

*Status: Point in time view as at 06/04/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Rent Act 1977, SCHEDULE 23. (See end of Document for details)*

## SCHEDULES

### <sup>XI</sup>SCHEDULE 23

Section 156.

#### CONSEQUENTIAL AMENDMENTS

##### Editorial Information

- X1** The text of Schs. 23 and 25 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

1 ..... **F1**

##### Textual Amendments

- F1** 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14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**

#### *Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)*

- 2 In section 4(2) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951—
- (a) for the words from “to which” to “Acts apply” substitute “ let on or subject to a protected tenancy or statutory tenancy within the meaning of the Rent Act 1977 ”; and
  - (b) for the words from “paragraph (a)” to “1933” substitute “ Case 1 in Schedule 15 to the Rent Act 1977 ”.
- 3 In section 15 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951—
- (a) in subsection (1), for “section 70(1) of the Rent Act 1968”, “section 78 of the Rent Act 1968” and “said section 78” substitute respectively “ section 19(2) of the Rent Act 1977 ” “section 104 of the Rent Act 1977” and “said section 104”;
  - (b) in subsection (2)(c), for the words from “to which” to “Acts apply” substitute “ let on or subject to a protected tenancy or statutory tenancy within the meaning of the Rent Act 1977 ”;
  - (c) in subsections (4) and (5), for “section 78” substitute, in each case, “ section 104 ”; and
  - (d) in subsection (5), for the words from “the operation” to the end, substitute “ being a restricted contract (within the meaning of the Rent Act 1977) by paragraph 17 of Schedule 24 to that Act ”.

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- 4 In section 16 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951—
  - (a) in subsection (1), for “Part II of the Rent Act 1968” substitute “ Part VII of the Rent Act 1977 ”;
  - (b) in subsection (2)(a), for “the Rent Act 1968” substitute “ the Rent Act 1977 ” and for the words from “paragraphs (a)” to “section 1” substitute “ section 4(2) ”;
  - (c) in subsection (2)(b), for the words from “subsection” to the end substitute “ section 14 or 15(2)(b) of the Rent Act 1977 ”;
  - (d) in subsection (2)(c), for the words from “subsection (5)” to “1968” substitute “ subsection (3) of section 15 of the Rent Act 1977 ” and for “(6)” substitute “ (4) ”;
  - (e) in subsection (2)(d), for the words from “paragraph (a)” to “1968” substitute “ section 5(1) of the Rent Act 1977 ”;
  - (f) in subsection (2)(e), for the words from “paragraph (d)” to the end, substitute “ section 10 of the Rent Act 1977 ”;
  - (g) ..... <sup>F2</sup>

**Textual Amendments**

**F2** 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](#)

- 5 In section 17 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 for “section 102 of the Rent Act 1968” and “said section 102” substitute respectively “ section 22 of the Rent Act 1977 ” and “ said section 22 ”.
- 6 In section 18(1) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 for “Part II of the Rent Act 1968” and “the Rent Act 1968” substitute respectively “ Part VII of the Rent Act 1977 ” and “ the Rent Act 1977 ”.
- 7 In section 19 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951—
  - (a) in subsection (1), for “the Rent Act 1968” substitute “ the Rent Act 1977 ”; and
  - (b) in subsection (5), for “Part VIII of the Rent Act 1968” substitute “ Part X of the Rent Act 1977 ”.
- 8 In section 20 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951—
  - (a) in subsection (1), for “Schedule 3 to the Rent Act 1968” substitute “ Schedule 15 to the Rent Act 1977 ”;
  - (b) in subsection (2), for “Case 7 in the said Schedule 3” and “Part II of the Rent Act 1968” substitute respectively “ Case 8 in the said Schedule 15 ” and “ Part VII of the Rent Act 1977 ”; and
  - (c) in subsection (3), for “Schedule 3” and “section 10(1) of the Rent Act 1968” substitute respectively “ Schedule 15 ” and “ section 98(1) of the Rent Act 1977 ”.

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- 9 In section 22 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951—
- (a) in subsection (1), for “Part II, Part III or Part IV of the Rent Act 1968” and “Part VI” substitute, respectively, “Part III, IV or VII of the Rent Act 1977” and “Part V”; and
  - (b) in subsection (3A), for “the Rent Act 1968” substitute “the Rent Act 1977”.
- 10 In section 23 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951—
- (a) in the definition of “agricultural land”, for “section 1(2) of the Rent Act 1968” substitute “section 26 of the Rent Act 1977”;
  - (b) in the definitions of “landlord”, and “statutory tenancy”, and in subsection (3) for “the Rent Act 1968” substitute, in each case, “the Rent Act 1977”.

11 ..... F3

**Textual Amendments**

**F3** Sch. 23 para. 11 repealed by [Acquisition of Land Act 1981 \(c. 67\)](#), **Sch. 6 Pt. I**

*Landlord and Tenant Act 1954 (c. 56)*

- 12 In section 2(5) of the Landlord and Tenant Act 1954 (as originally enacted), for paragraphs (a) and (b) substitute “for the purposes of this subsection the rateable value of the property is that which would be taken as its rateable value for the purposes of section 5 of the Rent Act 1977”.
- 13 In section 2 of the Landlord and Tenant Act 1954, at the end add the following subsection—
- “(7) In determining whether a long tenancy is, or at any time was, 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, services, repairs, maintenance, or insurance, unless it could not have been regarded by the parties as a part so payable. In this section “long tenancy” does not include a tenancy which is, or may become, terminable before the end of the term by notice given to the tenant.”
- 14 In section 10(2) of the Landlord and Tenant Act 1954, for “Schedule 3” substitute “Schedule 15”.
- 15 In section 12(1)(b) of the Landlord and Tenant Act 1954 for “Cases 1 to 8 in Schedule 3” substitute “Cases 1 to 9 in Schedule 15”.
- 16 In section 22(1) of the Landlord and Tenant Act 1954, in the definition of “the Rent Act” for “the Rent Act 1968” and “Parts II to VI” substitute, respectively, “the Rent Act 1977” and “Parts II to V”.
- 17 In section 40(5) of the Landlord and Tenant Act 1954, for the words from “the Rent” to “1939” substitute “the Rent Act 1977”.
- 18 In section 43(1)(c) of the Landlord and Tenant Act 1954, for “section 9(3) of the Rent Act 1968” substitute “section 24(2) of the Rent Act 1977”.

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- 19 In paragraph 17 of Schedule 1, and in paragraph 4 of Schedule 2, to the Landlord and Tenant Act 1977, for “Schedule 3” substitute, in each case, “ Schedule 15 ”.
- 20 In Schedule 3 to the Landlord and Tenant Act 1954, in paragraph 2, for “Schedule 3” and “section 10(1)(a)” substitute respectively “ Schedule 15 ” and “ section 98(1)(a) ”.
- 21 ..... F4

**Textual Amendments**  
**F4** Sch. 23 para. 21 repealed by Statute Law (Repeals) Act 1978 (c. 45), **Sch. 1 Pt. XII**

- 22—28. .... F5

**Textual Amendments**  
**F5** Sch. 23 paras. 22–28, 31–36, 47, 48, 55, 59–66, 69, 70 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 3, 5(2), Sch. 1 Pt. I, **Sch. 4**

- 29, 30. .... F6

**Textual Amendments**  
**F6** Sch. 23 paras. 29, 30 repealed by County Courts Act 1984 (c. 28, SIF 34) s. 148(3), Sch. 4

- 31—36. .... F7

**Textual Amendments**  
**F7** Sch. 23 paras. 22–28, 31–36, 47, 48, 55, 59–66, 69, 70 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 3, 5(2), Sch. 1 Pt. I, **Sch. 4**

- 37, 38. .... F8

**Textual Amendments**  
**F8** 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**

- 39 ..... F9

**Textual Amendments**  
**F9** Sch. 23 para. 39 repealed by New Towns Act 1981 (c.64), **Sch. 13**

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*Matrimonial Homes Act 1967 (c. 75)*

40 ..... F10

**Textual Amendments**

**F10** Sch. 23 para. 40 repealed by Matrimonial Homes Act 1983 (c. 19, SIF 49:5), s. 12, Sch. 3

41 ..... F11

**Textual Amendments**

**F11** Sch. 23 para. 41 repealed by Matrimonial Homes and Property Act 1981 (c. 24, SIF 49:5), s. 10(2), Sch. 3

*Leasehold Reform Act 1967 (c. 88)*

42 In sections 1(4) and 4(1)(a) of the Leasehold Reform Act 1967, for “section 6(3) of the Rent Act 1968” substitute, in each case, “ section 25(3) of the Rent Act 1977 ”.

43 In section 16(1)(d) of the Leasehold Reform Act 1967, for “Part II of the Rent Act 1968” substitute “ Part VII of the Rent Act 1977 ”.

44 In section 37(6) of the Leasehold Reform Act 1967, for “Sections 6(1), (2) and (4) of the Rent Act 1968” substitute “ Section 25(1), (2) and (4) of the Rent Act 1977 ”.

45 In Schedule 2 to the Leasehold Reform Act 1967, in paragraph 3(2) for “subsection (2) of section 18 of the Rent Act 1968” substitute “ subsection (2) of section 137 of the Rent Act 1977 ”, and in paragraph 3(3) for “Part II of the Rent Act 1968” substitute “ Part VII of the Rent Act 1977 ”.

46 In Schedule 5 to the Leasehold Reform Act 1967—

- (a) in paragraphs 3(1) and (2) and 4(1), (2) and (5), for “the Rent Act 1968” substitute, in each case, “ the Rent Act 1977 ”;
- (b) in paragraph 3(2)(b), for “section 22(1)” substitute “ section 45(2) ”;
- (c) in paragraph 3(2)(c), for “sections 23 to 25” substitute “ sections 46 to 48 ”;
- (d) in paragraph 4(2), for “section 48” substitute “ section 72 ”;
- (e) in paragraph 4(3), for “section 22(2)(b) of the Rent Act 1968” substitute “ section 45(2)(b) of the Rent Act 1977 ”;
- (f) in paragraph 4(4), for “section 46(1) of the Rent Act 1968” substitute “ section 70(1) of the Rent Act 1977 ”;
- (g) in paragraph 6(5), for “the Rent Act 1968” substitute “ the Rent Act 1977 ”;
- (h) in paragraph 7(1)(b), for “the Rent Act 1968” substitute “ the Rent Act 1977 ”; and
- (i) for paragraph 10, substitute—  
“10 (1) Section 74(2) of the Rent Act 1977 (which confers power by regulations to modify certain provisions of Part IV of that Act) shall apply also to this Schedule in so far as it affects section 67 or 72 of, or Schedule 11 to, that Act.

(2) In so far as they relate to the Rent Act 1977, section 39 of this Act and this Schedule shall have effect subject to section 153 of that Act (which confers power to adapt that Act in its application to the

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Isles of Scilly) as if those provisions of this Act were contained in that Act.”

47, 48. . . . . F12

**Textual Amendments**

**F12** Sch. 23 paras. 22–28, 31–36, 47, 48, 55, 59–66, 69, 70 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), ss. 3, 5(2), Sch. 1 Pt. I, **Sch. 4**

*Fire Precautions Act 1971 (c. 40)*

- 49 In section 28 of the Fire Precautions Act 1971—
- (a) in subsections (2) and (5)(b), for “section 12 of the Rent Act 1977” substitute “ section 3 of the Rent Act 1977 ”; and
  - (b) in subsection (4), for “the Rent Act 1977” substitute “ the Rent Act 1977 ”.
- 50 In section 34 of the Fire Precautions Act 1971, for the words from the beginning to “Part III of that Schedule” substitute “ The provisions of Part III of the Schedule to this Act ”.

*Pensions (Increase) Act 1971 (c. 56)*

- 51 In Schedule 2 to the Pensions (Increase) Act 1971, in paragraph 63, at the end add “ or section 63 of the Rent Act 1977 ”.
- 52—54 . . . . . F13

**Textual Amendments**

**F13** Sch. 23 paras. 52–54, 56 and 57 repealed by [Social Security and Housing Benefits Act 1982 \(c. 24, SIF 113:1\)](#), s. 48(6), **Sch. 5**

55 . . . . . F14

**Textual Amendments**

**F14** Sch. 23 paras. 22–28, 31–36, 47, 48, 55, 59–66, 69, 70 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), ss. 3, 5(2), Sch. 1 Pt. I, **Sch. 4**

56, 57. . . . . F15

**Textual Amendments**

**F15** Sch. 23 paras. 52–54, 56 and 57 repealed by [Social Security and Housing Benefits Act 1982 \(c. 24, SIF 113:1\)](#), s. 48(6), **Sch. 5**

*Agriculture (Miscellaneous Provisions) Act 1972 (c. 62)*

- 58 In section 24 of the Agriculture (Miscellaneous Provisions) Act 1972, for “those Cases” substitute “ that Case ”.

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59—66. . . . . F16

**Textual Amendments**

**F16** Sch. 23 paras. 22–28, 31–36, 47, 48, 55, 59–66, 69, 70 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), ss. 3, 5(2), Sch. 1 Pt. I, **Sch. 4**

*Rent Act 1974 (c. 51)*

67 In section 17(6) of the Rent Act 1974, for the words from the beginning to “do not extend” substitute “ Section 11 of this Act does not extend ”.

68 In Schedule 1 to the Rent Act 1974—  
(a) in paragraph 4 for “Part VI”, in sub-paragraph (1), substitute “ Part VII ” and omit sub-paragraph (2);  
(b) in paragraph 5(2) for “each of the cases referred to in sub-paragraph (1) above” and “the case in question” substitute, in each case, “ Case 11 ”, and omit from “section 79” to “case may be”.

69, 70. . . . . F17

**Textual Amendments**

**F17** Sch. 23 paras. 22–28, 31–36, 47, 48, 55, 59–66, 69, 70 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), ss. 3, 5(2), Sch. 1 Pt. I, **Sch. 4**

71 . . . . . F18

**Textual Amendments**

**F18** Sch. 23 para. 71 repealed by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), **Sch. 34 Pt. XI**

*Rent (Agriculture) Act 1976 (c. 80)*

72 In section 4(5) of the Rent (Agriculture) Act 1976, for “section 3(2) of the Rent Act 1968” substitute “ section 2(3) of the Rent Act 1977 ”.

73 In section 5 of the Rent (Agriculture) Act 1976—  
(a) in subsection (3)(f), for “section 5(3) of the Rent Act 1968” substitute “ section 15(5) of the Rent Act 1977 ”; and  
(b) in subsection (4), for “section 5(6) of the Rent Act 1968” substitute “ section 15(4) of the Rent Act 1977 ”.

74 In section 9 of the Rent (Agriculture) Act 1976—  
(a) in subsection (1), for “the Rent Act 1968” and “section 10(1) or 10A(2)” substitute respectively “ the Rent Act 1977 ” and “ section 98 or 99(2) ”; and  
(b) in subsections (4)(b) and (5) for “the Rent Act 1968” substitute, in each case, “ the Rent Act 1977 ”.

75 In section 13 of the Rent (Agriculture) Act 1976—  
(a) in subsections (1) and (2), for “the Rent Act 1968” substitute, in each case, “ the Rent Act 1977 ”;

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- (b) in subsection (2), for paragraphs (a) to (c) substitute—  
 “(a) sections 67 and 70.  
 (b) section 71, except subsection (3), and  
 (c) Part I of Schedule 11.”;
- (c) in subsection (3), for the words from “sections 44A” to the end substitute “ sections 68, 69, 71(3), 72 or 73 of the Rent Act 1977 or Part II of Schedule 11 or Schedule 7 of that Act ”;
- (d) in subsection (5), for “subsection (3A) of section 44 of the Rent Act 1968” and “section 44” substitute, respectively, “ subsection (4) of section 67 of the Rent Act 1977 ” and “ section 67 ”; and
- (e) in subsection (7), for “section 44(3) of the Rent Act 1968” substitute “ section 67(3) of the Rent Act 1977 ”.
- 76 In section 15(4) of the Rent (Agriculture) Act 1976, for “section 47(4) of the rent Act 1968” substitute “ section 71(4) of the Rent Act 1977 ”.
- 77 In sections 19, 27(2) and 33(3), and in the definition of “tenancy at a low rate” in section 34(1), of the Rent (Agriculture) Act 1976, for “the Rent Act 1968” substitute, in each case, “ the Rent Act 1977 ”.
- 78 In paragraph 1 of Schedule 2 to the Rent (Agriculture) Act 1976, for sub-paragraph (b) substitute—  
 “(b) if the provisions of Part I of the Rent Act 1977 relating to exceptions to the definition of “protected tenancy” were modified as mentioned in paragraph 3 below.”.
- 79 In paragraph 2 of Schedule 2 to the Rent (Agriculture) Act 1976—  
 (a) for “the Rent Act 1968”, in sub-paragraph (a), substitute “ the Rent Act 1977 ”; and  
 (b) for “section 2 of that Act”, in sub-paragraph (b), substitute “ the provisions of that Act mentioned in paragraph 1(b) above ”.
- 80 For paragraph 3 of Schedule 2 to the Rent (Agriculture) Act 1976 substitute—  
 “3 —(1)For the purposes of this Schedule the modifications of Part I of the Rent Act 1977 are as follows.  
 (2) Omit sections 5 (tenancies at low rents) and 10 (tenancy of a dwelling-house comprised in any agricultural holding etc.).  
 (3) For section 7 (payments for board or attendance) substitute:—  
 7 (1) A tenancy is not a protected tenancy if it is a bona fide term of the tenancy that the landlord provides the tenant with board or attendance.  
 (2) For the avoidance of doubt it is hereby declared that meals provided in the course of a person’s employment in agriculture do not constitute board for the purposes of this section; and a term that the landlord provides the tenant with attendance shall not be taken to be a bona fide term for those purposes unless, having regard to its value to the tenant, the attendance is substantial.”
- 81 In paragraph 4 of Schedule 2 to the Rent (Agriculture) Act 1976—  
 (a) for “the Rent Act 1968” substitute “ the Rent Act 1977 ”; and



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- (b) for “section 4”, “section 5”, “section 5A” and “section 6” substitute, respectively, “ section 13 ”, “ sections 14 to 16 ”, “ section 12 ” and “ section 25 ”.
- 82 In Schedule 4 to the Rent (Agriculture) Act 1976—
- (a) in paragraph 2(a), for “the Rent Act 1968” substitute “ the Rent Act 1977 ”;
- (b) in paragraph 2(b), for “Part II of the Rent Act 1968” substitute “ Part VII of the Rent Act 1977 ”; and
- (c) in Case X, for “Part III, Part V or Part VI of the Rent Act 1968” substitute “ Part II, Part III or Part V of the Rent Act 1977 ”.
- 83 In Schedule 5 to the Rent (Agriculture) Act 1976, in sub-paragraphs (3) and (6) of paragraph 11, for “Schedule 4 to the Rent Act 1968” substitute, in each case, “ Schedule 5 to the Rent Act 1977 ”.
- 84 In Schedule 6 to the Rent (Agriculture) Act 1976—
- (a) in paragraph 2(b), for “section 47(4) of the Rent Act 1968” substitute “ section 71(4) of the Rent Act 1977 ”; and
- (b) in paragraph 5, for “Schedule 6 to the Rent Act 1968” substitute “ Schedule 11 to the Rent Act 1977 ”.

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