



Rent (Agriculture) Act 1976

1976 CHAPTER 80

PART I

PRELIMINARY

Protected occupancies

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) [^{F1}Where 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, if the surviving partner has, in relation to the dwelling-house, a relevant licence or tenancy, the surviving partner 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 [^{F2}surviving partner] who was residing [^{F3}in the dwelling-house immediately before [^{F4}the original occupier's] death], but
 - (b) one or more persons who were members of [^{F4}the original occupier's] family were residing with [^{F5}the original occupier] at the time of and for the period of six months immediately before his death,

then, after [^{F4}the original occupier's] 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

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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.

[^{F6}(3A) In subsections (2) and (3) above “surviving partner” means surviving spouse or surviving civil partner.]

(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.

Textual Amendments

- F1** S. 3(2) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 9(2)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F2** Words in s. 3(3) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 9(3)(a)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F3** Words substituted by [Housing Act 1980 \(c. 51\)](#), s. 76(3)(4) in relation to deaths occurring after 28.11.1980
- F4** Words in s. 3(3) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 9(3)(b)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F5** Words in s. 3(3) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 9(3)(c)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F6** S. 3(3A) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 9(4)**; S.I. 2005/3175, art. 2(1), Sch. 1

Changes to legislation:

There are currently no known outstanding effects for the Rent (Agriculture) Act 1976, Section 3.