



# Housing Act 1980

## 1980 CHAPTER 51

### PART II

#### PRIVATE SECTOR TENANTS

##### *Rent agreements*

#### **68 Rent agreements with tenants having security of tenure**

- (1) In section 51(4) of the 1977 Act (requirements to be observed in rent agreements with tenants having security of tenure), in paragraph (b) the following sub-paragraph is inserted after sub-paragraph (i)—
- “(ia) that if the agreement were not made but instead a rent were registered under Part IV of this Act, then part only of any increase over the rent previously recoverable by the landlord would be payable by the tenant during the first year ; and”.
- (2) For section 52 of the 1977 Act (which makes special provision, in the case of converted tenancies, in relation to rent agreements with tenants having security of tenure) there is substituted the following section—

#### **“52 Protection: special provisions following conversion.**

- (1) This section applies to an agreement with a tenant having security of tenure which is entered into after the commencement of section 68(2) of the Housing Act 1980 if the tenancy has become or, as the case may be, the previous tenancy became a regulated tenancy by conversion.
- (2) Any such agreement which purports to increase the rent payable under a protected tenancy shall, if entered into at a time when no rent is registered for the dwelling-house under Part IV of this Act, be void.
- (3) If any such agreement constitutes a grant of a regulated tenancy and is made at a time when no rent is so registered, any excess of the rent payable under

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*Status: This is the original version (as it was originally enacted).*

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the tenancy so granted (for any contractual or statutory period of the tenancy) over the rent limit applicable to the previous tenancy, shall be irrecoverable from the tenant; but this subsection ceases to apply if a rent is subsequently so registered.

(4) For the purposes of this section a tenancy is a regulated tenancy by conversion if it has become a regulated tenancy by virtue of—

- (a) Part VIII of this Act, section 43 of the Housing Act 1969 or Part III or IV of the Housing Finance Act 1972 (conversion of controlled tenancies into regulated tenancies) ; or
- (b) section 18(3) of this Act or paragraph 5 of Schedule 2 to the Rent Act 1968 (conversion on death of first successor); or
- (c) section 64 of the Housing Act 1980 (conversion of all remaining controlled tenancies).

(5) This section does not apply to any agreement where the tenant is neither the person who, at the time of the conversion, was the tenant nor a person who might succeed the tenant at that time as a statutory tenant.

(6) Where a rent is registered for the dwelling-house and the registration is subsequently cancelled, this section shall not apply to the agreement submitted to the rent officer in connection with the cancellation nor to any agreement made so as to take effect after the cancellation.”

(3) In section 57 of the 1977 Act (recovery from landlord of sums paid in excess of recoverable rent, etc.) for subsection (3) there is substituted the following subsection—

“(3) No amount which a tenant is entitled to recover under subsection (1) above shall be recoverable at any time after the expiry of—

- (a) one year, in the case of an amount which is irrecoverable by virtue of section 54 of this Act; or
- (b) two years, in any other case.”.