



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.

- (2) In those Cases the court shall not make an order unless it considers it reasonable to do so.
- (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.
- (4) A decision of the court under this section may be made subject to such conditions with regard to payment by the tenant of arrears of rent, rent or payments in respect of occupation after termination of the tenancy (mesne profits), and otherwise, as the court thinks fit.
- (5) If conditions so imposed are complied with, the court may if it thinks fit discharge or rescind the order for possession.
- (6) In this section "tenant" means a protected occupier or a statutory tenant.

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 the court shall, with respect to any application for such leave, have the same or similar powers with respect to adjournment, stay, suspension, 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 section 137 of the County Courts Act 1959 (claims for rent where goods seized in execution).

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 the Rent Act 1968, and the order is made by virtue of Part I of Schedule 4 to this Act or, as the case may be, section 10(1) or 10A(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 subtenant.
- (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 Agricultural Holdings Act 1948.
- (4) In subsections (2) and (3) above "statutorily protected tenancy " means—
- (a) a protected occupancy or statutory tenancy ;
 - (b) a protected or statutory tenancy for the purposes of the Rent Act 1968 ; or
 - (c) a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1948.
- (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 the Rent Act 1968, 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 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, services, repairs, maintenance or insurance, unless it would not have been regarded by the parties as a part so payable.

Statutory tenancies

10 Terms and conditions

- (1) Schedule 5 to this Act contains provisions about the terms of a statutory tenancy.
- (2) Schedule 5 to this Act shall not impose any liability to pay rent under a statutory tenancy (whether the protected occupier was a tenant or a licensee), and accordingly no rent shall be payable under a statutory tenancy until rent becomes payable by virtue

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of an agreement under section 11 of this Act, or by virtue of a notice of increase under section 12 or 14 of this Act.

- (3) Rent under a statutory tenancy which is a weekly tenancy shall be payable weekly in arrear, except that—
 - (a) if a rent or equivalent payment was payable under the protected occupancy, and was so payable otherwise than in arrear, rent under the statutory tenancy shall be payable in mat other way, and
 - (b) this subsection has effect subject to any agreement between the landlord and the tenant.
- (4) The day on which rent is payable weekly in arrear in accordance with subsection (3) above shall be—
 - (a) where rent or any equivalent payment was payable weekly in arrear under the protected occupancy, the day on which it was so payable,
 - (b) where paragraph (a) does not apply, and at the end of the protected occupancy the protected occupier was being paid weekly wages, the day on which the wages were paid,
 - (c) in any other case such day as the landlord and tenant may agree, or in default of agreement, Friday in each week.
- (5) The covenants implied in the statutory tenancy shall include a covenant to pay rent in accordance with this Part of this Act.

11 Agreed rents

- (1) The landlord and the statutory tenant may by agreement fix the rent payable under a statutory tenancy (or may agree that no rent shall be payable under the statutory tenancy).
- (2) An agreement under this section may be made at any time, including a time before the beginning of the statutory tenancy, or a time when a rent is registered for the dwelling-house.
- (3) The rent so fixed shall not exceed—
 - (a) where a rent is registered for the dwelling-house at the time when the agreement is made, the weekly or other periodical equivalent of the amount of the rent so registered,
 - (b) where a rent is not so registered, the amount of the rent based on rateable value defined in the next following section.
- (4) Where a rent is registered for the dwelling-house at any time after the agreement is made, as from the date from which the registration takes effect the rent payable under the agreement shall not exceed the weekly or other periodical equivalent of the amount of the rent so registered.
- (5) If the rent payable under the agreement exceeds the limit imposed by subsection (3) or (4) above, the amount of the excess shall be irrecoverable from the tenant.
- (6) Unless the contrary intention appears from the agreement, it shall be terminable by the landlord or the tenant by notice in writing served on the other.
- (7) The notice shall specify the date from which the agreement is terminated, which shall be not earlier than four weeks after service of the notice.

- (8) Subject to subsection (3) above, an agreement made under this section may from time to time be varied by a further agreement so made, whether or not there has been a change in the persons who are landlord and tenant.
- (9) If and so long as, in the period following the termination of an agreement under this section, no notice of increase under section 12 or section 14 of this Act takes effect (and no subsequent agreement is in force), the rent payable under the statutory tenancy shall be the same as the rent payable, or last payable, under the agreement, and it shall be payable for equivalent rental periods, and in other respects in the same way as, the rent was payable, or last payable, under the agreement.
- (10) Where a rent is registered for the dwelling-house at any time after the termination of the agreement, as from the date from which the registration takes effect the rent payable under subsection (9) above shall not exceed the weekly or other periodical equivalent of the amount of the rent so registered; and if the rent so payable exceeds the limit imposed by the foregoing provision of this subsection, the amount of the excess shall be irrecoverable from the tenant.
- (11) If the agreement mentioned in subsection (9) above provided that no rent was payable under the statutory tenancy, no rent shall be payable in the period for which that subsection applies.

12 Provisional rents

- (1) This section applies where a rent is not registered for a dwelling-house which is subject to a statutory tenancy.
- (2) If the rent payable for any period of the statutory tenancy would be less than the rent based on rateable value, it may be increased up to the amount of that rent by a notice of increase served by the landlord on the tenant.
- (3) The notice shall specify the amount of the rent based on rateable value, and set out the landlord's calculation of that amount.
- (4) The notice shall also specify the date from which the notice is to take effect, which shall not be earlier than four weeks before service of the notice, and not at a time when an agreement under section 11 of this Act is in force.
- (5) If the notice takes effect from the termination of an agreement under section 11 of this Act, it shall state that fact, and specify the rent payable, or last payable, under that agreement.
- (6) If a notice is served under this section at a time when an agreement under section 11 of this Act is in force, and the date stated in the notice as that from which it is to take effect is—
 - (a) a date after service of the notice, and
 - (b) a date as at which the landlord could by notice served with the first-mentioned notice terminate the agreement,the first-mentioned notice shall operate as a notice to terminate the agreement as at that date.
- (7) Where a rent is registered for the dwelling-house at any time after notice is served, as from the date from which the registration takes effect the rent payable in accordance

with the notice shall not exceed the weekly or other periodical equivalent of the amount of the rent so registered.

- (8) If the rent payable in accordance with the notice exceeds the limit imposed by subsection (7) above, the amount of the excess shall be irrecoverable from the tenant.
- (9) In this section—
- (a) "rent based on rateable value" means the weekly or other periodical equivalent of an annual amount equal to the prescribed multiple of the rateable value of the dwelling-house, and
 - (b) the " prescribed multiple " is 1.5, or such other number (whole or with a fraction) as the Secretary of State may by order prescribe.
- (10) An order made under subsection (9) above—
- (a) may contain such transitional and other supplemental and incidental provisions as appear to the Secretary of State expedient,
 - (b) may be varied or revoked by a subsequent order so made, and
 - (c) shall be contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament
- (11) The date as at which the rateable value is to be determined for the purposes of this section, and for the purposes of any agreement made under section 11 of this Act, shall be the date on which the notice is served, or as the case may be the date when the agreement was made.
- (12) If there is no separate rateable value for the dwelling-house the rateable value shall be ascertained by a proper apportionment or aggregation of the rateable value or values of the relevant hereditaments; and until the rateable value is so ascertained references in this section to the amount of the rent based on rateable value shall be construed as references to the amount of the rent based on the landlord's estimate of that value.
- (13) Any question as to the proper apportionment or aggregation under subsection (12) above shall be determined by the county court, and the decision of the county court shall be final.

13 Application for registration of rent

- (1) There shall be a part of the register under Part IV of the Rent Act 1968 in which rents may be registered for dwelling-houses which are subject to statutory tenancies (as defined in this Act).
- (2) In relation to that part of the register the following provisions of the Rent Act 1968, that is—
- (a) sections 44 and 46,
 - (b) section 47, except subsection (3), and
 - (c) Part I of Schedule 6,
- shall have effect as if for any reference in those provisions to a regulated tenancy there were substituted a reference to a statutory tenancy (as defined in this Act).
- (3) The preceding provisions of this section shall not be taken as applying sections 44A, 45, 47(3), 48 or 48A of the Rent Act 1968, or Part II of Schedule 6 or Schedule 7 to that Act.

- (4) Registration in the said part of the register shall take effect as from the date of the application unless the rent officer or, as the case may be, the rent assessment committee determine that it shall take effect as from a later date.
- (5) Where, by virtue of subsection (3A) of section 44 of the Rent Act 1968 as applied by subsection (2) above, an application is made before the expiry of the period of three years referred to in subsection (3) of the said section 44, subsection (4) above shall have effect as if for the reference to the date of the application there were substituted a reference to the first day after the expiry of that period of three years.
- (6) The date from which the registration takes effect shall be entered in the register and as from that date any previous registration of a rent of a dwelling-house shall cease to have effect.
- (7) A rent registered in any part of the register for a dwelling-house which becomes, or ceases to be, one subject to a statutory tenancy shall be as effective as if it were registered in any other part of the register; but section 44(3) of the Rent Act 1968 (no application for registration of a different rent to be made within three years of the last registration) shall not apply to an application for the registration, as respects a dwelling-house which is subject to a statutory tenancy, of a rent different from one which is registered in a part of the register other than the part mentioned in subsection (1) above.

14 Registered rents

- (1) This section applies where a rent is registered for a dwelling-house subject to a statutory tenancy.
- (2) If the rent payable for any period of the statutory tenancy beginning on or after the date of registration would be less than the registered rent, it may be increased up to the amount of that rent by a notice of increase served by the landlord on the tenant.
- (3) The notice shall specify the amount of the registered rent, and the date from which the notice is to take effect, which shall not be earlier than four weeks before service of the notice, and not at a time when an agreement under section 11 of this Act is in force.
- (4) If the notice takes effect from the termination of an agreement under section 11 of this Act, it shall state that fact, and specify the rent payable, or last payable, under that agreement.
- (5) If a notice is served under this section at a time when an agreement under section 11 of this Act is in force, and the date stated in the notice as that from which it is to take effect is—
 - (a) a date after service of the notice, and
 - (b) a date as at which the landlord could by notice served with the first-mentioned notice terminate the agreement,the first-mentioned notice shall operate as a notice to terminate the agreement as at that date.

15 Phasing of rent increases

- (1) The rent of a dwelling-house which is subject to a statutory tenancy qualifies for phasing under this section if—

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- (a) a rent is registered for that dwelling-house in the part of the register in which rents may be registered for dwelling-houses which are subject to statutory tenancies, and
 - (b) that rent is not the first rent to be registered for that dwelling-house in that part of that register during the subsistence of the statutory tenancy or, in the case of a statutory tenancy by succession, during the subsistence of any statutory tenancy which immediately preceded it.
- (2) Where the rent of a dwelling-house qualifies for phasing under this section, and a provision of Schedule 6 to this Act imposes a rent limit for any period of the statutory tenancy falling within the period of delay imposed by that Schedule, sections 11(3) and (4) and 14(2) of this Act shall have effect, in relation to that period of the statutory tenancy, as if for the references to the registered rent there were substituted references to the said rent limit.
- (3) A notice of increase under section 14 of this Act which purports to increase a rent which qualifies for phasing under this section further than permitted by Schedule 6 to this Act shall have effect to increase it to the extent permitted by that Schedule and no further.
- (4) Nothing in this section or in Schedule 6 to this Act shall prevent or limit any increase in rent by virtue of section 47(4) of the Rent Act 1968 (variable rents).

16 Notices of increase

- (1) Any reference in the following provisions of this section to a notice is a reference to a notice of increase under section 12 or section 14 of this Act.
- (2) Notwithstanding that a notice relates to periods of a statutory tenancy it may be served before the statutory tenancy begins.
- (3) Where a notice is served before the statutory tenancy begins, and the protected occupancy could, by a notice to quit served at the same time, be brought to an end before the date specified in the notice of increase, the notice shall operate to terminate the protected occupancy as from that date.
- (4) If the county court is satisfied that any error or omission in a notice is due to a bona fide mistake on the part of the landlord, the court may by order amend the notice by correcting any errors or supplying any omission therein which, if not corrected or supplied, would render the notice invalid and if the court so directs, the notice as so amended shall have effect and be deemed to have had effect as a valid notice.
- (5) If the county court is satisfied that—
 - (a) at the time when a notice under section 12 of this Act was served there was no separate rateable value for the dwelling-house, and
 - (b) the amount specified in the notice is the amount of the rent based on the landlord's estimate of the rateable value,the court may by order amend the notice by substituting for the amount so specified the amount of the rent based on rateable value and, if the court so directs, the notice shall have effect and be deemed to have had effect as so amended.
- (6) Any amendment of a notice under subsection (4) or (5) above may be made on such terms and conditions with respect to arrears of rent or otherwise as appear to the court to be just and reasonable.

- (7) No increase of rent which becomes payable by reason of an amendment of a notice under subsection (4) or (5) above shall be recoverable in respect of any period of the statutory tenancy which ended more than six months before the date of the order making the amendment.

General provisions

17 Adjustment for differences in lengths of rental periods

In ascertaining for the purposes of this Part of this Act the weekly or other periodical equivalent of a registered rent, or of the annual amount mentioned in section 12(9) of this Act, a period of one month shall be treated as equivalent to one-twelfth of a year, and a period of a week as equivalent to one fifty-second of a year.

18 Regulations

- (1) The Secretary of State may make regulations prescribing the form of any notice or other document to be given or used in pursuance of this Part of this Act.
- (2) Any such regulations shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

19 Interpretation of Part II

In this Part of this Act, unless the context otherwise requires—

" registered " means registered in the register under Part IV of the Rent Act 1968.

" rent based on rateable value " has the meaning given by section 12(9) of this Act,

" rental period " means a period in respect of which a payment of rent, or in the case of a licence the equivalent of rent, falls to be made.