

Status: Point in time view as at 18/05/2023.

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1977, Part II. (See end of Document for details)

SCHEDULES

SCHEDULE 15

GROUND FOR POSSESSION OF DWELLING-HOUSES LET ON OR SUBJECT TO PROTECTED OR STATUTORY TENANCIES

Modifications etc. (not altering text)

- C1** Sch. 15 applied (with modifications) (31.12.2020) by [The Citizens' Rights \(Application Deadline and Temporary Protection\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1209\)](#), regs. 1(1), **3(4)**, 4(5), 12(1)(d)

PART II

CASES IN WHICH COURT MUST ORDER POSSESSION WHERE DWELLING-HOUSE SUBJECT TO REGULATED TENANCY

Case 11

[^{F1}Where a person (in this Case referred to as “the owner-occupier”) who let the dwelling-house on a regulated tenancy had, at any time before the letting, occupied it as his residence] and—

- (a) not later than the relevant date the landlord gave notice in writing to the tenant that possession might be recovered under this Case, and
- (b) the dwelling-house has not, since—
 - (i) 22nd March 1973, in the case of a tenancy which became a regulated tenancy by virtue of section 14 of the ^{M1}Counter-Inflation Act 1973;
 - (ii) 14th August 1974, in the case of a regulated furnished tenancy; or
 - (iii) 8th December 1965, in the case of any other tenancy,

been let by the owner-occupier on a protected tenancy with respect to which the condition mentioned in paragraph (a) above was not satisfied, and

[^{F2}(c) the court is of the opinion that, of the conditions set out in Part V of this Schedule one of those in paragraphs (a) and (c) to (f) is satisfied.]

If the court is of the opinion that, notwithstanding that the condition in paragraph (a) or (b) above is not complied with, it is just and equitable to make and order for possession of the dwelling-house, the court may dispense with the requirements of either or both of those paragraphs, as the case may require.

The giving of a notice before 14th August 1974 under section 79 of the ^{M2}Rent Act 1968 shall be treated, in the case of a regulated furnished tenancy, as compliance with paragraph (a) of this case. [^{F3}Where the dwelling-house has been let by the owner-occupier on a protected tenancy (in this paragraph referred to as “the earlier tenancy”) granted on or after 16th November 1984 but not later than the end of the period of two months beginning with the commencement of the Rent (Amendment) Act 1985 and either—

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- (i) the earlier tenancy was granted for a term certain (whether or not to be followed by a further term or to continue thereafter from year to year or some other period) and was during that term a protected shorthold tenancy as defined in section 52 of the Housing Act ^{M3}1980, or
- (ii) the conditions mentioned in paragraphs (a) to (c) of Case 20 were satisfied with respect to the dwelling-house and the earlier tenancy,

then for the purposes of paragraph (b) above the condition in paragraph (a) above is to be treated as having been satisfied with respect to the earlier tenancy.]

Textual Amendments

- F1** Sch. 15 Pt.II*Case 11*: Words from “Where” to “residence” substituted for words from the beginning to “tenancy” by [Rent \(Amendment\) Act 1985 \(c. 24, SIF 75:3, 4\), s. 1\(1\)\(4\)](#)
- F2** Case 11 para. (c) substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 66\(1\)\(5\)\(6\)](#)
- F3** Sch. 15 Pt.II*Case 11*: Words added at the end by [Rent \(Amendment\) Act 1985 \(c. 24, SIF 75:3, 4\) s. 1\(2\)\(4\)](#)

Marginal Citations

- M1** [1973 c. 9.](#)
- M2** [1968 c. 23.](#)
- M3** [1980 c.51 \(61\).](#)

Textual Amendments

- F1** Sch. 15 Pt.II*Case 11*: Words from “Where” to “residence” substituted for words from the beginning to “tenancy” by [Rent \(Amendment\) Act 1985 \(c. 24, SIF 75:3, 4\), s. 1\(1\)\(4\)](#)
- F2** Case 11 para. (c) substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 66\(1\)\(5\)\(6\)](#)
- F3** Sch. 15 Pt.II*Case 11*: Words added at the end by [Rent \(Amendment\) Act 1985 \(c. 24, SIF 75:3, 4\) s. 1\(2\)\(4\)](#)

Marginal Citations

- M1** [1973 c. 9.](#)
- M2** [1968 c. 23.](#)
- M3** [1980 c.51 \(61\).](#)

Case 12

[^{F4}Where the landlord (in this Case referred to as “the owner”) intends to occupy the dwelling-house as his residence at such time as he might retire from regular employment and has let] it on a regulated tenancy before he has so retired and—

- (a) not later than the relevant date the landlord gave notice in writing to the tenant that possession might be recovered under this Case; and
- (b) the dwelling-house has not, since 14th August 1974, been let by the owner on a protected tenancy with respect to which the condition mentioned in paragraph (a) above was not satisfied; and

[^{F5}(c) the court is of the opinion that of the conditions set out in Part V of this Schedule one of those in paragraphs (b) to (e) is satisfied.]

If the court is of the opinion that, notwithstanding that the condition in paragraph (a) or (b) above is not complied with, it is just and equitable to make an order for possession of the dwelling-

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house, the court may dispense with the requirements of either or both of those paragraphs, as the case may require.

Textual Amendments

- F4** Words substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 66\(4\)\(5\)](#)
F5 Case 12 para. (c) substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 66\(2\)\(5\)\(6\)](#)

Textual Amendments

- F4** Words substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 66\(4\)\(5\)](#)
F5 Case 12 para. (c) substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\), s. 66\(2\)\(5\)\(6\)](#)

Case 13

Where the dwelling-house is let under a tenancy for a term of years certain not exceeding 8 months and—

- (a) not later than the relevant date the landlord gave notice in writing to the tenant that possession might be recovered under this Case; and
- (b) the dwelling-house was, at some time within the period of 12 months ending on the relevant date, occupied under a right to occupy it for a holiday.

For the purposes of this Case a tenancy shall be treated as being for a term of years certain notwithstanding that it is liable to determination by re-entry or on the happening of any event other than the giving of notice by the landlord to determine the term.

Case 14

Where the dwelling-house is let under a tenancy for a term of years certain not exceeding 12 months and—

- (a) not later than the relevant date the landlord gave notice in writing to the tenant that possession might be recovered under this Case; and
- (b) at some time within the period of 12 months ending on the relevant date, the dwelling-house was subject to such a tenancy as is referred to in section 8(1) of this Act.

For the purposes of this Case a tenancy shall be treated as being for a term of years certain notwithstanding that it is liable to determination by re-entry or on the happening of any event other than the giving of notice by the landlord to determine the term.

Case 15

Where the dwelling-house is held for the purpose of being available for occupation by a minister of religion as a residence from which to perform the duties of his office and—

- (a) not later than the relevant date the tenant was given notice in writing that possession might be recovered under this Case, and
- (b) the court is satisfied that the dwelling-house is required for occupation by a minister of religion as such a residence.

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Case 16

Where the dwelling-house was at any time occupied by a person under the terms of his employment as a person employed in agriculture, and

- (a) the tenant neither is nor at any time was so employed by the landlord and is not the widow of a person who was so employed, and
- (b) not later than the relevant date, the tenant was given notice in writing that possession might be recovered under this Case, and
- (c) the court is satisfied that the dwelling-house is required for occupation by a person employed, or to be employed, by the landlord in agriculture.

For the purposes of this Case “employed”, “employment” and “agriculture” have the same meanings as in the ^{M4}Agricultural Wages Act 1948.

Marginal Citations

M4 1948 c. 47.

Marginal Citations

M4 1948 c. 47.

Case 17

Where proposals for amalgamation, approved for the purposes of a scheme under section 26 of the ^{M5}Agriculture Act 1967, have been carried out and, at the time when the proposals were submitted, the dwelling-house was occupied by a person responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of any part of the land comprised in the amalgamation and

- (a) after the carrying out of the proposals, the dwelling-house was let on a regulated tenancy otherwise than to, or to the widow of, either a person ceasing to be so responsible as part of the amalgamation or a person who is, or at any time was, employed by the landlord in agriculture, and
- (b) not later than the relevant date the tenant was given notice in writing that possession might be recovered under this Case, and
- (c) the court is satisfied that the dwelling-house is required for occupation by a person employed, or to be employed, by the landlord in agriculture, and
- (d) the proceedings for possession are commenced by the landlord at any time during the period of 5 years beginning with the date on which the proposals for the amalgamation were approved or, if occupation of the dwelling-house after the amalgamation continued in, or was first taken by, a person ceasing to be responsible as mentioned in paragraph (a) above or his widow, during a period expiring 3 years after the date on which the dwelling-house next became unoccupied.

For the purposes of this Case “employed” and “agriculture” have the same meanings as in the ^{M6}Agricultural Wages Act 1948 and “amalgamation” has the same meaning as in Part II of the ^{M7}Agriculture Act 1967.

Marginal Citations

M5 1967 c. 22.

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M6 1948 c. 47.

M7 1967 c. 22.

Marginal Citations

M5 1967 c. 22.

M6 1948 c. 47.

M7 1967 c. 22.

Case 18

Where—

- (a) the last occupier of the dwelling-house before the relevant date was a person, or the widow of a person, who was at some time during his occupation responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of land which formed, together with the dwelling-house, an agricultural unit within the meaning of the ^{M8}Agriculture Act 1947, and
- (b) the tenant is neither—
 - (i) a person, or the widow of a person, who is or has at any time been responsible for the control of the farming of any part of the said land, nor
 - (ii) a person, or the widow of a person, who is or at any time was employed by the landlord in agriculture, and
- (c) the creation of the tenancy was not preceded by the carrying out in connection with any of the said land of an amalgamation approved for the purposes of a scheme under section 26 of the ^{M9}Agriculture Act 1967, and
- (d) not later than the relevant date the tenant was given notice in writing that possession might be recovered under this Case, and
- (e) the court is satisfied that the dwelling-house is required for occupation either by a person responsible or to be responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of any part of the said land or by a person employed or to be employed by the landlord in agriculture, and
- (f) in a case where the relevant date was before 9th August 1972, the proceedings for possession are commenced by the landlord before the expiry of 5 years from the date on which the occupier referred to in paragraph (a) above went out of occupation.

For the purposes of this Case “employed” and “agriculture” have the same meanings as in the ^{M10}Agricultural Wages Act 1948 and “amalgamation” has the same meaning as in Part II of the ^{M11}Agriculture Act 1967.

Marginal Citations

M8 1947 c. 48.

M9 1967 c. 22.

M10 1948 c. 47.

M11 1967 c. 22.

Marginal Citations

M8 1947 c. 48.

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- M9** 1967 c. 22.
- M10** 1948 c. 47.
- M11** 1967 c. 22.

[^{F6}Case 19]

Textual Amendments

- F6** Case 19 added by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 55

Where the dwelling-house was let under a protected shorthold tenancy (or is treated under section 55 of the Housing Act 1980 as having been so let) and—

- (a) there either has been no grant of a further tenancy of the dwelling-house since the end of the protected shorthold tenancy or, if there was such a grant, it was to a person who immediately before the grant was in possession of the dwelling-house as a protected or statutory tenant; and
- (b) the proceedings for possession were commenced after appropriate notice by the landlord to the tenant and not later than months after the expiry of the notice.

A notice is appropriate for this Case if—

- (i) it is in writing and states that proceedings for possession under this Case may be brought after its expiry; and
- (ii) it expires not earlier than 3 months after it is served nor, if, when it is served, the tenancy is a periodic tenancy, before that periodic tenancy could be brought to an end by a notice to quit served by the landlord on the same day;
- (iii) it is served—
 - (a) in the period of 3 months immediately preceding the date on which protected shorthold tenancy comes to an end; or
 - (b) if that date has passed, in the period of 3 months immediately preceding any anniversary of that date; and
- (iv) in a case where a previous notice has been served by the landlord on the tenant in respect of the dwelling-house, and that notice was an appropriate notice, it is served not earlier than 3 months after the expiry of the previous notice.

[^{F7}Case 20]

Textual Amendments

- F7** Case 20 added by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 67

Where the dwelling-house was let by a person (in this Case referred to as “the owner”) at any time after the commencement of section 67 of the Housing Act 1980 c. 5 1. Act 1980 and—

- (a) at the time when the owner acquired the dwelling-house he was a member of the regular armed forces of the Crown;
- (b) at the relevant date the owner was a member of the regular armed forces of the Crown;
- (c) not later than the relevant date the owner gave notice in writing to the tenant that possession might be recovered under this Case;

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- (d) the dwelling-house has not, since the commencement of section 67 of the Act of 1980 been let by the owner on a protected tenancy with respect to which the condition mentioned in paragraph (c) above was not satisfied; and
- (e) the court is of the opinion that—
 - (i) the dwelling-house is required as a residence for the owner; or
 - (ii) of the conditions set out in Part V of this Schedule one of those in paragraphs (c) to (f) is satisfied.

If the court is of the opinion that, notwithstanding that the condition in paragraph (c) or (d) above is not complied with, it is just and equitable to make an order for possession of the dwelling-house, the court may dispense with the requirements of either or both of these paragraphs, as the case may require.

For the purposes of this Case “regular armed forces of the Crown” has the same meaning as in section 1 of the ^{M12} House of Commons Disqualification Act 1975.

Marginal Citations

M12 1975 c. 24

Marginal Citations

M12 1975 c. 24

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