



# Rent Act 1977

## 1977 CHAPTER 42

### PART III

#### RENTS UNDER REGULATED TENANCIES

##### *Regulation of rent*

#### **44 Limit of rent during contractual periods.**

- (1) Where a rent for a dwelling-house is registered under Part IV of this Act, the rent recoverable for any contractual period of a regulated tenancy of the dwelling-house shall be limited to the rent so registered.

This subsection is subject to the following provisions of this Act: subsection (4) below, [<sup>F1</sup>section 71(3)], paragraph 1(3) of Schedule 7, . . . <sup>F2</sup> and paragraph 3 of Schedule 20.

- (2) Where a limit is imposed by subsection (1) above on the rent recoverable in relation to any contractual period of a regulated tenancy, the amount by which the rent payable under the tenancy exceeds that limit shall, notwithstanding anything in any agreement, be irrecoverable from the tenant.
- (3) In this Part of this Act “contractual rent limit” means the limit specified in subsection (1) above.
- (4) Schedule 7 to this Act shall have effect for the purpose of providing a special rent limit in relation to certain tenancies which became regulated tenancies by virtue of section 14 of the <sup>M1</sup>Counter-Inflation Act 1973.

#### **Textual Amendments**

- F1** Words substituted (with saving) by S.I. 1987/264, arts. 2(3), 3, Sch. 1 para. 1, Sch. 2
- F2** Words repealed by Housing Act 1980 (c. 51, SIF 61), Sch. 26

*Status: Point in time view as at 01/04/1993.*

*Changes to legislation: There are currently no known outstanding effects for the Rent Act 1977, Cross Heading: Regulation of rent. (See end of Document for details)*

### Marginal Citations

M1 1973 c. 9.

## 45 Limit of rent during statutory periods.

- (1) Except as otherwise provided by this Part of this Act, where the rent payable for any statutory period of a regulated tenancy of a dwelling-house would exceed the rent recoverable for the last contractual period thereof, the amount of the excess shall, notwithstanding anything in any agreement, be irrecoverable from the tenant.
- (2) Where a rent for the dwelling-house is registered under Part IV of this Act, the following provisions shall apply with respect to the rent for any statutory period of a regulated tenancy of the dwelling-house:—
  - (a) if the rent payable for any statutory period would exceed the rent so registered, the amount of the excess shall, notwithstanding anything in any agreement, be irrecoverable from the tenant; and
  - (b) if the rent payable for any statutory period would be less than the rent so registered, it may be increased up to the amount of that rent by a notice of increase served by the landlord on the tenant and specifying the date from which the increase is to take effect.

This subsection is subject to the following provisions of this Act: [F3section 71(3)], paragraph 1(3) of Schedule 7, . . . F4 . . . F5 and paragraph 3 of Schedule 20.

- (3) The date specified in a notice of increase under subsection (2)(b) above shall not be earlier than the date [F6from which the registration of the rent took effect] nor earlier than 4 weeks before the service of the notice.
- (4) Where no rent for the dwelling-house is registered under Part IV of this Act, sections 46 [F7and 47] of this Act shall have effect with respect to the rent recoverable for any statutory period under a regulated tenancy of the dwelling-house.

### Textual Amendments

- F3** Words substituted (with saving) by S.I. 1987/264, arts. 2(3), 3, Sch. 1 para. 2(a), **Sch. 2**
- F4** Words repealed (with saving) by S.I. 1987/264, arts. 2(3), 3, Sch. 1 para. 2(b), **Sch. 2**
- F5** Words repealed by **Housing Act 1980 (c. 51, SIF 61), Sch. 26**
- F6** Words substituted with saving by **Housing Act 1980 (c. 51, SIF 61), s. 61(4)(8)**
- F7** Words substituted by **Housing Act 1980 (c. 51, SIF 61), Sch. 25 Pt. 1 para. 37**

## 46 Adjustment, with respect to rates, of recoverable rent for statutory periods before registration.

- (1) Where—
  - (a) section 45(4) of this Act applies, and
  - (b) any rates in respect of the dwelling-house are, or were during the last contractual period, borne by the landlord or a superior landlord,

then, for any statutory period for which the amount of the rates (ascertained in accordance with Schedule 5 to this Act) differs from the amount, so ascertained, of the rates for the last contractual period, the recoverable rent shall be increased or decreased by the amount of the difference.

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- (2) Where the amount of the recoverable rent is increased by virtue of this section, the increase shall not take effect except in pursuance of a notice of increase served by the landlord on the tenant and specifying the increase and the date from which it is to take effect.
- (3) The date specified in a notice of increase under subsection (2) above shall be not earlier than 6 weeks before the service of the notice, and if it is earlier than the service of the notice any rent unpaid shall become due on the day after the service of the notice.

**47      Adjustment, with respect to services and furniture, of recoverable rent for statutory periods before registration.**

- (1) Where section 45(4) of this Act applies and for any statutory period there is with respect to—
  - (a) the provision of services for the tenant by the landlord or a superior landlord, or
  - (b) the use of furniture by the tenant,or any circumstances relating thereto any difference, in comparison with the last contractual period, such as to affect the amount of the rent which it is reasonable to charge, the recoverable rent for the statutory period shall be increased or decreased by an appropriate amount.
- (2) Any question whether, or by what amount, the recoverable rent for any period is increased or decreased by virtue of this section shall be determined by agreement in writing between the landlord and the tenant or by the county court; and any such determination—
  - (a) may be made so as to relate to past statutory periods; and
  - (b) shall have effect with respect to statutory periods subsequent to the periods to which it relates until revoked or varied by any such agreement as is referred to in this subsection or by the county court.

**48**      ..... <sup>F8</sup>

**Textual Amendments**

**F8**    S. 48 repealed with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 63, Sch. 25 Pt. II para. 64, [Sch. 26](#)

**49      Notices of increase.**

- (1) Any reference in this section to a notice of increase is a reference to a notice of increase under section 45(2), [<sup>F9</sup> or 46] of this Act.
- (2) A notice of increase must be in the prescribed form.
- (3) Notwithstanding that a notice of increase relates to statutory periods, it may be served during a contractual period.
- (4) Where a notice of increase is served during a contractual period and the protected tenancy could, by a notice to quit served by the landlord at the same time, be brought to an end before the date specified in the notice of increase, the notice of increase shall operate to convert the protected tenancy into a statutory tenancy as from that date.

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- (5) If the county court is satisfied that any error or omission in a notice of increase 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.
- (6) Any amendment of a notice of increase under subsection (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 of increase under subsection (5) above shall be recoverable in respect of any statutory period which ended more than 6 months before the date of the order making the amendment.

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**Textual Amendments**

**F9** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 25 Pt. I para. 38**

**50 Private street works to count as improvements.**

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**Textual Amendments**

**F10** Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14 and 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**

**Status:**

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