



Rent (Agriculture) Act 1976

1976 CHAPTER 80

PART II

SECURITY OF TENURE

Protected occupancies and statutory tenancies

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 [^{F1}the ^{M1}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, [^{F1}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,

Changes to legislation: There are currently no known outstanding effects for the Rent (Agriculture) Act 1976, Section 9. (See end of Document for details)

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 [^{F2M2}Agricultural Holdings Act 1986][^{F3}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—
- (a) a protected occupancy or statutory tenancy;
 - (b) a protected or statutory tenancy for the purposes of [^{F4}the ^{M3}Rent Act 1977];
 - [^{F5}(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 [^{F4}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 ^{M4}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, [^{F6}council tax,] services, repairs, maintenance or insurance, unless it would not have been regarded by the parties as a part so payable.

Textual Amendments

- F1** Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 74\(a\)](#)
- F2** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 14 para. 57](#)
- F3** Words in s. 9(3) inserted (1.9.1995) by [1995 c. 8, ss. 40, 41\(2\)](#), [Sch. para. 25\(2\)](#) (with s. 37)
- F4** Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 74\(b\)](#)
- F5** [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)
- F6** Words in s. 9(7) inserted (1.4.1993) by [S.I. 1993/651, art. 2\(1\)](#), [Sch. 1 para. 2](#)

Changes to legislation: There are currently no known outstanding effects for the Rent (Agriculture) Act 1976, Section 9. (See end of Document for details)

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

M1 1977 c. 42.

M2 1986 c. 5.

M3 1977 c. 42.

M4 1954 c. 56.

Changes to legislation:

There are currently no known outstanding effects for the Rent (Agriculture) Act 1976, Section 9.