
CHAPTER 71.

An Act to continue and amend the Rent and
Mortgage Interest Restrictions Acts, 1920 to
1938. [1st September 1939.]

BE it enacted by the King's most Excellent Majesty,
by and with the advice and consent of the Lords
Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows :—

1. Subject to the provisions of this Act, the principal Acts shall continue in force until six months after such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end. Continuance
of Acts.

2. Subsection (2) of section three of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1938, (which provides for the continued application of section two of the Rent and Mortgage Interest Restrictions Act, 1923, to certain classes of dwelling-houses) is hereby repealed. Repeal of
s. 3 (2) of
1 & 2 Geo. 6.
c. 26.
13 & 14
Geo. 5. c. 32.

3.—(1) Without prejudice to the operation of the two preceding sections in relation to any dwelling-house to which the principal Acts applied immediately before the commencement of this Act, the principal Acts, as amended by the last preceding section, shall, subject to the provisions of this section, apply to every other dwelling-house of which the rateable value on the appropriate day did not exceed— Application
of Acts.

(a) in the metropolitan police district or the city of London, one hundred pounds;

(b) in Scotland, ninety pounds; or

(c) elsewhere, seventy-five pounds;

and in relation to any such dwelling-house as aforesaid, not being a dwelling-house to which the principal Acts applied immediately before the commencement of this Act, the provisions of the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, set out in the first column of the First Schedule to this Act shall have effect as if there were made in those provisions the modifications respectively prescribed by that Schedule.

(2) The principal Acts shall not, by virtue of this section, apply—

(a) to any dwelling-house consisting of, or comprising, premises licensed for the sale of intoxicating liquor for consumption on the premises; or

(b) save as is expressly provided in the said Acts, as amended by virtue of this section, to any

dwelling-house bona fide let at a rent which includes payments in respect of board, attendance or use of furniture; or

- (c) to any dwelling-house being, or forming part of, a house or dwelling in respect of which a local authority for the purposes of Part V of the Housing Act, 1936, are required by section one hundred and twenty-eight of that Act to keep a Housing Revenue Account, other than a house or dwelling to which subsection (3) of section one hundred and twenty-nine of that Act applies.

26 Geo. 5. &
1 Edw. 8
c. 51

(3) Subject to the provisions of paragraph (a) of the last preceding subsection, the application of the principal Acts, by virtue of this section, to any dwelling-house shall not be excluded by reason only that part of the premises is used as a shop or office or for business, trade or professional purposes; and for the purposes of the Rent and Mortgage Interest Restrictions Acts, 1920 to 1938, as amended by virtue of this section, any land or premises let together with a dwelling-house shall, unless the land or premises so let consists or consist of agricultural land exceeding two acres in extent, be treated as part of the dwelling-house; but, save as aforesaid, the principal Acts shall not, by virtue of this section, apply to any dwelling-house let together with land other than the site of the dwelling-house.

Application
of Act to
pending
proceed-
ings.

4. Where, in relation to any dwelling-house to which the principal Acts apply by virtue only of the last preceding section, any order or judgment has been made or given by a court before the commencement of this Act, but has not been executed, and, in the opinion of the court, the order or judgment would not have been made or given if this Act had been in operation at the time when the order or judgment was made or given, the court may, on application by the tenant, rescind or vary the order or judgment in such manner as the court thinks fit for the purpose of giving effect to this Act.

Repeal of
s. 5 of
23 & 24
Geo. 5. c. 32.

5. Section five of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, (which excepts certain dwelling-houses of low value from the restriction on the right to possession imposed by section five of the

Increase of Rent and Mortgage Interest (Restrictions) Act, 1920) shall cease to have effect. 10 & 11
Geo. 5. c. 17.

6. Any power vested in the Lord Chancellor to make rules or give directions for the purpose of giving effect to the principal Acts may, when the Great Seal is in commission, be exercised by any Lord Commissioner. Exercise of power to make rules when Great Seal in commission.

7.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say :— Interpretation.

“ agricultural land ” has the meaning assigned to that expression by section two of the Rating and Valuation (Apportionment) Act, 1928; 18 & 19
Geo. 5. c. 44.

“ rateable value on the appropriate day,” in relation to any dwelling-house, means (subject to the following provisions of this section) the value shown, with respect to that dwelling-house, on that day in the valuation list then in force, as the rateable value or, where the net annual value differs from the rateable value, as the net annual value; and

“ the appropriate day ” means, as respects the administrative county of London, the sixth day of April, nineteen hundred and thirty-nine, or, as respects the remainder of England, the first day of April, nineteen hundred and thirty-nine;

and other expressions have the same meanings as in the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933.

(2) In relation to any dwelling-house of which the rateable value on the appropriate day was not on that day separately assessed, any reference in the preceding provisions of this Act to the rateable value on the appropriate day shall be construed as a reference to such proportion of the rateable value on that day of the property in which the dwelling-house is comprised as may be apportioned to the dwelling-house by the county court in accordance with the provisions of subsection (3) of section twelve of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.

(3) In relation to any dwelling-house first assessed after the appropriate day, any reference in the preceding

provisions of this Act to the rateable value on the appropriate day shall be construed as a reference to the rateable value on the day on which the dwelling-house was first assessed.

(4) References in this Act or in the Rent and Mortgage Interest (Restrictions) Act, 1938, to the principal Acts or to any of them or to any provision of the principal Acts or of any of them shall, unless the context otherwise requires, be construed as references to the principal Acts, to that one of them or to that provision, as the case may be, as amended by any subsequent enactment, including this Act.

Application
to Scotland.

8. In the application of this Act to Scotland—

- (a) “the appropriate day” means the sixteenth day of May, nineteen hundred and thirty-nine;
- (b) “valuation list” means valuation roll;
- (c) “agricultural land” means land used for agricultural or pastoral purposes only or as woodlands, market gardens, orchards, allotments or allotment gardens and any lands exceeding one quarter of an acre used for the purpose of poultry farming, but does not include any lands occupied together with a house as a park, garden or pleasure ground or any land kept or preserved mainly or exclusively for sporting purposes;
- (d) for reference to the Housing Act, 1936, Part V, and section one hundred and twenty-eight thereof there shall be substituted respectively references to the Housing (Scotland) Act, 1935, Part III, and section thirty-nine thereof.

25 & 26
Geo. 5. c. 41.

Short title,
citation,
extent,
repeal and
commence-
ment.

9.—(1) This Act may be cited as the Rent and Mortgage Interest Restrictions Act, 1939; and the Rent and Mortgage Interest Restrictions Acts, 1920 to 1938, and this Act may be cited together as the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939.

(2) This Act shall not extend to Northern Ireland.

(3) The enactments mentioned in the first and second columns of the Second Schedule to this Act are hereby

repealed to the extent specified in the third column of that Schedule.

(4) This Act shall come into operation on such date as His Majesty may by Order in Council appoint.

SCHEDULES.

FIRST SCHEDULE.

Section 3 (1).

MODIFICATION OF THE RENT AND MORTGAGE INTEREST RESTRICTIONS ACTS, 1920 TO 1933, FOR THE PURPOSES OF SECTION THREE OF THIS ACT.

THE INCREASE OF RENT AND MORTGAGE INTEREST (RESTRICTIONS) ACT, 1920 (10 & 11 GEO. 5. c. 17).

Section 1 - For the reference to the twenty-fifth day of March, nineteen hundred and twenty, there shall be substituted a reference to the date of the passing of this Act, and for the reference to the passing of the Act there shall be substituted a reference to the commencement of this Act; and for the words "if the increased rent or the increased rate of interest exceeds by more than the amount permitted under this Act the standard rent or standard rate of interest" there shall be substituted the words "if the increased rent exceeds the standard rent by more than the amount permitted under this Act or, as the case may be, if the increased rate of interest exceeds the standard rate of interest."

Section 2 - In paragraph (a) of subsection (1) for the reference to the fourth day of August, nineteen hundred and fourteen, there shall be substituted a reference to the date of the commencement of this Act, and the words "six, or in the case of such expenditure incurred after the passing of this Act" shall be omitted.

In paragraph (b) of subsection (1) for the reference to the third day of August, nineteen

- 1ST SCH. Section 2—*cont.* hundred and fourteen, there shall be substituted a reference to the day before the date of the commencement of this Act.
—*cont.* Paragraphs (c) and (d) and (e) of subsection (1) shall not apply.
Subsections (2) and (4) shall not apply.
- Section 3 - In subsection (3) for the reference to the passing of the Act there shall be substituted a reference to the commencement of this Act.
- Section 4 - This section shall not apply.
- Section 5 - Subsection (3) shall not apply.
In subsection (7) for the reference to the thirty-first day of July, nineteen hundred and twenty-three, there shall be substituted a reference to the commencement of this Act.
- Section 6 - For the reference to the Courts (Emergency Powers) Act, 1914, there shall be substituted a reference to the Courts (Emergency Powers) Act, 1939.
- Section 7 - In proviso (i) for the reference to the twenty-fifth day of March, nineteen hundred and twenty, there shall be substituted a reference to the date of the passing of this Act.
- Section 8 - In subsection (1) for the reference to the twenty-fifth day of March, nineteen hundred and twenty, there shall be substituted a reference to the date of the passing of this Act; for the reference to the passing of the Act there shall be substituted a reference to the commencement of this Act; and the words " but the enactments repealed by this Act did not apply " shall be omitted.
- Section 9 - In subsection (1) for the words " before the passing of this Act " there shall be substituted the words " since the beginning of " the date of the passing of the Rent and " Mortgage Interest Restrictions Act, 1939 "; the words " more than twenty-five per cent." and " and twenty-five per cent." shall be omitted; and for the second reference to the passing of the Act there shall be substituted a reference to the commencement of this Act.
In subsection (2) for the reference to the third day of August, nineteen hundred and fourteen, there shall be substituted a reference to the day before the date of the commencement of this Act.

Section 10 - For the reference to the passing of the Act there shall be substituted a reference to the commencement of this Act, and the words “ and in particular to the margin of profit allowed under the last preceding section of this Act ” shall be omitted.

Section 12 - In paragraphs (a) and (b) of subsection (1), for the references to the third day of August, nineteen hundred and fourteen, there shall be substituted references to the day before the date of the commencement of this Act.

For paragraph (e) of subsection (1) there shall be substituted the following paragraph :—

“(e) The expression ‘rateable value,’ in relation to any dwelling-house, means the value shown, with respect to that dwelling-house, on the appropriate day in the valuation list then in force, as the rateable value or, where the net annual value differs from the rateable value, as the net annual value; and the expression ‘the appropriate day’ means, in relation to a dwelling-house within the administrative county of London, the sixth day of April, nineteen hundred and thirty-nine, or, in relation to a dwelling-house in any other part of England, the first day of April, nineteen hundred and thirty-nine; and in relation to a dwelling-house first assessed after the said sixth day of April or the said first day of April, as the case may be, any reference in the preceding provisions of this paragraph to the appropriate day shall be construed as a reference to the day on which the dwelling-house was first assessed;”

Subsection (2) shall not apply.

Paragraph (c) of subsection (4) shall not apply.

Subsections (9) and (10) shall not apply.

Section 14 - In subsection (1) for the words “ whether before or after the passing of this Act ” there shall be substituted the words “ since the beginning of the date of the passing of the Rent and Mortgage Interest Restrictions Act, 1939 ”; and the words “ or any Act repealed by this Act ” shall be omitted.

- 1ST SCH.
—cont.
- Section 18 - In paragraph (a) of subsection (1) the definition of "rateable value" and of "rateable value" on the third day of August, nineteen hundred and fourteen shall be omitted.
- THE RENT AND MORTGAGE INTEREST RESTRICTIONS ACT, 1923
(13 & 14 Geo. 5. c. 32).
- Section 3 - This section shall not apply.
- Section 7 - This section shall not apply.
- Section 8 - In subsection (2) for the references to the passing of the Act there shall be substituted references to the commencement of this Act.
- Section 10 - In subsection (1) for the reference to proviso (i) to subsection (2) of section twelve of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, there shall be substituted a reference to paragraph (b) of subsection (2) of section three of this Act.

- 23 & 24
Geo. 5. c. 32.
- THE RENT AND MORTGAGE INTEREST RESTRICTIONS (AMENDMENT)
ACT, 1933 (23 & 24 Geo. 5. c. 32).
- Section 1 - Subsection (3) shall not apply.
- Section 4 - In subsection (4) for the reference to the passing of the Act there shall be substituted a reference to the commencement of this Act.
- Section 5 - This section shall not apply.
- Section 6 - For the references to the third day of August, nineteen hundred and fourteen, there shall be substituted references to the day before the date of the commencement of this Act.
- Section 9 - This section shall not apply.
- The First
Schedule. - In paragraph (d) for the reference to the thirty-first day of July, nineteen hundred and twenty-three, there shall be substituted a reference to the date of the passing of this Act.
- In paragraph (h) for the reference to the eleventh day of July, nineteen hundred and thirty-one, there shall be substituted a reference to the date of the passing of this Act.
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SECOND SCHEDULE.

Section 9 (3).

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
23 & 24 Geo. 5. c. 32.	Increase of Rent and Mortgage Restrictions (Amendment) Act, 1933.	Subsections (1), (2), (4), (5) and (6) of section one; section two; section five; in paragraph (c) of section fifteen the definition of "appointed day"; paragraph (f) of section fifteen; and in subsection (1) of section sixteen the definitions of "Appointed day" and of "Rateable value on the appointed day"; and subsection (2) of section sixteen.
1 & 2 Geo. 6. c. 26.	Increase of Rent and Mortgage Interest (Restrictions) Act, 1938.	Section one; subsection (2) of section three; section four; and in subsection (2) of section eight the words from "and subsections" to the end of the subsection.