

SCHEDULES.

SCHEDULE 5

Section 39.

LANDLORD AND TENANT ACT 1954 PART I (CONSEQUENTIAL
AMENDMENTS, EFFECT OF RENT ACT 1965, ETC.).*Consequential amendments of Landlord and Tenant Act 1954*

- 1 In Schedule 3 to the Landlord and Tenant Act 1954, paragraph 1 shall be amended as follows:—
- (a) in sub-paragraph (e) (under which a landlord may claim possession of premises as a residence for himself or certain members of his family) after the word " mother " there shall be inserted the words " or the father or mother of his spouse " ; and
 - (b) in proviso (a) (under which a landlord cannot claim possession of premises as a residence for himself or his family unless his interest ante-dated the date there mentioned) for the words " the 21st November 1950 " there shall be substituted the words " the 18th February 1966 " (in place of the words " the 7th November 1956 " substituted by the Rent Act 1957).
- 2 The following provisions of the Landlord and Tenant Act 1954 shall have effect as if the amendments and repeals made in them by the Rent Act 1957 in consequence of the passing of section 21 of that Act had not been made, that is to say,—
- (a) section 2 (the words " at a low rent " being re-inserted in subsections (1), (2) and (3) after the words " long tenancy " , and the words " if the tenancy had not been one at a low rent " being restored in place of the words " if the tenancy had not been a long tenancy and (in the case of a tenancy at a low rent) had not been a tenancy at a low rent ") ;
 - (b) section 3(3) (the words " if the tenancy in question were not one at a low rent " being restored in place of the words " if the tenancy in question were not a long tenancy and (in the case of a tenancy at a low rent) were not a tenancy at a low rent ");
 - (c) section 12(2)(a) and (b) (the words " if the tenancy were not one at a low rent " being in each case restored in place of the words " if the tenancy were not a long tenancy and (in the case of a tenancy at a low rent) were not a tenancy at a low rent ") ;
 - (d) section 18(1) (the words " at a low rent " being re-inserted after the words " long tenancy " where first occurring);
 - (e) section 19(1) (the words " at a low rent " being re-inserted after the word " tenancy " ,
where first occurring, and after the words " another tenancy " , and there being omitted the words " and the second tenancy is a tenancy at a low rent ").

Regulated tenancies

- 3 (1) The amount of the rent payable under a regulated tenancy arising by virtue of Part I of the Landlord and Tenant Act 1954 shall, subject to the provisions of that Act as to initial repairs and subject to the operation (as regards the fixing of a fair rent and otherwise) of the Rent Act 1965, be such amount as may be agreed between the landlord and the tenant or, in default of agreement, the same amount as the rent last payable under the long tenancy; and accordingly in the Landlord and Tenant Act 1954—
- (a) for section 6(1)(b) there shall be substituted—
 - “(b) had not been a tenancy at a low rent and, except as regards the duration of the tenancy and the amount of the rent, had been a tenancy on the terms agreed or determined in accordance with the next following section and no other terms”; and
 - (b) in section 7, in subsection (1) after the word " period " there shall be inserted the words " other than the amount of the rent " ,
 in subsection (2)(b) for the words (as amended by the Rent Act 1957) " what is to be the rent " there shall be substituted the words " as regards the rent " and in subsection (3) after the word " means " there shall be inserted the words " proposals as to the rent of the dwelling-house during the period of the statutory tenancy ".
- (2) Where the rent payable under a statutory tenancy is arrived at in accordance with sub-paragraph (1) above, then the Rent Act 1965 shall apply with the following adaptations:—
- (a) for purposes of section 3(3)(a) (under which the rent payable under one regulated tenancy may impose a limit on the rent payable under a later one) the tenancy shall be disregarded;
 - (b) section 5 (under which the rent payable for a statutory period of a tenancy is not to exceed that payable for the last contractual period) shall not apply ;
 - (c) section 6 (which provides for variations of rent in respect of changes in the burden on the landlord for rates, provision of services etc.) shall apply only if the rent is one arrived at by agreement, and shall then apply as if references to the last contractual period were references to the first statutory period.
- 4 (1) In relation to a rent registered or to be registered for a dwelling-house on an application made with reference to a regulated tenancy arising by virtue of Part I of the Landlord and Tenant Act 1954, the Rent Act 1965 shall have effect subject to the provisions of this paragraph.
- (2) An application for the registration of a rent may be made by the landlord or the tenant, or jointly by the landlord and the tenant, before the commencement of the statutory tenancy, but not before the terms of that tenancy other than the amount of the rent have been agreed or determined in accordance with section 7 of the Landlord and Tenant Act 1954 ; and the provisions of the Rent Act 1965 (including the provisions of paragraph 13 of Schedule 3 as to the date from which the registration takes effect) shall apply accordingly.
- (3) Where a rent is registered in pursuance of an application made by virtue of sub-paragraph (2) above, then a notice under section 7(b) of the Rent Act 1965 increasing the rent payable may, if the notice is given within four weeks after the date on which the rent is registered, specify as the date from which the increase is to take effect any

date not earlier than the commencement of the tenancy nor earlier than the date from which the registration takes effect.

- (4) Where initial repairs (within the meaning of Part I of the Landlord and Tenant Act 1954) remain to be carried out to the dwelling-house, then in determining what rent is or would be a fair rent regard shall be had under section 27(1) of the Rent Act 1965 to the state of repair which may be expected to subsist after the completion of the initial repairs.
- (5) The provisions of the Rent Act 1965 as to the amount of the rent recoverable shall be taken as applying to the amount before account is taken of the provisions of the Landlord and Tenant Act 1954 as to initial repairs.
- (6) Any entry in the register of a rent or of its confirmation by the rent assessment committee shall indicate that the rent is registered on an application made with reference to a statutory tenancy arising by virtue of Part I of the Landlord and Tenant Act 1954.

Transitional

- 5 In relation to a tenancy to which section 1 of the Landlord and Tenant Act 1954 applies immediately before the date of coming into operation of section 39 of this Act (in this and the following paragraphs referred to as "the operative date"), section 39 of this Act and paragraphs 1 to 4 above, together with the repeals made by Part I of Schedule 7 to this Act, shall not have effect if at the operative date there is in force a landlord's notice proposing a statutory tenancy and all the terms of the tenancy have been agreed or determined in accordance with section 7 of the Landlord and Tenant Act 1954 or an application for securing their determination by the court has been made.
- 6
 - (1) Subject to paragraph 7(1) below, where at the operative date (within the meaning of paragraph 5 above) a tenancy is continuing by virtue of section 3 of the Landlord and Tenant Act 1954, section 39 of this Act and paragraphs 1 to 4 above, together with the repeals made by Part I of Schedule 7 to this Act, shall apply to the tenancy only to the extent provided for by this paragraph.
 - (2) Where at the operative date no notice under section 4 of the Landlord and Tenant Act 1954 terminating the tenancy is in force, Part I or, as the case may be, Part II of that Act shall apply as it would apply if the term date of the tenancy (within the meaning of Part I) had fallen on the operative date and if, in the case of a tenancy not at a low rent, it had been one at a low rent.
 - (3) Where at the operative date there is in force a landlord's notice proposing a statutory tenancy, sub-paragraph (2) above shall apply as it applies in a case where there is no such notice, unless either—
 - (a) all the terms of the tenancy have been agreed or determined in accordance with section 7 of the Landlord and Tenant Act 1954 or an application for securing their determination by the court has been made ; or
 - (b) Part II of that Act would in accordance with sub-paragraph (2) above apply to the tenancy.
 - (4) Where a landlord's notice terminating the tenancy is in force at the operative date, and the notice ceases to have effect without the tenancy being terminated or a statutory tenancy arising, then sub-paragraph (2) above shall thereafter apply as it applies in a case where there is no such notice.

- (5) Where a statutory tenancy arises by virtue of Part I of the Landlord and Tenant Act 1954 as it applies in accordance with sub-paragraph (2) above the Rent Act 1965 shall have effect in relation to the statutory tenancy accordingly.
- (6) Nothing in section 39 of this Act or in sub-paragraphs (2) to (5) above shall affect the operation of any notice given by a tenant under section 5 of the Landlord and Tenant Act 1954 to terminate the tenancy, if the notice is given while section 1 of the Act applies to the tenancy.
- 7 (1) This paragraph shall have effect in relation to tenancies of the following description, except where paragraph 5 above applies, and paragraph 6 shall not have effect in relation to them, that is to say, tenancies—
- (a) to which section 1 of the Landlord and Tenant Act 1954 applies immediately before the operative date (within the meaning of paragraph 5 above); but
 - (b) to which in accordance with section 39 of this Act section 1 of the Landlord and Tenant Act 1954 can no longer apply because the rateable value of the dwelling-house on the appropriate day for purposes of the Rent Act 1965 exceeds the amount specified in section 1(1) of that Act.
- (2) Where, on section 1 of the Landlord and Tenant Act 1954 ceasing by virtue of section 39 of this Act to apply to any such tenancy, Part II of that Act would not become applicable to it, then, if the term date falls or fell before the operative date or within the three months beginning with the operative date, the tenancy shall continue until the expiration of those three months unless sooner determined by a notice given by the tenant in accordance with section 5(1) or (2) of the Landlord and Tenant Act 1954 or by a landlord's notice to resume possession given before the operative date.
- (3) Where, on section 1 of the Landlord and Tenant Act 1954 ceasing by virtue of section 39 of this Act to apply to any such tenancy, Part II of that Act would become applicable to it, section 39 of this Act and paragraphs 1 to 4 above, together with the repeals made by Part I of Schedule 7 to this Act, shall not have effect in relation to the tenancy if at the operative date there is in force a landlord's notice to resume possession, or there is in force a notice given by the tenant in accordance with section 5(1) or (2) of the Landlord and Tenant Act 1954 to terminate the tenancy on a date within the three months beginning with the operative date :
- Provided that this sub-paragraph shall cease to apply if the notice ceases to have effect without the tenancy being terminated.
- 8 (1) Where a statutory tenancy has by virtue of Part I of the Landlord and Tenant Act 1954 arisen before the operative date (within the meaning of paragraph 5 above), the operation of Part I of that Act in relation to the tenancy shall not be affected by section 39 of this Act and paragraphs 2 to 4 above, or the repeals made by Part I of Schedule 7 to this Act, except as provided by sub-paragraph (2) below.
- (2) Where before or after the operative date an order has been or is made under section 11 of the Rent Act 1965 (conversion of existing controlled tenancies into regulated tenancies), then in relation to any statutory tenancy arising by virtue of Part I of the Landlord and Tenant Act 1954 before or after the order comes into operation and not being a regulated tenancy the order shall have effect as in the case of an existing controlled tenancy not so arising (except that an order coming into operation before the operative date shall apply as from the operative date) ; and an order may be made under that section so as to have effect (by reason of section 11 of the Rent Act 1957) only in relation to tenancies so arising.

- (3) Where by virtue of sub-paragraph (2) above an order under section 11 of the Rent Act 1965 has effect in relation to a statutory tenancy arising after the coming into operation of the order, the references in section 11(5) and (6) to the last rental period before the order comes into operation shall take effect as references to the first rental period of the statutory tenancy.
- (4) Where in accordance with section 11(7) of the Rent Act 1965 a statutory tenancy arising by virtue of Part I of the Landlord and Tenant Act 1954 is required to be treated as a tenancy continuing under section 24 of the Landlord and Tenant Act 1954, that shall not affect any outstanding obligations, rights or remedies of any person in respect of initial repairs within the meaning of Part I of the Landlord and Tenant Act 1954.
- 9 Where at the operative date (within the meaning of paragraph 5 above) land consisting of or including a dwelling-house is subject to a long tenancy which becomes a regulated tenancy on the operative date by virtue of section 39 of this Act, then section 42 of the Rent Act 1965 (which makes provision for relieving mortgagors from hardship in connection with mortgages created before the commencement of that Act) shall have effect as if in relation to that land the reference in subsection (1)(a) to the commencement of that Act were a reference to the operative date.

Supplementary

- 10 (1) Section 46(2) of the Rent Act 1965 (which confers power by regulations to modify Schedule 3 to that Act) shall apply also to this Schedule in so far as it affects Schedule 3.
- (2) In so far as they relate to the Rent Act 1965, section 39 of this Act and this Schedule shall have effect subject to section 49 of that Act (which confers power to adapt the Act in its application to the Isles of Scilly) as if those provisions of this Act were contained in that Act.