

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

# SCHEDULES

## SCHEDULE 4

### GROUND FOR POSSESSION OF DWELLING-HOUSE SUBJECT TO PROTECTED OCCUPANCY OR STATUTORY TENANCY

#### PART I

#### CASES WHERE COURT HAS A DISCRETION

##### CASE I

##### *Alternative accommodation not provided or arranged by housing authority*

- 1 The court is satisfied that suitable alternative accommodation is available for the tenant, or will be available for him when the order for possession takes effect.
- 2 <sup>F1</sup>(1) Accommodation shall be deemed suitable in this Case if it consists of—
  - (a) premises which are to be let as a separate dwelling such that they will then be let on a protected tenancy within the meaning of <sup>F2</sup>the <sup>M1</sup>Rent Act 1977], or
  - (b) premises which are to be let as a separate dwelling on terms which will, in the opinion of the court, afford to the tenant security of tenure reasonably equivalent to the security afforded by <sup>F3</sup>Part VII of the Rent Act 1977] in the case of a protected tenancy,
 and, in the opinion of the court, the accommodation fulfils the conditions in paragraph 3 below.

(2) ..... <sup>F4</sup>

#### Textual Amendments

- F1** Sch. 4 Pt. I Case I para. 2(1) renumbered from para. 2 by [Housing and Planning Act 1986 \(c. 63, SIF 75:3\)](#), **s. 13(3)**
- F2** Words substituted by [Rent Act 1977 \(c. 42\)](#), **Sch. 23 para. 82(a)**
- F3** Words substituted by [Rent Act 1977 \(c. 42\)](#), **Sch. 23 para. 82(b)**
- F4** Sch. 4 Pt. I Case I para. 2(2) inserted by [Housing and Planning Act 1986 \(c. 63, SIF 75:3\)](#), **s. 13(3)** and repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140, **Sch. 18**

#### Marginal Citations

- M1** [1977 c. 42.](#)

- 3 (1) The accommodation must be reasonably suitable to the needs of the tenant and his family as regards proximity to place of work and either—

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- (a) similar as regards rental and extent to the accommodation afforded by dwelling-houses provided in the neighbourhood by the housing authority concerned for persons whose needs as regards extent are similar to those of the tenant and his family, or
  - (b) reasonably suitable to the means of the tenant, and to the needs of the tenant and his family as regards extent and character.
- (2) For the purposes of sub-paragraph (1)(a) above, a certificate of the housing authority concerned stating—
- (a) the extent of the accommodation afforded by dwelling-houses provided by the authority to meet the needs of tenants with families of such number as may be specified in the certificate, and
  - (b) the amount of the rent charged by the housing authority concerned for dwelling-houses affording accommodation of that extent,
- shall be conclusive evidence of the facts so stated.
- (3) If any furniture was provided by the landlord for use under the tenancy, furniture must be provided for use in the alternative accommodation which is either similar, or is reasonably suitable to the needs of the tenant and his family.
- 4 Accommodation shall not be deemed to be suitable to the needs of the tenant and his family if the result of their occupation of the accommodation would be that it would be an overcrowded dwelling-house for the purposes of [<sup>F5</sup>Part X of the Housing Act 1985].

**Textual Amendments**

**F5** Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, [Sch. 2 para. 33\(4\)\(a\)](#)

- 5 Any document purporting to be a certificate of the housing authority concerned issued for the purposes of this Case and to be signed by the proper officer of the authority shall be received in evidence and, unless the contrary is shown, shall be deemed to be such a certificate without further proof.
- 6 In this Case no account shall be taken of accommodation as respects which an offer has been made, or notice has been given, as mentioned in paragraph 1 of Case II below.

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