



Rent Act 1977

1977 CHAPTER 42

PART VII

SECURITY OF TENURE

*Limitations on recovery of possession of dwelling-houses
let on protected tenancies or subject to statutory tenancies*

98 Grounds for possession of certain dwelling-houses.

- (1) Subject to this Part of this Act, a court shall not make an order for possession of a dwelling-house which is for the time being let on a protected tenancy or subject to a statutory tenancy unless the court considers it reasonable to make such an order and either—
 - (a) the court is satisfied that suitable alternative accommodation is available for the tenant or will be available for him when the order in question takes effect, or
 - (b) the circumstances are as specified in any of the Cases in Part I of Schedule 15 to this Act.
- (2) If, apart from subsection (1) above, the landlord would be entitled to recover possession of a dwelling-house which is for the time being let on or subject to a regulated 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 Schedule 15.
- (3) Part III of Schedule 15 shall have effect in relation to Case 9 in that Schedule and for determining the relevant date for the purposes of the Cases in Part II of that Schedule.
- (4) Part IV of Schedule 15 shall have effect for determining whether, for the purposes of subsection (1)(a) above, suitable alternative accommodation is or will be available for a tenant.
- [^{F1}(5) Part V of Schedule 15 shall have effect for the purpose of setting out conditions which are relevant to Cases 11 and 12 of that Schedule.]

Status: Point in time view as at 30/06/2021.

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1977, Cross Heading: Limitations on recovery of possession of dwelling-houses let on protected tenancies or subject to statutory tenancies. (See end of Document for details)

Textual Amendments

F1 S. 98(5) added with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. **66(3)(5)**

Modifications etc. (not altering text)

C1 S. 98(1)(a) modified by [Housing Act 1985 \(c. 68, SIF 61\)](#), s. **309(1)**

C2 S. 98(1)(a) restricted by [S.I. 1986/2092](#), **art. 9**

99 **Grounds for possession of certain dwelling-houses let to agricultural workers, etc.**

- (1) This section applies to any protected or statutory tenancy which—
 - (a) if it were a tenancy at a low rent, and
 - (b) if (where relevant) any earlier tenancy granted to the tenant, or to a member of his family, had been a tenancy at a low rent,
 would be a protected occupancy or statutory tenancy as defined in the ^{M1}Rent (Agriculture) Act 1976.
- (2) Notwithstanding anything in section 98 of this Act, the court shall not make an order for possession of a dwelling-house which is for the time being let on or subject to a tenancy to which this section applies unless the court considers it reasonable to make such an order and the circumstances are as specified in any of the Cases (except Case 8) in Part I of Schedule 15 to this Act or in either of the Cases in Schedule 16 to this Act.
- (3) If, apart from subsection (2) above, the landlord would be entitled to recover possession of a dwelling-house which is for the time being let on or subject to a tenancy to which this section applies, the court shall make an order for possession if the circumstances are as specified in any of the Cases (except Cases 16 to 18) in Part II of Schedule 15 to this Act.

Marginal Citations

M1 1976 c. 80.

100 **Extended discretion of court in claims for possession of certain dwelling-houses.**

- (1) Subject to subsection (5) below, a court may adjourn for such period or periods as it thinks fit, proceedings for possession of a dwelling-house which is let on a protected tenancy or subject to a statutory tenancy.
- (2) On the making of an order for possession of such a dwelling-house, or at any time before the execution of such an order (whether made before or after the commencement of this Act), the court, subject to subsection (5) below, 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.
- [^{F2}(3) On any such adjournment as is referred to in subsection (1) above or any such stay, suspension or postponement as is referred to in subsection (2) above, the court shall, unless it considers that to do so would cause exceptional hardship to the tenant or would otherwise be unreasonable, impose conditions with regard to payment by the

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tenant of arrears of rent (if any) and rent or payments in respect of occupation after termination of the tenancy (mesne profits) and may impose such other conditions as it thinks fit.]

(4) If any such conditions as are referred to in subsection (3) above are complied with, the court may, if it thinks fit, discharge or rescind any such order as is referred to in subsection (2) above.

[^{F3}(4A) Subsection (4B) below applies in any case where—

- (a) proceedings are brought for possession of a dwelling-house which is let on a protected tenancy or subject to a statutory tenancy;
- (b) the tenant's spouse or former spouse, having rights of occupation under the Matrimonial Homes Act 1967, is then in occupation of the dwelling-house; and
- (c) the tenancy is terminated as a result of those proceedings.

(4B) In any case to which this subsection applies, the spouse or former spouse shall, so long as he or she remains in occupation, have the same rights in relation to, or in connection with, any such adjournment as is referred to in subsection (1) above or any such stay, suspension or postponement as is referred to in subsection (2) above, as he or she would have if those rights of occupation were not affected by the termination of the tenancy.]

(5) This section shall not apply if the circumstances are as specified in any of the Cases in Part II of Schedule 15.

Textual Amendments

- F2** S. 100(3) substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 75(2)
- F3** S. 100(4A)(4B) inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 75(3)

[^{F4}101 **Overcrowded dwelling-houses.**

At any time when a dwelling-house is over-crowded within the meaning of Part X of the Housing Act 1985 in such circumstances as to render the occupier guilty of an offence, nothing in this Part of this Act shall prevent the immediate landlord of the occupier from obtaining possession of the dwelling-house.]

Textual Amendments

- F4** S. 101 substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, Sch. 2 para. 35(8), [Sch. 3 para. 3](#)

102 **Compensation for misrepresentation or concealment in Cases 8 and 9.**

Where, in such circumstances as are specified in Case 8 or Case 9 in Schedule 15 to this Act, a landlord obtains an order for possession of a dwelling-house let on a protected tenancy or subject to a statutory tenancy 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 that tenant as a result of the order.

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[^{F5}102A Restricted application of sections 103 to 106.

Sections 103 to 106 of this Act apply only to restricted contracts entered into before the commencement of section 69 of the ^{M2} Housing Act 1980.]

Textual Amendments

F5 [S. 102A](#) inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [s. 69\(3\)](#)

Marginal Citations

M2 [1980 c. 51](#)

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