenancy in question was created (whether immediately or derivatively) out of a long tenancy falling within subsection (5) above and, at the time of the creation of the sub-tenancy,—
- (a) a notice to terminate the long tenancy had been given under section 4(1) of the ^{M5}Landlord and Tenant Act 1954; or
 - (b) the long tenancy was being continued by section 3(1) of that Act;
- unless the sub-tenancy was created with the consent in writing of the person who at the time when it was created was the landlord, within the meaning of Part I of that Act.
- (7) In subsections (5) and (6) above “long tenancy” means a tenancy granted for a term of years certain exceeding 21 years, whether or not subsequently extended by act of the parties or by any enactment; and in determining for the purposes of those subsections whether a long tenancy is a tenancy at a low rent, there shall be disregarded such part (if any) of the sums payable by the tenant as is expressed (in whatever terms) to be payable in respect of rates, [^{F11}council tax,] services, repairs, maintenance or insurance, unless it would not have been regarded by the parties as a part so payable.

Textual Amendments

- F6** Words substituted by [Rent Act 1977 \(c. 42\)](#), **Sch. 23 para. 74(a)**
- F7** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, **Sch. 13 para. 3**, **Sch. 14 para. 57**
- F8** Words in s. 9(3) inserted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 25(2)** (with s. 37)
- F9** Words substituted by [Rent Act 1977 \(c. 42\)](#), **Sch. 23 para. 74(b)**
- F10** S. 9(4)(c)(d) substituted for s. 9(3)(c) and the preceding “or” (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 25(3)** (with s. 37)
- F11** Words in s. 9(7) inserted (1.4.1993) by S.I. 1993/651, art. 2(1), **Sch. 1 para. 2**

Modifications etc. (not altering text)

- C1** S. 9(2)(5) restricted (1.11.1993) by 1993 c. 28, s. 61, **Sch. 14 para. 3(2)(b)** (with ss. 94(2), 95); S.I. 1993/2134, **arts. 2, 5(a)**.

Marginal Citations

- M2** 1977 c. 42.
- M3** 1986 c. 5.
- M4** 1977 c. 42.
- M5** 1954 c. 56.

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