

Rent Act 1977

CHAPTER 42

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ELIZABETH II



Rent Act 1977

1977 CHAPTER 42

An Act to consolidate the Rent Act 1968, Parts III, IV and VIII of the Housing Finance Act 1972, the Rent Act 1974, sections 7 to 10 of the Housing Rents and Subsidies Act 1975, and certain related enactments, with amendments to give effect to recommendations of the Law Commission. [29th July 1977]

BE IT ENACTED by the Queen'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:—

PART I

PRELIMINARY

Protected and statutory tenancies

1. Subject to this Part of this Act, a tenancy under which a dwelling-house (which may be a house or part of a house) is let as a separate dwelling is a protected tenancy for the purposes of this Act. Protected tenants and tenancies.

Any reference in this Act to a protected tenant shall be construed accordingly.

2.—(1) Subject to this Part of this Act—

- (a) after the termination of a protected tenancy of a dwelling-house the person who, immediately before that termination, was the protected tenant of the dwelling-house shall, if and so long as he occupies the dwelling-house as his residence, be the statutory tenant of it; and

Statutory tenants and tenancies.

PART I

(b) Part I of Schedule 1 to this Act shall have effect for determining what person (if any) is the statutory tenant of a dwelling-house at any time after the death of a person who, immediately before his death, was either a protected tenant of the dwelling-house or the statutory tenant of it by virtue of paragraph (a) above.

(2) In this Act a dwelling-house is referred to as subject to a statutory tenancy when there is a statutory tenant of it.

(3) In subsection (1)(a) above and in Part I of Schedule 1, the phrase "if and so long as he occupies the dwelling-house as his residence" shall be construed as it was immediately before the commencement of this Act (that is to say, in accordance with section 3(2) of the Rent Act 1968).

1968 c. 23.

(4) A person who becomes a statutory tenant of a dwelling-house as mentioned in subsection (1)(a) above is, in this Act, referred to as a statutory tenant by virtue of his previous protected tenancy.

(5) A person who becomes a statutory tenant as mentioned in subsection 1(b) above is, in this Act, referred to as a statutory tenant by succession.

Terms and conditions of statutory tenancies.

3.—(1) So long as he retains possession, a statutory tenant shall observe and be entitled to the benefit of all the terms and conditions of the original contract of tenancy, so far as they are consistent with the provisions of this Act.

(2) It shall be a condition of a statutory tenancy of a dwelling-house that the statutory tenant shall afford to the landlord access to the dwelling-house and all reasonable facilities for executing therein any repairs which the landlord is entitled to execute.

1977 c. 43.

(3) Subject to section 5 of the Protection from Eviction Act 1977 (under which at least 4 weeks' notice to quit is required), a statutory tenant of a dwelling-house shall be entitled to give up possession of the dwelling-house if, and only if, he gives such notice as would have been required under the provisions of the original contract of tenancy, or, if no notice would have been so required, on giving not less than 3 months' notice.

(4) Notwithstanding anything in the contract of tenancy, a landlord who obtains an order for possession of a dwelling-house as against a statutory tenant shall not be required to give to the statutory tenant any notice to quit.

(5) Part II of Schedule 1 to this Act shall have effect in relation to the giving up of possession of statutory tenancies and the changing of statutory tenants by agreement.

Exceptions

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4.—(1) A tenancy is not a protected tenancy if the dwelling-house falls within one of the Classes set out in subsection (2) below.

Dwelling-houses above certain rateable values.

(2) Where alternative rateable values are mentioned in this subsection, the higher applies if the dwelling-house is in Greater London and the lower applies if it is elsewhere.

Class A

The appropriate day in relation to the dwelling-house falls or fell on or after 1st April 1973 and the dwelling-house on the appropriate day has or had a rateable value exceeding £1,500 or £750.

Class B

The appropriate day in relation to the dwelling-house fell on or after 22nd March 1973, but before 1st April 1973, and the dwelling-house—

- (a) on the appropriate day had a rateable value exceeding £600 or £300, and
- (b) on 1st April 1973 had a rateable value exceeding £1,500 or £750.

Class C

The appropriate day in relation to the dwelling-house fell before 22nd March 1973 and the dwelling-house—

- (a) on the appropriate day had a rateable value exceeding £400 or £200, and
- (b) on 22nd March 1973 had a rateable value exceeding £600 or £300, and
- (c) on 1st April 1973 had a rateable value exceeding £1,500 or £750.

(3) If any question arises in any proceedings whether a dwelling-house falls within a Class in subsection (2) above, by virtue of its rateable value at any time, it shall be deemed not to fall within that Class unless the contrary is shown.

5.—(1) A tenancy is not a protected tenancy if under the tenancies at tenancy either no rent is payable or, subject to section 17(2) of this Act, the rent payable is less than two-thirds of the rateable value which is or was the rateable value of the dwelling-house on the appropriate day.

(2) Where—

- (a) the appropriate day in relation to a dwelling-house fell before 22nd March 1973, and

PART I

- (b) the dwelling-house had on the appropriate day a rateable value exceeding, if it is in Greater London, £400 or, if it is elsewhere, £200,

subsection (1) above shall apply in relation to the dwelling-house as if the reference to the appropriate day were a reference to 22nd March 1973.

(3) In this Act a tenancy falling within subsection (1) above is referred to as a "tenancy at a low rent".

(4) In determining whether a long tenancy is 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.

(5) In subsection (4) above "long tenancy" means a tenancy granted for a term certain exceeding 21 years, other than a tenancy which is, or may become, terminable before the end of that term by notice given to the tenant.

Dwelling-houses let with other land.

6. Subject to section 26 of this Act, a tenancy is not a protected tenancy if the dwelling-house which is subject to the tenancy is let together with land other than the site of the dwelling-house.

Payments for board or attendance.

7.—(1) A tenancy is not a protected tenancy if under the tenancy the dwelling-house is bona fide let at a rent which includes payments in respect of board or attendance.

(2) For the purposes of subsection (1) above, a dwelling-house shall not be taken to be bona fide let at a rent which includes payments in respect of attendance unless the amount of rent which is fairly attributable to attendance, having regard to the value of the attendance to the tenant, forms a substantial part of the whole rent.

Lettings to students.

8.—(1) A tenancy is not a protected tenancy if it is granted to a person who is pursuing, or intends to pursue, a course of study provided by a specified educational institution and is so granted either by that institution or by another specified institution or body of persons.

(2) In subsection (1) above "specified" means specified, or of a class specified, for the purposes of this section by regulations made by the Secretary of State by statutory instrument.

(3) A statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

9. A tenancy is not a protected tenancy if the purpose of the tenancy is to confer on the tenant the right to occupy the dwelling-house for a holiday.

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Holiday
lettings.

10. A tenancy is not a protected tenancy if the dwelling-house is comprised in an agricultural holding (within the meaning of the Agricultural Holdings Act 1948) and is occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the farming of the holding.

Agricultural
holdings.

1948 c. 63.

11. A tenancy of a dwelling-house which consists of or comprises premises licensed for the sale of intoxicating liquors for consumption on the premises shall not be a protected tenancy, nor shall such a dwelling-house be the subject of a statutory tenancy.

Licensed
premises.

12.—(1) Subject to subsection (2) below, a tenancy of a dwelling-house granted on or after 14th August 1974 shall not be a protected tenancy at any time if—

Resident
landlords.

- (a) the dwelling-house forms part only of a building and that building is not a purpose-built block of flats; and
- (b) the tenancy was granted by a person who, at the time that he granted it, occupied as his residence another dwelling-house which also forms part of that building; and
- (c) subject to paragraph 1 of Schedule 2 to this Act, at all times since the tenancy was granted the interest of the landlord under the tenancy has belonged to a person who, at the time he owned that interest, occupied as his residence another dwelling-house which also formed part of that building.

(2) This section does not apply to a tenancy of a dwelling-house which forms part of a building if—

- (a) the tenancy is granted to a person who, immediately before it was granted, was a protected or statutory tenant of that dwelling-house or of any other dwelling-house in that building, or
- (b) the tenancy is a tenancy for a term of years certain and is granted to a person who, immediately before it was granted, was the tenant under an earlier tenancy of that dwelling-house or any other dwelling-house in that building and, by virtue of this section or of section 5A of the Rent Act 1968 (which is superseded by this section), that earlier tenancy was not a protected tenancy for the purposes of this Act or, as the case may be, of the Act of 1968.

1968 c. 23.

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(3) For the purposes of subsection (2) above, 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.

(4) Schedule 2 to this Act shall have effect for the purpose of supplementing this section.

Landlord's
interest
belonging to
Crown.

13.—(1) A tenancy shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster or to the Duchy of Cornwall, or to a government department or is held in trust for Her Majesty for the purposes of a government department.

(2) A person shall not at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would at that time belong or be held as mentioned in subsection (1) above.

Landlord's
interest
belonging
to local
authority, etc.

14. A tenancy shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to—

- (a) the council of a county ;
- (b) the council of a district or, in the application of this Act to the Isles of Scilly, the Council of the Isles of Scilly ;
- (c) the Greater London Council, the council of a London borough or the Common Council of the City of London ;
- (d) the Commission for the New Towns ;
- (e) a development corporation established by an order made, or having effect as if made, under the New Towns Act 1965 ; or
- (f) the Development Board for Rural Wales ;

1965 c. 59.

nor shall a person at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would belong at that time to any of those bodies.

Landlord's
interest
belonging to
housing
association,
etc.

15.—(1) A tenancy in respect of which any of the conditions specified in subsection (4) below is fulfilled shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to a housing association falling within subsection (3) below ; nor shall a person at any time be a

statutory tenant of a dwelling-house if the interest of his immediate landlord would belong at that time to such a housing association.

(2) A tenancy shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to—

(a) the Housing Corporation ; or

(b) a housing trust which is a charity within the meaning of the Charities Act 1960 ;

1960 c. 58.

nor shall a person at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would belong at that time to any of those bodies.

(3) A housing association falls within this subsection if—

(a) it is for the time being registered in the register of housing associations established under section 13 of the Housing Act 1974 ; or

1974 c. 44.

(b) it has made an application to the Housing Corporation, before 1st April 1975, for registration in that register and the application has not been disposed of by the Corporation ; or

(c) it is for the time being specified in an order made by the Secretary of State under section 80 of the Housing Finance Act 1972 or paragraph 23 of Schedule 1 to the Housing Rents and Subsidies Act 1975 ; or

1972 c. 47.
1975 c. 6.

(d) it is a registered society within the meaning of section 74 of the Industrial and Provident Societies Act 1965 and its rules restrict membership to persons who are tenants or prospective tenants of the association and preclude the granting or assignment of tenancies to persons other than members.

1965 c. 12.

In this subsection “housing association” has the same meaning as in section 189(1) of the Housing Act 1957.

1957 c. 56.

(4) The conditions referred to in subsection (1) above are—

(a) that the dwelling-house was provided by the housing association with assistance under section 2 of the Housing &c. Act 1923, section 93(3) of the Housing Act 1936 or section 119(3) of the Housing Act 1957 (powers of local authorities to assist housing associations generally) ;

1923 c. 24.
1936 c. 51.

(b) that the dwelling-house was provided by the housing association in pursuance of an arrangement under section 29 of the Housing Act 1930, section 27 of the Housing Act 1935, section 94 of the Housing Act 1936, or section 120 of the Housing Act 1957 (local authority arrangements for provision of housing) ;

1930 c. 39.
1935 c. 40.

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(3) For the purposes of subsection (2) above, 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.

(4) Schedule 2 to this Act shall have effect for the purpose of supplementing this section.

Landlord's
interest
belonging to
Crown.

13.—(1) A tenancy shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster or to the Duchy of Cornwall, or to a government department or is held in trust for Her Majesty for the purposes of a government department.

(2) A person shall not at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would at that time belong or be held as mentioned in subsection (1) above.

Landlord's
interest
belonging
to local
authority, etc.

14. A tenancy shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to—

- (a) the council of a county ;
- (b) the council of a district or, in the application of this Act to the Isles of Scilly, the Council of the Isles of Scilly ;
- (c) the Greater London Council, the council of a London borough or the Common Council of the City of London ;
- (d) the Commission for the New Towns ;
- (e) a development corporation established by an order made, or having effect as if made, under the New Towns Act 1965 ; or
- (f) the Development Board for Rural Wales ;

1965 c. 59.

nor shall a person at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would belong at that time to any of those bodies.

Landlord's
interest
belonging to
housing
association,
etc.

15.—(1) A tenancy in respect of which any of the conditions specified in subsection (4) below is fulfilled shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to a housing association falling within subsection (3) below ; nor shall a person at any time be a

statutory tenant of a dwelling-house if the interest of his immediate landlord would belong at that time to such a housing association.

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(2) A tenancy shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to—

(a) the Housing Corporation ; or

(b) a housing trust which is a charity within the meaning of the Charities Act 1960 ;

1960 c. 58.

nor shall a person at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would belong at that time to any of those bodies.

(3) A housing association falls within this subsection if—

(a) it is for the time being registered in the register of housing associations established under section 13 of the Housing Act 1974 ; or

1974 c. 44.

(b) it has made an application to the Housing Corporation, before 1st April 1975, for registration in that register and the application has not been disposed of by the Corporation ; or

(c) it is for the time being specified in an order made by the Secretary of State under section 80 of the Housing Finance Act 1972 or paragraph 23 of Schedule 1 to the Housing Rents and Subsidies Act 1975 ; or

1972 c. 47.

1975 c. 6.

(d) it is a registered society within the meaning of section 74 of the Industrial and Provident Societies Act 1965 and its rules restrict membership to persons who are tenants or prospective tenants of the association and preclude the granting or assignment of tenancies to persons other than members.

1965 c. 12.

In this subsection “housing association” has the same meaning as in section 189(1) of the Housing Act 1957.

1957 c. 56.

(4) The conditions referred to in subsection (1) above are—

(a) that the dwelling-house was provided by the housing association with assistance under section 2 of the Housing &c. Act 1923, section 93(3) of the Housing Act 1936 or section 119(3) of the Housing Act 1957 (powers of local authorities to assist housing associations generally) ;

1923 c. 24.

1936 c. 51.

(b) that the dwelling-house was provided by the housing association in pursuance of an arrangement under section 29 of the Housing Act 1930, section 27 of the Housing Act 1935, section 94 of the Housing Act 1936, or section 120 of the Housing Act 1957 (local authority arrangements for provision of housing) ;

1930 c. 39.

1935 c. 40.

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- 1949 c. 60.
1957 c. 56.
- (c) that the dwelling-house was provided or improved by the housing association in accordance with arrangements under section 31 of the Housing Act 1949 or section 121 of the Housing Act 1957 (local authority arrangements for improvement of housing);
- 1972 c. 47.
- (d) that the dwelling-house was comprised in a scheme approved for the purpose of section 75 of the Housing Finance Act 1972;
- 1974 c. 44.
- (e) that the dwelling-house was comprised in a housing project approved for the purposes of section 29 of the Housing Act 1974;
- 1965 c. 12.
- (f) that the housing association is a registered society within the meaning of section 74 of the Industrial and Provident Societies Act 1965 and the provision of the dwelling-house forms part of the purposes for which its business is mainly conducted.

(5) In subsection (2) above “housing trust” means a corporation or body of persons which—

- (a) is required by the terms of its constituent instrument to devote the whole of its funds, including any surplus which may arise from its operations, to the following purposes, that is to say, the provision of houses for persons the majority of whom are in fact members of the working classes, and other purposes incidental thereto; or
- (b) is required by the terms of its constituent instrument to devote the whole or substantially the whole of its funds to charitable purposes and in fact devotes the whole or substantially the whole of its funds to the purposes set out in paragraph (a) of this subsection.

(6) In subsection (5) above “house” includes—

- (a) any yard, garden, outhouses and appurtenances belonging thereto or usually enjoyed therewith; and
- (b) any part of a building which is occupied or intended to be occupied as a separate dwelling.

Landlord's
interest
belonging to
housing
co-operative.
1975 c. 6.

16. A tenancy shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to a housing co-operative, as defined in paragraph 9 of Schedule 1 to the Housing Rents and Subsidies Act 1975 (housing subsidy where local authority housing functions are exercised by such co-operatives) and the dwelling-house is comprised in an agreement to which that paragraph applies.

Controlled and regulated tenancies

PART I

17.—(1) A protected or statutory tenancy of a dwelling-house is a controlled tenancy for the purposes of this Act if— Controlled tenancies.

- (a) the rateable value of the dwelling-house on 7th November 1956 (determined under Part I of Schedule 3 to this Act) did not exceed, if it was in the metropolitan police district or the City of London, £40 or, if it was elsewhere, £30, and
- (b) the tenancy or, in the case of a statutory tenancy, the preceding contractual tenancy, was created by a lease or agreement coming into operation before 6th July 1957 or is or was a tenancy to which subsection (3), (4) or (5) below applies.

(2) A tenancy of a dwelling-house is a controlled tenancy and not a tenancy at a low rent if, notwithstanding that the rent is less than two-thirds of the rateable value of the dwelling-house on the appropriate day—

- (a) the rent payable under the tenancy is not less than two-thirds of the 1939 rateable value of the dwelling-house, as determined under Part II of Schedule 3 ; and
- (b) apart from section 5 of this Act, the tenancy would be a controlled tenancy.

(3) This subsection applies to a protected tenancy created by a lease or agreement coming into operation after the commencement of this Act if—

- (a) it is granted to a person who, immediately before it was granted, was the tenant of any premises under a controlled tenancy, and
- (b) the circumstances are such that the premises comprised in the controlled tenancy referred to in paragraph (a) above and the premises comprised in the protected tenancy granted to the person in question are the same, or that one of those premises consists of or includes part of the other premises.

(4) Where a controlled tenancy of a dwelling-house comes to an end on the landlord recovering possession of the dwelling-house by virtue of section 101 of this Act, this subsection applies to a protected tenancy created by a lease or agreement coming into operation on or after the commencement of this Act which is—

- (a) a tenancy of the whole or any part of the premises comprised in the previous controlled tenancy, and
- (b) the first such tenancy created after the recovery of possession.

PART I

(5) This subsection applies to a protected tenancy created by a lease or agreement, coming into operation on or after 6th July 1957 but before the commencement of this Act, which by virtue of—

- 1968 c. 23. (a) sub-paragraph (1) of paragraph 4 of Schedule 2 to the Rent Act 1968 (provision corresponding to subsection (3) above);
- (b) sub-paragraph (2) of that paragraph (provision corresponding to subsection (4) above); or
- 1957 c. 25. (c) sub-paragraph (3) of that paragraph (which preserved the effect of provisions of the Rent Act 1957 corresponding to subsections (3) and (4) above),

was a controlled tenancy for the purposes of the Rent Act 1968.

(6) Where a controlled tenancy is followed by a statutory tenancy of the same dwelling-house and that statutory tenancy is itself a controlled tenancy, the two shall be treated for the purposes of this Act as together constituting one controlled tenancy.

(7) A tenancy of a dwelling-house is not a controlled tenancy if—

- (a) it is a long tenancy or, in the case of a statutory tenancy, the preceding contractual tenancy was a long tenancy; or
- (b) the dwelling-house is one which consists, and consists only, of premises which by virtue of the date of their construction or conversion are excluded by subsection (8) below from being the subject of a controlled tenancy; or
- (c) it is a protected furnished tenancy or statutory furnished tenancy; or
- 1972 c. 47. (d) it has ceased to be a controlled tenancy by virtue of section 35 of the Housing Finance Act 1972 (decontrol of tenancies of dwelling-houses which on 31st March 1972 had a rateable value exceeding, in Greater London, £69, or elsewhere, £34); or
- 1969 c. 33. (e) it has ceased to be a controlled tenancy by virtue of Part III of the Housing Act 1969, Part III of the Housing Finance Act 1972 or Part VIII of this Act (decontrol of tenancies of dwellings in good repair and provided with standard amenities); or
- (f) it is a regulated tenancy by virtue of section 18(3) of, or paragraph 13 of Schedule 24 to, this Act (decontrol on statutory tenancy passing to second successor).

(8) Premises which—

PART I

- (a) were erected after 29th August 1954, or
- (b) are separate and self-contained premises produced by conversion, after that date, of other premises, with or without the addition of premises erected after that date,

are excluded from being the subject of a controlled tenancy unless they consist of a dwelling-house provided by works in respect of which a grant became payable under section 20 of the Housing Act 1949 or section 30 of the Housing (Financial Provisions) Act 1958 (improvement grants).

1949 c. 60.
1958 c. 42.

(9) For the purposes of subsection (8) above premises shall be treated as converted or erected after 29th August 1954 if the conversion or erection was completed after that date, notwithstanding that it may have been begun on or before that date.

18.—(1) Subject to sections 24(3) and 143 of this Act, a Regulated “regulated tenancy” is, for the purposes of this Act, a protected or statutory tenancy which is not (either because it never was or because it has ceased to be) a controlled tenancy.

(2) Where a regulated tenancy is followed by a statutory tenancy of the same dwelling-house, the two shall be treated for the purposes of this Act as together constituting one regulated tenancy.

(3) If, on the death of a statutory tenant of a dwelling-house whose statutory tenancy was a controlled tenancy, a person becomes statutory tenant of that dwelling-house by virtue of paragraph 6 or 7 of Schedule 1 to this Act, that person’s statutory tenancy shall be a regulated tenancy and not a controlled tenancy.

(4) Schedule 17 to this Act shall apply to a tenancy which has become a regulated tenancy by virtue of—

- (a) subsection (3) above, or
- (b) paragraph 5 of Schedule 2 to the Rent Act 1968 (which is superseded by subsection (3) above).

Restricted contracts

19.—(1) A contract to which this section applies is, in this Act, referred to as a “restricted contract”.

Restricted contracts.

(2) Subject to section 144 of this Act, this section applies to a contract, whether entered into before or after the commence-

PART I

ment of this Act, whereby one person grants to another person, in consideration of a rent which includes payment for the use of furniture or for services, the right to occupy a dwelling as a residence.

(3) A contract is not a restricted contract if the dwelling falls within one of the Classes set out in subsection (4) below.

(4) Where alternative rateable values are mentioned in this subsection, the higher applies if the dwelling is in Greater London and the lower applies if it is elsewhere.

Class D

The appropriate day in relation to the dwelling falls or fell on or after 1st April 1973 and the dwelling on the appropriate day has or had a rateable value exceeding £1,500 or £750.

Class E

The appropriate day in relation to the dwelling fell before 1st April 1973 and the dwelling—

- (a) on the appropriate day had a rateable value exceeding £400 or £200, and
- (b) on 1st April 1973 had a rateable value exceeding £1,500 or £750.

(5) A contract is not a restricted contract if—

- (a) it creates a regulated tenancy ; or
- (b) under the contract the interest of the lessor belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster or to the Duchy of Cornwall or to a government department, or is held in trust for Her Majesty for the purposes of a government department ; or
- (c) it is a contract for the letting of any premises at a rent which includes payment in respect of board if the value of the board to the lessee forms a substantial proportion of the whole rent ;
- (d) it is a protected occupancy as defined in the Rent (Agriculture) Act 1976 ; or
- (e) it creates a tenancy to which Part VI of this Act applies.

1976 c. 80.

(6) Subject to subsections (3) to (5) above, and to paragraph 17 of Schedule 24 to this Act, a contract falling within subsection

(2) above and relating to a dwelling which consists of only part of a house is a restricted contract whether or not the lessee is entitled, in addition to exclusive occupation of that part, to the use in common with any other person of other rooms or accommodation in the house.

(7) No right to occupy a dwelling for a holiday shall be treated for the purposes of this section as a right to occupy it as a residence.

(8) In this section—

“dwelling” means a house or part of a house;

“lessee” means the person to whom is granted, under a restricted contract, the right to occupy the dwelling in question as a residence and any person directly or indirectly deriving title from the grantee; and

“lessor” means the person who, under a restricted contract, grants to another the right to occupy the dwelling in question as a residence and any person directly or indirectly deriving title from the grantor; and

“services” includes attendance, the provision of heating or lighting, the supply of hot water and any other privilege or facility connected with the occupancy of a dwelling, other than a privilege or facility requisite for the purposes of access, cold water supply or sanitary accommodation.

20. If and so long as a tenancy is, by virtue only of section 12 of this Act, precluded from being a protected tenancy it shall be treated as a restricted contract notwithstanding that the rent may not include payment for the use of furniture or for services.

Certain unfurnished tenancies to be treated as restricted contracts.

Shared accommodation

21. Where under any contract—

(a) a tenant has the exclusive occupation of any accommodation, and

(b) the terms on which he holds the accommodation include the use of other accommodation in common with his landlord or in common with his landlord and other persons, and

(c) by reason only of the circumstances mentioned in paragraph (b) above, or by reason of those circumstances and the operation of section 12 of this Act, the accommodation referred to in paragraph (a) above is not a dwelling-house let on a protected tenancy,

Tenant sharing accommodation with landlord.

the contract is a restricted contract notwithstanding that the rent does not include payment for the use of furniture or for services.

PART I
 Tenant sharing
 accommodation
 with persons other
 than landlord.

22.—(1) Where a tenant has the exclusive occupation of any accommodation (“the separate accommodation”) and—

- (a) the terms as between the tenant and his landlord on which he holds the separate accommodation include the use of other accommodation (“the shared accommodation”) in common with another person or other persons, not being or including the landlord, and
- (b) by reason only of the circumstances mentioned in paragraph (a) above, the separate accommodation would not, apart from this section, be a dwelling-house let on or subject to a protected or statutory tenancy,

the separate accommodation shall be deemed to be a dwelling-house let on a protected tenancy or, as the case may be, subject to a statutory tenancy and the following provisions of this section shall have effect.

(2) For the avoidance of doubt it is hereby declared that where, for the purpose of determining the rateable value of the separate accommodation, it is necessary to make an apportionment under this Act, regard is to be had to the circumstances mentioned in subsection (1)(a) above.

(3) While the tenant is in possession of the separate accommodation (whether as a protected or statutory tenant), any term or condition of the contract of tenancy terminating or modifying, or providing for the termination or modification of, his right to the use of any of the shared accommodation which is living accommodation shall be of no effect.

(4) Where the terms and conditions of the contract of tenancy are such that at any time during the tenancy the persons in common with whom the tenant is entitled to the use of the shared accommodation could be varied, or their number could be increased, nothing in subsection (3) above shall prevent those terms and conditions from having effect so far as they relate to any such variation or increase.

(5) Without prejudice to the enforcement of any order made under subsection (6) below, while the tenant is in possession of the separate accommodation, no order shall be made for possession of any of the shared accommodation, whether on the application of the immediate landlord of the tenant or on the application of any person under whom that landlord derives title, unless a like order has been made, or is made at the same time, in respect of the separate accommodation; and the provisions of section 98(1) of this Act shall apply accordingly.

(6) On the application of the landlord, the county court may make such order either—

- (a) terminating the right of the tenant to use the whole or any part of the shared accommodation other than living accommodation, or

(b) modifying his right to use the whole or any part of the shared accommodation, whether by varying the persons or increasing the number of persons entitled to the use of that accommodation, or otherwise,

as the court thinks just.

(7) No order shall be made under subsection (6) above so as to effect any termination or modification of the rights of the tenant which, apart from subsection (3) above, could not be effected by or under the terms of the contract of tenancy.

(8) In this section "living accommodation" means accommodation of such a nature that the fact that it constitutes or is included in the shared accommodation is (or, if the tenancy has ended, was) sufficient, apart from this section, to prevent the tenancy from constituting a protected tenancy of a dwelling-house.

Sublettings

23.—(1) Where the tenant of any premises, consisting of a house or part of a house, has sublet a part but not the whole of the premises, then, as against his landlord or any superior landlord, no part of the premises shall be treated as not being a dwelling-house let on or subject to a protected or statutory tenancy by reason only that—

Certain sublettings not to exclude any part of sub-lessor's premises from protection.

(a) the terms on which any person claiming under the tenant holds any part of the premises include the use of accommodation in common with other persons ; or

(b) part of the premises is let to any such person at a rent which includes payments in respect of board or attendance.

(2) Nothing in this section shall affect the rights against, and liabilities to, each other of the tenant and any person claiming under him, or of any 2 such persons.

Business premises

24.—(1) Subject to section 11 of this Act, the fact that part of the premises comprised in a dwelling-house is used as a shop or office or for business, trade or professional purposes shall not prevent the dwelling-house from being let on or subject to a controlled tenancy.

Premises with a business use.

(2) Part II of the Landlord and Tenant Act 1954 (which gives security of tenure to business tenants) shall not apply to a tenancy where the property comprised therein is let under a tenancy which either is a controlled tenancy or would be such a tenancy if it were not a tenancy at a low rent.

1954 c. 56.

(3) A tenancy shall not be a regulated tenancy if it is a tenancy to which Part II of the Landlord and Tenant Act 1954 applies

PART I

(but this provision is without prejudice to the application of any other provision of this Act to a sub-tenancy of any part of the premises comprised in such a tenancy).

Miscellaneous

Rateable value and meaning of "appropriate day".

25.—(1) Except where this Act otherwise provides, the rateable value on any day of a dwelling-house shall be ascertained for the purposes of this Act as follows:—

- (a) if the dwelling-house is a hereditament for which a rateable value is then shown in the valuation list, it shall be that rateable value;
- (b) if the dwelling-house forms part only of such a hereditament or consists of or forms part of more than one such hereditament, its rateable value shall be taken to be such value as is found by a proper apportionment or aggregation of the rateable value or values so shown.

(2) Any question arising under this section as to the proper apportionment or aggregation of any value or values shall be determined by the county court, and the decision of the county court shall be final.

(3) In this Act "the appropriate day"—

- (a) in relation to any dwelling-house which, on 23rd March 1965, was or formed part of a hereditament for which a rateable value was shown in the valuation list then in force, or consisted or formed part of more than one such hereditament, means that date, and
- (b) in relation to any other dwelling-house, means the date on which such a value is or was first shown in the valuation list.

(4) Where, after the date which is the appropriate day in relation to any dwelling-house, the valuation list is altered so as to vary the rateable value of the hereditament of which the dwelling-house consists or forms part and the alteration has effect from a date not later than the appropriate day, the rateable value of the dwelling-house on the appropriate day shall be ascertained as if the value shown in the valuation list on the appropriate day had been the value shown in the list as altered.

(5) This section applies in relation to any other land as it applies in relation to a dwelling-house.

Land and premises let with dwelling-house.

26.—(1) For the purposes of this Act, any land or premises let together with a dwelling-house shall, unless it consists of agricultural land exceeding 2 acres in extent, be treated as part of the dwelling-house.

1967 c. 9.

(2) For the purposes of subsection (1) above "agricultural land" has the meaning set out in section 26(3)(a) of the General Rate Act 1967 (exclusion of agricultural land and premises from liability for rating).

PART II

RENTS UNDER CONTROLLED TENANCIES

Rent limit

27.—(1) Subject to this Part of this Act, the rent recoverable for any rental period from the tenant under a controlled tenancy shall not exceed the following limit, that is to say a rent of which the annual rate is equal to the aggregate of—

Rent limit for controlled tenancies.

- (a) the 1956 gross value of the dwelling, determined in accordance with Schedule 4 to this Act and multiplied by the appropriate factor ;
- (b) the annual amount, ascertained in accordance with Schedule 5 to this Act, of any rates for the basic rental period, being rates borne by the landlord or a superior landlord ; and
- (c) such annual amount as may have been (or may be) agreed in writing between the landlord and the tenant or determined by the county court to be a reasonable charge for any services for the tenant provided by the landlord or a superior landlord during the basic rental period or for any furniture which, under the terms of the tenancy, the tenant was (or is) entitled to use during that period.

(2) The appropriate factor referred to in subsection (1)(a) above shall be determined as follows:—

- (a) in any case where the responsibility for repairs is as specified in Part I of Schedule 6 to this Act, the appropriate factor shall be that specified in that Part of that Schedule, and
- (b) in any other case, the appropriate factor shall be 2.

(3) The limit on the rent recoverable under a controlled tenancy for any rental period (in this Part of this Act referred to as “the rent limit”) shall be subject—

- (a) to adjustment from time to time under sections 29 to 32 of this Act and paragraph 4(1) of Schedule 20 to this Act, and
- (b) to reductions as provided by Part II of Schedule 6 to this Act, in case of disrepair.

(4) Where under a controlled tenancy current on 6th July 1957, the rent recoverable for the basic rental period exceeded what would have been the rent limit for that period if ascertained under subsection (1) above, then, subject to subsection (3) above, the rent limit shall be the rent recoverable for that period.

PART II

Procedure
for increasing
rents.

Revision of rent and rent limits

28.—(1) If the rent for the time being recoverable under a controlled tenancy is less than the rent limit it may be increased up to that limit in accordance with this section.

(2) Subject to—

(a) Part II of Schedule 6 to this Act, and

(b) paragraph 4 of Schedule 20 to this Act,

the rent may be increased as mentioned in subsection (1) above by the service by the landlord on the tenant of a notice of increase in the prescribed form, specifying the amount of the increase.

(3) The increase shall not have effect with respect to any rental periods beginning before such date as may be specified in the notice which, except in a case authorised by section 29(2), 31 or 32(5) of this Act, shall be a date not earlier than 3 months after the service of the notice.

(4) The total of the increases which may be specified in any notice or notices of increase as taking effect less than 9 months after service of the first notice (excluding any increases which, under section 29(3), 31(10) or 32(5) of this Act, are to be disregarded) shall not exceed 37½ pence per week, but a notice may specify more than one date and amount.

(5) Except in so far as may be necessary for giving effect to an adjustment under section 29 or 32 of this Act, a notice of increase shall be of no effect if given at a time when—

1957 c. 56.

(a) the dwelling is within a clearance area under the Housing Act 1957 or is or forms part of premises with respect to which a demolition order or closing order under that Act has been made and has not ceased to be in force ; or

(b) works of repair remain unexecuted which were required to be executed—

1936 c. 49.

(i) by an order relating to the dwelling made under section 94 of the Public Health Act 1936 (nuisance orders where local authority abatement notices are disregarded) against the landlord or any person receiving rent as agent for the landlord ; or

(ii) by a notice relating to the dwelling given to the landlord or any such person under section 9 of the Housing Act 1957 (notices to repair houses unfit for human habitation).

(6) Except in so far as may be necessary for giving effect to an adjustment under section 29 or 32 of this Act, if the date specified in a notice of increase in accordance with subsection (3) above falls at a time when the condition specified in paragraph (a) or (b) of subsection (5) above is fulfilled, no increase shall

be recoverable by virtue of the notice for any rental period beginning at any such time. PART II

29.—(1) Where any rates in respect of the dwelling are borne by the landlord or a superior landlord, then, for any rental period for which the amount of the rates, ascertained in accordance with Schedule 5 to this Act, differs from the amount, so ascertained, of the rates for the basic rental period, the rent limit shall be increased or decreased by the amount of the difference. Adjustment with respect to rates borne by landlord.

(2) In so far as a notice of increase relates to an increase of rent authorised by this section, the date specified in the notice may be any date not earlier than 6 weeks before the service of the notice and, if it is earlier than the service of the notice, any rent underpaid shall become due on the day after the service of the notice.

(3) Any increase of rent authorised by this section shall be disregarded for the purposes of section 28(4) of this Act.

30.—(1) Where, for any rental period, there is with respect to— Adjustment with respect to services and furniture.

- (a) the provision of services for the tenant by the landlord or a superior landlord, or
- (b) the use of furniture by the tenant under the terms of the tenancy,

or any circumstances relating thereto any difference, in comparison with the basic rental period, such as to affect the amount of the rent which it is reasonable to charge, the rent limit shall be increased or decreased by an appropriate amount.

(2) Where, for any rental period, the rent limit is increased by an appropriate amount under subsection (1) above, the rent for that period shall, notwithstanding anything in section 28 of this Act and without the service of any notice, be increased by the like amount.

(3) Any question whether, or by what amount, the rent limit is increased or decreased by virtue of subsection (1) above shall be determined by agreement in writing between the landlord and the tenant or by the county court.

(4) Any determination under subsection (3) above—

(a) may be made so as to relate to past rental periods; and

(b) shall have effect with respect to rental periods subsequent to the periods to which it relates until revoked or varied by any such agreement as is referred to in subsection (3) or by the county court.

PART II
Increase for
repairs.

31.—(1) If repairs have been effected to a dwelling which is subject to a controlled tenancy, the rent limit under the controlled tenancy for rental periods beginning after the completion of the repairs shall be increased by the appropriate amount.

(2) If repairs have been effected to premises part of which is subject to a controlled tenancy (other than repairs to the part of the premises subject to the tenancy), and the landlord claims that benefit accrues to that part of the premises consisting of the dwelling subject to the controlled tenancy, the rent limit under the controlled tenancy for rental periods beginning after the completion of the repairs may be increased, in accordance with subsection (6) below, by the appropriate amount.

(3) In this section—

“ the appropriate amount ” means—

(a) subject to subsection (6) below, in a case to which subsection (1) above applies, $12\frac{1}{2}$ per cent. per annum of the expenditure on the repairs ; and

(b) in a case to which subsection (2) applies, $12\frac{1}{2}$ per cent. per annum of a proportion of the expenditure on the repairs determined in accordance with subsection (6) below ;

“ expenditure on the repairs ” means the amount expended on the repairs by the landlord or any superior landlord or any person from whom the landlord or any superior landlord derives title.

(4) This section does not apply to repairs for which the tenant is responsible or to repairs completed before 6th April 1973.

(5) Where a grant paid or payable under—

(a) Part I of the Housing Act 1969 ; or

(b) section 61, 65 or 71 of the Housing Act 1974,

is such as to cover the whole or any part of the cost of repairs, the reference in subsection (3) above to the amount expended on the repairs shall be construed as a reference to that amount diminished by the amount of the grant.

(6) The appropriate amount—

(a) in a case to which subsection (1) above applies, but where the tenant claims that benefit accrues not only to the dwelling subject to the controlled tenancy but also to other premises of the landlord or a superior landlord, and

(b) in any case to which subsection (2) above applies, is $12\frac{1}{2}$ per cent. per annum of only so much of the expenditure on the repairs as may be determined, by agreement in writing between the landlord and the tenant or by the county court,

to be properly apportionable to the dwelling, having regard to the benefit accruing, from the carrying out of the repairs, to the dwelling and to the other premises benefited by them.

Any such determination may be made so as to relate to past rental periods and if made by the county court shall be final.

(7) If—

- (a) the landlord serves a notice of increase of rent by virtue of this section, and
- (b) the tenant requests him in writing, not later than 3 months after service of the notice, to supply him with information showing how he has calculated the expenditure on the repairs,

it shall be the landlord's duty, not later than one month after the date of the request, to supply the tenant with copies of such accounts, receipts and other documents as are reasonably necessary for that purpose.

(8) A request under subsection (7) above shall be deemed to be duly made to a landlord if it is served on any agent of the landlord named as such in a rent book or other similar document or on the person who receives the rent on behalf of the landlord; and it shall be the duty of a person on whom a request is so served to forward it as soon as may be to the landlord.

(9) If any person without reasonable excuse fails to perform any duty imposed on him by subsection (7) or (8) above, he shall be guilty of an offence and liable to a fine not exceeding £200.

(10) In so far as a notice of increase relates to an increase of rent authorised by this section, the date specified in the notice may be any date after the service of the notice, and any such increase shall be disregarded for the purposes of section 28(4) of this Act.

(11) Where an offence under subsection (9) above which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(12) Where the affairs of a body corporate are managed by its members, subsection (11) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

PART II
Increase for
improvements.

32.—(1) If an improvement has been effected in a dwelling and the improvement was completed after 5th July 1957 then, subject to—

(a) section 33 of this Act, and

(b) paragraph 4 of Schedule 20 to this Act,

the rent limit under any controlled tenancy of the dwelling for rental periods beginning after the completion of the improvement shall be increased by the appropriate percentage per annum of the amount expended on the improvement by the landlord or any superior landlord or any person from whom the landlord or any superior landlord derives title.

(2) The appropriate percentage shall be determined as follows:—

(a) if the improvement was completed before 24th November 1961, it is 8 per cent. ; and

(b) if the improvement was completed on or after that date then, subject to subsection (3) below, it is 12½ per cent.

(3) If an improvement completed on or after 24th November 1961 was carried out in reliance on a consent granted before that date by a tenant under the controlled tenancy, the appropriate percentage is 8 per cent., and not 12½ per cent.

(4) Subsection (3) above shall not apply where the consent was in writing and contained an acknowledgement (however expressed) that the rent could be increased on account of the improvement to a stated amount which was at least the maximum of the rent limit as it would then have been if increased, in accordance with subsection (1) above, on the basis that the appropriate percentage was 12½ per cent.

(5) In so far as a notice of increase relates to an increase of rent authorised by this section, the date specified in the notice may be any date after the service of the notice, and any such increase shall be disregarded for the purposes of section 28(4) of this Act.

(6) Where in pursuance of a proposal made on the ground of a change in the occupier or circumstances of occupation, the gross value which (under Schedule 4 to this Act) is material in determining the 1956 gross value of a dwelling in which an improvement has been effected has been varied so as to take account of the state of the dwelling at a date after 5th July 1957, then, in relation to that dwelling, a reference to that date shall be substituted for the reference in subsection (1) above to 5th July 1957.

33.—(1) Where, in respect of an improvement—

(a) a grant has been made under—

PART II
Grant-aided
improvements.
1949 c. 60.

(i) section 20 of the Housing Act 1949 (improvement grants),

(ii) section 30 of the Housing (Financial Provisions) Act 1958 (improvement grants),

(iii) section 4 of the House Purchase and Housing Act 1959 (standard grants),

(iv) section 15 of the Airports Authority Act 1965 (grants towards cost of sound-proofing),

(v) Part I of the Housing Act 1969 (improvement grants and standard grants),

(vi) section 29A of the Civil Aviation Act 1971, 1971 c. 75.

(vii) regulations under section 20 of the Land Compensation Act 1973 (sound-proofing of buildings affected by public works), or

(viii) section 61 or 65 of the Housing Act 1974 (improvement grants and intermediate grants); or

(b) a repayment has been made under section 12 of the Clean Air Act 1956 (adaptation of fireplaces in private dwellings);

the reference in section 32(1) of this Act to the amount expended on the improvement shall be construed as a reference to that amount diminished by the amount of the grant or repayment.

(2) Where an improvement is effected in a dwelling in compliance with an immediate improvement notice or a final improvement notice within the meaning of Part II of the Housing Act 1964 or an improvement notice within the meaning of Part VIII of the Housing Act 1974 (compulsory improvement of dwellings to provide standard amenities) or in compliance with an undertaking accepted under either of those Parts, and

(a) the landlord, or a predecessor in title of the landlord, is the person who expended money on the improvement, and

(b) a standard grant under section 4 of the House Purchase and Housing Act 1959 or Part I of the Housing Act 1969 or an intermediate grant under section 65 of the Housing Act 1974 in respect of the improvement, although obtainable, has not been obtained,

the reference in section 32(1) of this Act to the amount expended on the improvement shall be construed as a reference to that amount diminished by the amount of the standard grant or intermediate grant which could have been obtained in respect of the improvement.

PART II

(3) In a case falling within subsection (2) above, the local authority in whose district the dwelling is situated shall, at the request in writing of the landlord or the tenant, give him an estimate in writing of what the amount of the standard or intermediate grant would have been if it had been obtained.

(4) In any proceedings relating to an increase of rent authorised by section 32 of this Act in a case falling within subsection (2) above, it shall be assumed, until the contrary is proved, that a standard grant or, as the case may be, intermediate grant was obtainable in respect of the improvement and, for the purposes of any such proceedings, an estimate under subsection (3) above shall be sufficient evidence of what the amount of that grant would have been.

(5) In this section "local authority" means the council of a district or of a London borough or the Common Council of the City of London.

Private
street works
to count as
improvements.
1959 c. 25.

34.—(1) This section applies where a dwelling which is the subject of a controlled tenancy has access to a street on which works have been carried out under—

- (a) section 174, 189 or 190 of the Highways Act 1959 (certain authorities to execute street works in accordance with the Codes of 1875 and 1892), or
- (b) the corresponding provisions of any local Act.

(2) The amount—

- (a) of any expenditure incurred after 5th July 1957 by the landlord or a superior landlord in the carrying out of the works in question, or
- (b) of any liability incurred after that date by the landlord or a superior landlord in respect of those works to the authority by whom they were carried out,

shall be treated (whether or not apart from this section it would be so treated) as expenditure incurred by the landlord or superior landlord on an improvement as mentioned in section 32(1) of this Act.

(3) Subsection (2)(b) above applies whether the liability mentioned in that subsection is dischargeable in a lump sum or by instalments, but, for the purposes of this section, interest shall be excluded in determining the amount of any liability which is dischargeable by instalments.

(4) If benefit accrues from the carrying out of the works not only to the dwelling but also to other premises of the landlord or superior landlord, the amount to be treated as mentioned in subsection (2) above shall be so much only of the expenditure or liability as may be determined, by agreement in writing

between the landlord and the tenant or by the county court, to be properly apportionable to the dwelling, having regard to the benefit accruing, from the carrying out of the works, to the dwelling and to the other premises.

PART II

(5) Any appointment made by the county court under subsection (4) above shall be final.

(6) For the purposes of this section the amount of any expenditure shall be treated as diminished by the amount of any contribution paid in respect of that expenditure under any enactment.

35.—(1) A tenant on whom a notice specifying an increase authorised by section 31 or 32 of this Act is served may, subject to paragraph 1(7) of Schedule 20 to this Act and not later than one month after the service of the notice or such longer time as the court may allow, apply to the county court for an order cancelling or reducing the increase on the ground—

Tenant's right to challenge amount of expenditure on improvements or repairs.

(a) in the case of work carried out in pursuance of a notice under section 9 of the Housing Act 1957 (repair notices), that a greater amount was expended on it than was reasonable, or

1957 c. 56.

(b) in any other case, that the work was unnecessary or that a greater amount was expended on it than was reasonable,

and the court may make an order accordingly which may relate not only to future but also to past rental periods.

(2) No application shall be made under this section on the ground that any work was unnecessary if—

(a) any such grant as is referred to in section 31(5) or 33(1)(a) of this Act has been made in respect of the work, or

(b) a tenant under the controlled tenancy consented in writing to the work and the consent contained an acknowledgement (however expressed) that the rent could be increased on account of the work.

(3) No application shall be made under this section in relation to any increase authorised by virtue of section 34 of this Act.

(4) In this section references to "work" shall be construed—

(a) in relation to a notice specifying an increase authorised by section 31 of this Act, as references to the improvement in question, and

(b) in relation to a notice specifying an increase authorised by section 32 of this Act, as references to the repairs in question.

PART II

(5) In this section "improvement", in addition to having the meaning given by section 43 of this Act, shall be construed in accordance with paragraph 1(6) of Schedule 20 to this Act.

Variations of
rent during
protected
tenancies.

36.—(1) Neither a notice of increase nor section 30 of this Act shall operate to increase the rent under a controlled tenancy for any rental period which begins at a time when the controlled tenancy is a protected tenancy, except in so far as may be consistent with the terms of the tenancy.

(2) Where a notice of increase is served during the currency of a protected tenancy which could, by a notice to quit served by the landlord at the same time, be brought to an end before the date or the earliest date specified in the notice of increase, the notice of increase shall operate to convert the protected tenancy into a statutory tenancy as from that date.

(3) If, in the case of a controlled tenancy which was current on 6th July 1957,—

(a) the basic rental period began at a time when the controlled tenancy was a protected tenancy, and

(b) the rent recoverable for the basic rental period included an increase agreed or determined under section 40 of the Housing Repairs and Rents Act 1954 (increase for rise in cost of services provided under pre-1939 lettings) in respect of services which the landlord was not under the terms of the tenancy liable to provide,

1954 c. 53.

then, if those services are withheld in whole or in part during any rental period beginning during the currency of the protected tenancy, the rent recoverable for that period shall be decreased by an appropriate amount.

(4) Any question whether, or by what amount, the recoverable rent is decreased by virtue of subsection (3) above shall be determined by agreement in writing between the landlord and the tenant or by the county court.

(5) Any determination under subsection (4) above—

(a) may be made so as to relate to past rental periods; and

(b) shall have effect with respect to rental periods subsequent to the periods to which it relates until revoked or varied by any such agreement as is referred to in subsection (4) above or by the county court.

(6) Subject to subsections (3) and (4) above, nothing in this Part of this Act shall affect the operation of any lease or agreement in so far as it provides for a reduction of rent during the currency of a protected tenancy.

37.—(1) If the county court is satisfied that any error or omission in a notice of increase is due to a bona fide mistake on the part of the landlord, the court may by order amend the notice by correcting any errors or supplying any omission therein which, if not corrected or supplied, would render the notice invalid and, if the court so directs, the notice as so amended shall have effect and be deemed to have had effect as a valid notice.

PART II
Errors and misrepresentations in notices of increase.

(2) Any such amendment of a notice of increase may be made on such terms and conditions with respect to arrears of rent or otherwise as appear to the court to be just and reasonable.

(3) No increase of rent which becomes payable by reason of an amendment of a notice of increase under subsection (1) above shall be recoverable in respect of any rental period which ended more than 6 months before the date of the order making the amendment.

(4) If a notice of increase contains any statement or representation which is false or misleading in any material respect, the landlord shall be liable to a fine not exceeding £50 unless he proves that the statement was made innocently and without intent to deceive.

Enforcement provisions

38.—(1) Where a tenant has paid on account of rent any amount which, by virtue of this Part of this Act, is irrecoverable by the landlord, the tenant who paid it shall be entitled to recover that amount from the landlord who received it or his personal representatives.

Recovery from landlord of sums paid in excess of recoverable rent, etc.

(2) Any amount which a tenant is entitled to recover under subsection (1) above may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the landlord.

(3) No amount which a tenant is entitled to recover under subsection (1) above shall be recoverable at any time after the expiry of 2 years from the date of payment.

(4) Any person who, in any rent book or similar document, makes an entry showing or purporting to show any tenant as being in arrears in respect of any sum on account of rent which is irrecoverable by virtue of this Part of this Act shall be liable to a fine not exceeding £50, unless he proves that, at the time of the making of the entry, the landlord had a bona fide claim that the sum was recoverable.

(5) If, where any such entry has been made by or on behalf of any landlord, the landlord, on being requested by or on behalf of the tenant to do so, refuses or neglects to cause the entry to be deleted within 7 days, the landlord shall be liable to a fine not exceeding £50, unless he proves that, at the time of

PART II

the neglect or refusal to cause the entry to be deleted, he had a bona fide claim that the sum was recoverable.

Determination by court of recoverable rent of sublet part of dwelling-house subject to controlled tenancy.

39.—(1) Where, in any proceedings for possession, in such circumstances as are specified in Case 10 in Schedule 15 to this Act, of a dwelling-house subject to a controlled tenancy—

(a) the sublet part in question is subject to a controlled tenancy, and

(b) it appears to the court that no determination of the recoverable rent of the sublet part has previously been made by the county court,

the court shall make such a determination, whether or not an order is made for possession of the dwelling-house.

(2) Subsection (3) below shall apply where the county court has determined the recoverable rent of a dwelling-house which is subject to a controlled tenancy and is itself a sublet part of another dwelling-house subject to a controlled tenancy (in this section referred to as the “superior tenancy”).

(3) If, after the determination referred to in subsection (2) above, the rent charged by the tenant under the superior tenancy for the sublet part is in excess of the recoverable rent of that part, the tenant shall be guilty of an offence unless he proves—

(a) that he did not know and could not by reasonable inquiry have ascertained that the rent charged by him was in excess of the recoverable rent; or

(b) that the excess was solely due to an accidental miscalculation.

(4) A person guilty of an offence under this section shall be liable to a fine not exceeding £100.

Rectification of rent books in light of determination of recoverable rent.

40. Where, in any proceedings, the recoverable rent of a dwelling-house subject to a controlled tenancy is determined by a court, then, on the application of the tenant (whether in those or in any subsequent proceedings) the court may call for the production of the rent book or any similar document relating to the dwelling-house and may direct the registrar or clerk of the court to correct any entries showing, or purporting to show, the tenant as being in arrears in respect of any sum which the court has determined to be irrecoverable.

General provisions

Service of notices, etc.

41.—(1) Any notice, certificate or other document required or authorised to be served under this Part of this Act may be served either—

(a) by delivering it to the person on whom it is to be served, or

- (b) by leaving it at the usual or last known place of abode of that person, or
- (c) by sending it by the recorded delivery service or by registered post in a prepaid letter addressed to that person at his usual or last known place of abode, or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it, by the recorded delivery service or by registered post, in a prepaid letter addressed to the secretary or clerk of the company or body at that office, or
- (e) if it is not practicable after reasonable inquiry to ascertain the name or address of an owner, lessee or occupier of land on whom it should be served, by addressing it to him by the description of "owner" or "lessee" or "occupier" of the premises (naming them) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

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(2) Without prejudice to the generality of subsection (1) above, that subsection shall apply to the service, by virtue of section 151 of this Act, of any notice, certificate or other document as is mentioned in subsection (1) above on an agent of the landlord or a person receiving the rent.

42.—(1) The Secretary of State may make regulations prescribing forms for notices, certificates and other documents required or authorised under this Part of this Act and requiring such notices, certificates and documents to contain such information as may be specified in the regulations. Regulations.

(2) Any such regulations shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

43.—(1) In this Part of this Act, except where the context otherwise requires,— Interpretation
of Part II.

"appropriate factor" means the number by which the 1956 gross value is to be multiplied in determining the rent limit ;

"basic rental period" means the rental period comprising 6th July 1957 or, in the case of a controlled tenancy beginning after that date, the first rental period of the tenancy ;

"dwelling" means, in relation to a controlled tenancy, the aggregate of the premises comprised in the tenancy ;

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“improvement” includes structural alteration, extension or addition and the provision of additional fixtures or fittings but does not include anything done by way of decoration or repair ;

“notice of increase” means a notice of increase under section 28 of this Act ;

“prescribed” means prescribed by regulations under section 42 of this Act, and references to a prescribed form include references to a form substantially to the same effect as the prescribed form ;

“recoverable rent” means rent which, under a controlled tenancy, is or was for the time being recoverable, having regard to the provisions of this Part of this Act ;

“rent limit” has the meaning assigned to it by section 27(3) of this Act ;

“tenant”, in relation to a landlord, and “sub-tenant”, in relation to a tenant, mean respectively immediate tenant and immediate sub-tenant ;

“1956 gross value”, in relation to a dwelling, means that value as determined in accordance with Schedule 4 to this Act.

1927 c. 36.

(2) Any reference in this Part of this Act to rent does not include any sums recoverable as rent under section 16 of the Landlord and Tenant Act 1927 (which enables landlords to recover as rent sums in respect of increases in taxes, rates or fire premiums ascribable to improvements made by tenants), other than—

(a) sums so recoverable in respect of increases in rates, or

(b) sums referable to improvements executed by the tenant before 1st April 1956, or

(c) sums referable to improvements executed by him after that date but affecting the 1956 gross value by reason of a proposal made before 1st April 1957.

1949 c. 40.

(3) In determining the amount of any rent for the purposes of this Part of this Act, no account shall be taken of any deduction falling to be made under Schedule 1 to the Landlord and Tenant (Rent Control) Act 1949 (which provided in certain cases for the recovery of premiums by deduction from rent).

(4) Except in so far as the context otherwise requires, references in this Part of this Act to rates, in respect of a dwelling, include references to such proportion of any rates in respect

of a hereditament of which the dwelling forms part as may be agreed in writing between the landlord and the tenant or determined by the county court.

PART II

(5) Any apportionment of rates made by the county court for the purposes of this Part of this Act shall be final.

PART III

RENTS UNDER REGULATED TENANCIES

Regulation of rent

44.—(1) Where a rent for a dwelling-house is registered under Part IV of this Act, the rent recoverable for any contractual period of a regulated tenancy of the dwelling-house shall be limited to the rent so registered. Limit of rent during contractual periods.

This subsection is subject to the following provisions of this Act : subsection (4) below, sections 55 and 71(3), paragraph 1(3) of Schedule 7, Schedule 9 and paragraph 3 of Schedule 20.

(2) Where a limit is imposed by subsection (1) above on the rent recoverable in relation to any contractual period of a regulated tenancy, the amount by which the rent payable under the tenancy exceeds that limit shall, notwithstanding anything in any agreement, be irrecoverable from the tenant.

(3) In this Part of this Act “contractual rent limit” means the limit specified in subsection (1) above.

(4) Schedule 7 to this Act shall have effect for the purpose of providing a special rent limit in relation to certain tenancies which became regulated tenancies by virtue of section 14 of the Counter-Inflation Act 1973.

1973 c. 9.

45.—(1) Except as otherwise provided by this Part of this Act, where the rent payable for any statutory period of a regulated tenancy of a dwelling-house would exceed the rent recoverable for the last contractual period thereof, the amount of the excess shall, notwithstanding anything in any agreement, be irrecoverable from the tenant. Limit of rent during statutory periods.

(2) Where a rent for the dwelling-house is registered under Part IV of this Act, the following provisions shall apply with respect to the rent for any statutory period of a regulated tenancy of the dwelling-house :—

(a) if the rent payable for any statutory period would exceed the rent so registered, the amount of the excess

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shall, notwithstanding anything in any agreement, be irrecoverable from the tenant ; and

- (b) if the rent payable for any statutory period would be less than the rent so registered, it may be increased up to the amount of that rent by a notice of increase served by the landlord on the tenant and specifying the date from which the increase is to take effect.

This subsection is subject to the following provisions of this Act: sections 55 and 71(3), paragraph 1(3) of Schedule 7, paragraph 10 of Schedule 8, paragraph 8(4) of Schedule 9 and paragraph 3 of Schedule 20.

(3) The date specified in a notice of increase under subsection (2)(b) above shall not be earlier than the date on which the rent was registered nor earlier than 4 weeks before the service of the notice.

(4) Where no rent for the dwelling-house is registered under Part IV of this Act, sections 46 to 48 of this Act shall have effect with respect to the rent recoverable for any statutory period under a regulated tenancy of the dwelling-house.

Adjustment,
with respect
to rates, of
recoverable
rent for
statutory
periods before
registration.

46.—(1) Where—

- (a) section 45(4) of this Act applies, and
(b) any rates in respect of the dwelling-house are, or were during the last contractual period, borne by the landlord or a superior landlord,

then, for any statutory period for which the amount of the rates (ascertained in accordance with Schedule 5 to this Act) differs from the amount, so ascertained, of the rates for the last contractual period, the recoverable rent shall be increased or decreased by the amount of the difference.

(2) Where the amount of the recoverable rent is increased by virtue of this section, the increase shall not take effect except in pursuance of a notice of increase served by the landlord on the tenant and specifying the increase and the date from which it is to take effect.

(3) The date specified in a notice of increase under subsection (2) above shall be not earlier than 6 weeks before the service of the notice, and if it is earlier than the service of the notice any rent unpaid shall become due on the day after the service of the notice.

47.—(1) Where section 45(4) of this Act applies and for any statutory period there is with respect to—

- (a) the provision of services for the tenant by the landlord or a superior landlord, or
- (b) the use of furniture by the tenant,

PART III
Adjustment, with respect to services and furniture, of recoverable rent for statutory periods before registration.

or any circumstances relating thereto any difference, in comparison with the last contractual period, such as to affect the amount of the rent which it is reasonable to charge, the recoverable rent for the statutory period shall be increased or decreased by an appropriate amount.

(2) Any question whether, or by what amount, the recoverable rent for any period is increased or decreased by virtue of this section shall be determined by agreement in writing between the landlord and the tenant or by the county court; and any such determination—

- (a) may be made so as to relate to past statutory periods; and
- (b) shall have effect with respect to statutory periods subsequent to the periods to which it relates until revoked or varied by any such agreement as is referred to in this subsection or by the county court.

48.—(1) If, in a case where section 45(4) of this Act applies—

- (a) an improvement has been effected in a dwelling-house, and
- (b) the improvement was completed—
 - (i) after 7th December 1965, and
 - (ii) after the time as from which the rent under the regulated tenancy was agreed,

Increase, on account of improvements, of recoverable rent for statutory periods before registration.

then, subject to subsection (6) below, the recoverable rent for any statutory period beginning after the completion of the improvement shall be increased by $12\frac{1}{2}$ per cent. per annum of the amount expended on the improvement by the landlord or any superior landlord or any person from whom the landlord or any superior landlord derives title.

(2) Where, in respect of an improvement—

- (a) a grant has been made under—

- (i) section 15 of the Airports Authority Act 1965 1965 c. 16. or section 29A of the Civil Aviation Act 1971 1971 c. 75. (grants towards cost of sound-proofing), or

- (ii) regulations under section 20 of the Land Compensation Act 1973 1973 c. 26. (sound-proofing of buildings affected by public works), or

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1956 c. 52.

(b) a repayment has been made under section 12 of the Clean Air Act 1956 (adaptation of fireplaces in private dwellings),

the amount expended on the improvement shall, for the purposes of subsection (1) above, be treated as diminished by the amount of the grant or repayment.

(3) Where the amount of the recoverable rent is increased by virtue of this section, the increase shall not take effect except in pursuance of a notice of increase served by the landlord on the tenant and specifying the increase and the date, which may be any date after the service of the notice, from which it is to take effect.

(4) A tenant on whom a notice of increase specifying an increase authorised by this section is served may, not later than one month after the service of the notice or such longer time as the court may allow, apply to the county court for an order cancelling or reducing the increase on the ground—

- (a) that the improvement was unnecessary, or
- (b) that a greater amount was expended on it than was reasonable,

and the court may make an order accordingly which may relate not only to future but also to past statutory periods.

This subsection is subject to the following provisions of this Act: subsection (5) below, section 50(6) and paragraph 1(7) of Schedule 20.

(5) No application may be made under subsection (4) above if—

- (a) a grant has been made in respect of the improvement under any of the enactments mentioned in subsection (2)(a) above, or
- (b) the tenant in writing consented to the improvement and acknowledged (in whatever terms) that the rent could be increased on account of the improvement.

(6) Subsection (1) above does not apply to any improvements with respect to which a grant under—

- 1969 c. 33. (a) Part I of the Housing Act 1969, or
- 1974 c. 44. (b) Part VII of the Housing Act 1974,

is payable or has been paid.

(7) In this section “improvement” in addition to having the meaning given by section 61 of this Act, shall be construed in accordance with paragraph 1(6) of Schedule 20 to this Act.

Notices of
increase.

49.—(1) Any reference in this section to a notice of increase is a reference to a notice of increase under section 45(2), 46(2) or 48(3) of this Act.

(2) A notice of increase must be in the prescribed form.

(3) Notwithstanding that a notice of increase relates to statutory periods, it may be served during a contractual period.

(4) Where a notice of increase is served during a contractual period and the protected tenancy could, by a notice to quit served by the landlord at the same time, be brought to an end before the date specified in the notice of increase, the notice of increase shall operate to convert the protected tenancy into a statutory tenancy as from that date.

(5) If the county court is satisfied that any error or omission in a notice of increase is due to a bona fide mistake on the part of the landlord, the court may by order amend the notice by correcting any errors or supplying any omission therein which, if not corrected or supplied, would render the notice invalid and, if the court so directs, the notice as so amended shall have effect and be deemed to have had effect as a valid notice.

(6) Any amendment of a notice of increase under subsection (5) above may be made on such terms and conditions with respect to arrears of rent or otherwise as appear to the court to be just and reasonable.

(7) No increase of rent which becomes payable by reason of an amendment of a notice of increase under subsection (5) above shall be recoverable in respect of any statutory period which ended more than 6 months before the date of the order making the amendment.

50.—(1) This section applies where any dwelling-house which is the subject of a regulated tenancy has access to a street on which works have been carried out under—

Private street works to count as improvements. 1959 c. 25.

(a) section 174, 189 or 190 of the Highways Act 1959 (certain authorities to execute street works in accordance with the Codes of 1875 and 1892), or

(b) the corresponding provisions of any local Act.

(2) The amount—

(a) of any expenditure incurred after 7th December 1965 by the landlord or a superior landlord in the carrying out of the works in question, or

(b) of any liability incurred after that date by the landlord or a superior landlord in respect of those works to the authority by whom they were carried out,

shall be treated (whether or not apart from this section it would be so treated) as expenditure incurred by the landlord or superior landlord on an improvement effected in the dwelling-house.

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(3) Subsection (2)(b) above applies whether the liability mentioned in that subsection is dischargeable in a lump sum or by instalments, but for the purposes of this section interest shall be excluded in determining the amount of any liability which is dischargeable by instalments.

(4) If benefit accrues from the carrying out of the works not only to the dwelling-house but also to other premises of the landlord or superior landlord, then for the purposes of this section the amount to be treated as expenditure on an improvement effected in the dwelling-house shall be so much only of the expenditure or liability as may be determined by agreement in writing between the landlord and the tenant or by the county court.

(5) For the purposes of this section, the amount of any expenditure shall be treated as diminished by the amount of any contribution made in respect of that expenditure under any enactment.

(6) No application may be made under section 48(4) of this Act in relation to an increase authorised by virtue of this section.

Rent agreements with tenants having security of tenure

Protection of
tenants with
security of
tenure.

51.—(1) In this Part of this Act a “rent agreement with a tenant having security of tenure” means—

- (a) an agreement increasing the rent payable under a protected tenancy which is a regulated tenancy, or
- (b) the grant to the tenant under a regulated tenancy, or to any person who might succeed him as a statutory tenant, of another regulated tenancy of the dwelling-house at a rent exceeding the rent under the previous tenancy.

(2) Where any rates in respect of the dwelling-house are borne by the landlord or a superior landlord, any increase of rent shall be disregarded for the purposes of the definition in subsection (1) above if the increase is no more than one corresponding to an increase in the rates borne by the landlord or a superior landlord in respect of the dwelling-house.

(3) If—

(a) a rent agreement with a tenant having security of tenure takes effect on or after the commencement of this Act, and was made at a time when no rent was registered for the dwelling-house under Part IV of this Act, and

(b) it is not an agreement to which section 52 of this Act applies,

the requirements of subsection (4) below shall be observed as respects the agreement.

(4) The requirements are that—

- (a) the agreement is in writing signed by the landlord and the tenant, and
- (b) the document containing the agreement contains a statement, in characters not less conspicuous than those used in any other part of the agreement—
 - (i) that the tenant's security of tenure under this Act will not be affected if he refuses to enter into the agreement, and
 - (ii) that entry into the agreement will not deprive the tenant or landlord of the right to apply at any time to the rent officer for the registration of a fair rent under Part IV of this Act,
 or words to that effect, and
- (c) the statement mentioned in paragraph (b) above is set out at the head of the document containing the agreement.

52.—(1) This section applies where a protected or statutory tenancy of a dwelling-house has become a regulated tenancy by virtue of—

- (a) Part VIII of this Act, section 43 of the Housing Act 1969 or Part III 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),

and in this section “the conversion” means the time when the tenancy became a regulated tenancy.

(2) If a rent agreement with a tenant having security of tenure of the dwelling-house takes effect—

- (a) on or after the commencement of this Act, and after the conversion, and
- (b) at a time when no rent is registered for the dwelling-house under Part IV of this Act,

the requirements of subsection (6) below shall be observed as respects the agreement.

(3) This section shall 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.

(4) Where this section, or section 44 of the Housing Finance Act 1972 (which is superseded by this section), has applied to

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any agreement, this section shall not apply to any subsequent agreement relating to the dwelling-house which takes effect more than 3 years after the first such agreement took effect.

(5) 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 which takes effect after the cancellation.

(6) The requirements mentioned in subsection (2) above are that not later than 28 days before the date when the agreement takes effect—

(a) the landlord gives to the local authority, at the offices of the authority, a document in a prescribed form, signed by the landlord and the tenant, and containing the prescribed particulars as respects the agreement and the dwelling-house to which it relates, and a statement in characters not less conspicuous than those used in any other part of the document—

(i) that the tenant's security of tenure under this Act will not be affected if he refuses to enter into the agreement, and

(ii) that entry into the agreement will not deprive the tenant or landlord of the right to apply at any time to the rent officer for the registration of a fair rent under this Act,

or words to that effect; and

(b) the landlord has served a copy of the document on the tenant.

(7) Not later than the expiry of 21 days beginning with the date on which the document is given to the local authority in accordance with this section, the authority shall serve on the landlord, and on the tenant, a notice—

(a) acknowledging receipt of the document, and

(b) stating that the rent of the dwelling-house is not to be increased for any period beginning before the expiry of a period of 28 days beginning with the date on which the document was given to the local authority.

(8) Any document given to the local authority in accordance with this section shall be open to public inspection without charge from 7 days after receipt.

(9) The local authority may withdraw the right of inspection at the expiry of a period of 3 years beginning with the date when the agreement (or if this section taken together with section 44 of the Housing Finance Act 1972, which is super-

seded by this section, has applied to more than one agreement relating to the dwelling-house, the first of them) took effect.

PART III

(10) No stamp duty shall be chargeable on any document executed in accordance with this section.

(11) In this section "local authority" means—

- (a) a council of a district or of a London borough,
- (b) the Common Council of the City of London, or
- (c) the Council of the Isles of Scilly.

53.—(1) This section applies where a grant under Part I of the Housing Act 1969 or Part VII of the Housing Act 1974 has been approved in respect of works to be carried out in a dwelling-house subject to a regulated tenancy.

Protection where grant-aided improvement is carried out.

(2) If a rent agreement with a tenant having security of tenure of the dwelling-house takes effect—

1969 c. 33.
1974 c. 44.

- (a) on or after the commencement of this Act, and in the period beginning with the time when the tenant's consent to the works was sought by the landlord and ending one year after the completion of the works, and
- (b) at a time when no rent is registered for the dwelling-house under Part IV of this Act,

and the increase of rent effected by the agreement is wholly or partly to take account of the carrying out of the works, the requirements of subsection (4) below shall be observed as respects the agreement.

(3) The provisions of this section are without prejudice to the requirements imposed by section 51 of this Act.

(4) The requirements mentioned in subsection (2) above are that the statement in the document containing the agreement—

- (a) says that a grant has been approved, and
- (b) explains that, if a rent were to be registered following improvements for which a grant was payable, the rent increase up to the registered rent would be phased as follows:—
 - (i) if the increase exceeded £1.50 per week, the rent would be increased by 3 annual increments each of one-third of the total increase;
 - (ii) if the rent increase did not exceed £1.50 per week, the rent would be increased by annual increments of up to £0.50 per week up to the registered rent.

PART III
Failure to
comply with
provisions for
protection of
tenants.

54.—(1) If, in the case of a variation of the terms of a regulated tenancy, there is a failure to observe any of the requirements of section 51, 52(6) or 53 of this Act, any excess of the rent payable under the terms as varied over the terms without the variation shall be irrecoverable from the tenant.

(2) If, in the case of the grant of a tenancy, there is a failure to observe any of those requirements, any excess of the rent payable under the tenancy so granted (for any contractual or any statutory period of the tenancy) over the previous limit shall be irrecoverable from the tenant.

1972 c. 47.

(3) In subsection (2) above the “previous limit” shall be taken to be the amount which (taking account of any previous operation of this section or of section 46 of the Housing Finance Act 1972, which is superseded by this section) was recoverable by way of rent for the last rental period of the previous tenancy of the dwelling-house, or which would have been so recoverable if all notices of increase authorised by this Act, the Rent Act 1968 and section 37(3) of the Act of 1972 had been served.

1968 c. 23.

(4) A default which consists only in delay in complying with the requirements of paragraph (a) of section 52(6) of this Act shall only affect rent for any rental period beginning before the expiry of a period of 28 days beginning with the date when those requirements are complied with.

(5) A default in complying with paragraph (b) of section 52(6) of this Act shall not apply to rent for any rental period beginning after the default is made good.

Phasing of rent increases

General
provision for
phasing of
rent increases.

55.—(1) Where the rent of a dwelling-house qualifies for phasing under this section—

- (a) a notice of increase of the rent for any statutory period, or part of a statutory period, falling within the period of delay imposed by Schedule 8 to this Act may increase it to the extent permitted by that Schedule ;
- (b) the rent for any contractual period, or part of a contractual period, falling within the period of delay shall not exceed the amount to which the rent could have been increased in accordance with Schedule 8 for a corresponding statutory period or part of a statutory period.

(2) A notice of increase which purports to increase rent which qualifies for phasing under this section further than permitted by Schedule 8 shall have effect to increase it to the extent so permitted but no further.

(3) The rent of a dwelling-house qualifies for phasing under this section if— PART III

- (a) a rent is registered for the dwelling-house under Part IV of this Act ; and
- (b) the special phasing provisions of section 89 of, and Schedule 9 to, this Act do not apply to it ; and
- (c) the tenancy is a regulated tenancy which—
 - (i) was subsisting at 10th March 1975 ; or
 - (ii) was subsisting at the date of registration ; or
 - (iii) was not subsisting at the date of registration but was granted after that date to a person to whom subsection (4) below applies.

(4) This subsection applies to a person who, at the date when the tenancy was granted, was either—

- (a) the tenant under a previous regulated tenancy of the dwelling-house, or a person who might succeed the tenant as a statutory tenant, or
- (b) a statutory tenant of a dwelling-house, within the meaning of the Rent (Agriculture) Act 1976, whose rent qualified for phasing under section 15 of that Act, or a person who might succeed such a tenant as a statutory tenant by succession, within the meaning of that Act. 1976 c. 80.

(5) Nothing in this section or in Schedule 8 shall prevent or limit any increase in rent by virtue of section 71(4) of this Act (variable rents).

(6) In this section “ notice of increase ” means a notice under section 45(2) of this Act.

56. Schedule 9 to this Act shall have effect for securing that, on first registration of a rent after an improvement with respect to which a grant under— Phasing of rent increases after certain improvements. 1969 c. 33. 1974 c. 44.

- (a) Part I of the Housing Act 1969, or
- (b) Part VII of the Housing Act 1974,

is payable or has been paid, an increase in rent may, in certain circumstances, be recovered only in stages.

Enforcement provisions

57.—(1) Where a tenant has paid on account of rent any amount which, by virtue of this Part of this Act, is irrecoverable by the landlord, the tenant who paid it shall be entitled to recover that amount from the landlord who received it or his personal representatives. Recovery from landlord of sums paid in excess of recoverable rent, etc.

PART III

(2) Any amount which a tenant is entitled to recover under subsection (1) above may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the landlord.

(3) No amount which a tenant is entitled to recover under subsection (1) above shall be recoverable at any time after the expiry of 2 years from the date of payment.

(4) Any person who, in any rent book or similar document, makes an entry showing or purporting to show any tenant as being in arrears in respect of any sum on account of rent which is irrecoverable by virtue of this Part of this Act shall be liable to a fine not exceeding £50, unless he proves that, at the time of the making of the entry, the landlord had a bona fide claim that the sum was recoverable.

(5) If, where any such entry has been made by or on behalf of any landlord, the landlord on being requested by or on behalf of the tenant to do so, refuses or neglects to cause the entry to be deleted within 7 days, the landlord shall be liable to a fine not exceeding £50, unless he proves that, at the time of the neglect or refusal to cause the entry to be deleted, he had a bona fide claim that the sum was recoverable.

Rectification of rent books in light of determination of recoverable rent.

58. Where, in any proceedings, the recoverable rent of a dwelling-house subject to a regulated tenancy is determined by a court, then, on the application of the tenant (whether in those or in any subsequent proceedings), the court may call for the production of the rent book or any similar document relating to the dwelling-house and may direct the registrar or clerk of the court to correct any entries showing, or purporting to show, the tenant as being in arrears in respect of any sum which the court has determined to be irrecoverable.

General provisions

Adjustment for differences in lengths of rental periods.

59. In ascertaining for the purposes of this Part of this Act whether there is any difference with respect to rents or rates between one rental period and another (whether of the same tenancy or not) or the amount of any such difference, any necessary adjustment shall be made to take account of periods of different lengths; and for the purposes of such an adjustment a period of one month shall be treated as equivalent to one-twelfth of a year and a period of a week as equivalent to one-fifty-second of a year.

Regulations.

60.—(1) The Secretary of State may make regulations—

- (a) prescribing the form of any notice or other document to be given or used in pursuance of this Part of this Act; and

(b) prescribing anything required or authorised to be prescribed by this Part of this Act. PART III

(2) Any such regulations shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

61.—(1) In this Part of this Act, except where the context otherwise requires— Interpretation
of Part III.

“contractual period” means a rental period of a regulated tenancy which is a period beginning before the expiry or termination of the protected tenancy ;

“contractual rent limit” has the meaning assigned to it by section 44(3) of this Act ;

“improvement” includes structural alteration, extension or addition and the provision of additional fixtures or fittings, but does not include anything done by way of decoration or repair ;

“prescribed” means prescribed by regulations under section 60 of this Act and references to a prescribed form include references to a form substantially to the same effect as the prescribed form ;

“recoverable rent” means rent which, under a regulated tenancy, is or was for the time being recoverable, having regard to the provisions of this Part of this Act ;

“rent agreement with a tenant having security of tenure” has the meaning assigned to it by section 51 of this Act ;

“statutory period” means any rental period of a regulated tenancy which is not a contractual period.

(2) References in this Part of this Act to rates, in respect of a dwelling-house, include references to such proportion of any rates in respect of a hereditament of which the dwelling-house forms part as may be agreed in writing between the landlord and the tenant or determined by the county court.

PART IV

REGISTRATION OF RENTS UNDER REGULATED TENANCIES

62.—(1) The registration areas for the purpose of this Part of this Act are the areas of the following local authorities :— Registration
areas.

- (a) the councils of counties,
- (b) the councils of London boroughs, and
- (c) the Common Council of the City of London.

PART IV

(2) For the purposes of this Part of this Act—

- (a) the area of the Common Council of the City of London shall be deemed to include the Inner Temple and the Middle Temple, and
- (b) the Isles of Scilly shall be a registration area and the Council of the Isles of Scilly shall be the local authority for that registration area.

Schemes for
appointment
of rent
officers.

63.—(1) The Secretary of State shall for every registration area make, after consultation with the local authority, a scheme providing for the appointment by the proper officer of the local authority—

- (a) of such number of rent officers for the area as may be determined by or in accordance with the scheme, and
- (b) of deputy rent officers to exercise the functions of rent officers when rent officers are absent or incapacitated.

(2) A scheme under this section—

- (a) shall provide for the payment by the local authority to rent officers and deputy rent officers of remuneration and allowances in accordance with scales approved by the Secretary of State with the consent of the Treasury ;
- (b) shall prohibit the dismissal of a rent officer or deputy rent officer except by the proper officer of the local authority on the direction, or with the consent, of the Secretary of State ;
- (c) shall require the local authority to provide for the rent officers office accommodation and clerical and other assistance ;
- (d) shall allocate, or confer on the proper officer of the local authority the duty of allocating, work as between the rent officers and shall confer on the proper officer the duty of supervising the conduct of rent officers and deputy rent officers.

1972 c. 11.

(3) For the purposes of any local Act scheme, within the meaning of section 8 of the Superannuation Act 1972, rent officers and deputy rent officers appointed in pursuance of a scheme under this section shall be deemed to be officers in the employment of the local authority for whose area the scheme is made ; and for the purposes of—

1975 c. 60.
1975 c. 14.

- (a) Part III of the Social Security Pensions Act 1975, and
- (b) the Social Security Act 1975,

they shall be deemed to be in that employment under a contract of service.

(4) References in this Part of this Act to the rent officer are references to any rent officer appointed for any area who is authorised to act in accordance with a scheme under this section.

(5) A scheme under this section may be varied or revoked by a subsequent scheme made thereunder.

(6) The Secretary of State shall, in respect of each financial year, make to any local authority incurring expenditure which is of a kind mentioned in subsection (7) below, a grant equal to that expenditure.

(7) The expenditure mentioned in subsection (6) above is any expenditure—

(a) attributable to this section, or

(b) incurred in respect of pensions, allowances or gratuities payable to or in respect of rent officers and deputy rent officers (appointed in pursuance of a scheme under this section) by virtue of regulations under section 7 of the Superannuation Act 1972 (superannuation of 1972 c. 11. persons employed in local government service).

(8) Any expenditure incurred by the Secretary of State by virtue of subsection (6) above shall be paid out of money provided by Parliament.

64.—(1) If the Secretary of State is of opinion that a local authority have failed to carry out any function conferred on them by a scheme under section 63 of this Act he may, after such enquiry as he thinks fit, by order revoke the scheme and, without consulting the local authority, make another scheme under that section.

Default powers of Secretary of State.

(2) A scheme made by virtue of subsection (1) above may confer functions otherwise exercisable by the local authority or the proper officer of the local authority on a person appointed by the Secretary of State and that person may, if another local authority consent, be that other local authority or, as the case may be, the proper officer of that other local authority.

(3) If the Secretary of State is of opinion that the proper officer of the local authority has failed to carry out any functions conferred on the proper officer by a scheme under section 63 he may (after consultation with the local authority) exercise his power under subsection (5) of that section by making a scheme providing for all or any of the functions otherwise exercisable by the proper officer to be exercised by some other person.

(4) A scheme made by virtue of this section may contain such incidental and transitional provisions as appear to the Secretary of State to be necessary or expedient.

65. Rent assessment committees shall be constituted in accordance with Schedule 10 to this Act.

Rent assessment committees.

PART IV
Register
of rents.

66.—(1) The rent officer for any area shall prepare and keep up to date a register for the purposes of this Part of this Act and shall make the register available for inspection in such place or places and in such manner as may be provided by the scheme made for the area under section 63 of this Act.

(2) The register shall contain, in addition to the rent payable under a regulated tenancy of a dwelling-house—

- (a) the prescribed particulars with regard to the tenancy ;
and
- (b) a specification of the dwelling-house.

(3) A copy of an entry in the register certified under the hand of the rent officer or any person duly authorised by him shall be receivable in evidence in any court and in any proceedings.

(4) A person requiring such a certified copy shall be entitled to obtain it on payment of the prescribed fee.

Application
for
registration
of rent.

67.—(1) An application for the registration of a rent for a dwelling-house may be made to the rent officer by the landlord or the tenant, or jointly by the landlord and the tenant, under a regulated tenancy of the dwelling-house.

(2) Any such application must be in the prescribed form and contain the prescribed particulars in addition to the rent which it is sought to register.

(3) Subject to subsection (4) below, where a rent for a dwelling-house has been registered under this Part of this Act, no application by the tenant alone or by the landlord alone for the registration of a different rent for that dwelling-house shall be entertained before the expiry of 3 years from the relevant date (as defined in subsection (5) below) except on the ground that, since that date, there has been such a change in—

- (a) the condition of the dwelling-house (including the making of any improvement therein),
- (b) the terms of the tenancy,
- (c) the quantity, quality or condition of any furniture provided for use under the tenancy (deterioration by fair wear and tear excluded), or
- (d) any other circumstances taken into consideration when the rent was registered or confirmed,

as to make the registered rent no longer a fair rent.

(4) Notwithstanding anything in subsection (3) above, an application such as is mentioned in that subsection which is

made by the landlord alone and is so made within the last 3 months of the period of 3 years referred to in that subsection may be entertained notwithstanding that that period has not expired.

(5) In this section and sections 68 and 69 of this Act “the relevant date”, in relation to a rent which has been registered under this Part of this Act, means:—

- (a) where on an application for the registration of a different rent the registered rent has been confirmed, the date of that application or, if there was more than one such application, the date of the last of them;
- (b) where on an application under section 8 of the Housing Rents and Subsidies Act 1975 a rent is substituted for the rent previously registered, the date as from which the substituted rent takes effect; and 1975 c. 6.
- (c) in any other case, the date on which the registration of rent took effect.

(6) No application for the registration of a rent for a dwelling-house shall be entertained at a time when there is in operation, with respect to that dwelling-house, a condition relating to rent imposed under any of the following enactments:—

- (a) section 3 of the Housing (Financial Provisions) Act 1938; 1938 c. 16.
- (b) section 46(1) of the Housing (Financial Provisions) Act 1958; or 1958 c. 42.
- (c) section 104(3) of the Housing Act 1957. 1957 c. 56.

(7) Subject to section 69(4) of this Act, the provisions of Part I of Schedule 11 to this Act shall have effect with respect to the procedure to be followed on applications for the registration of rents.

68.—(1) A local authority may apply to the rent officer for consideration of the fair rent for any dwelling-house within their area for which a rent may be or has been registered under this Part of this Act. Application to rent officer by local authority.

(2) If on the application the rent officer is satisfied that the rent, or the highest rent, payable for the dwelling-house under any lease or agreement exceeds what in his opinion is a fair rent, he shall register a rent for the dwelling-house.

(3) The rent officer may under subsection (2) above take account of the rent payable under any lease or agreement whether or not that exceeds the recoverable rent and whether or not the lease or agreement has taken effect.

(4) Where a rent for a dwelling-house has been registered under this Part of this Act, no application under this section

PART IV

shall be entertained before the expiry of 3 years from the relevant date (as defined in section 67(5) of this Act) except on the ground that, since that date, there has been such a change in—

- (a) the condition of the dwelling-house (including the making of any improvement therein);
- (b) the terms of the tenancy;
- (c) the quantity, quality or condition of any furniture provided for use under the tenancy (deterioration by fair wear and tear excluded), or
- (d) any other circumstances taken into consideration when the rent was registered or confirmed,

as to make the registered rent no longer a fair rent.

(5) For the purposes of section 67(5)(a), a case where the rent officer does not register a rent on an application under this section shall not be treated as a confirmation of any rent already registered.

(6) Section 67(6) of this Act shall apply to an application under this section as it applies to an application for the registration of a rent.

(7) Regulations shall be made under section 74 of this Act prescribing the procedure on an application under this section, and the regulations shall prescribe the notices to be given to, and the rights to make representations of, the landlord and tenant.

(8) The regulations shall confer on the landlord and the tenant a right to object to the determination of a rent by the rent officer on an application under this section and, on receipt of such an objection in circumstances prescribed by the regulations, shall provide for the reference of the matter to a rent assessment committee.

(9) In this section “local authority” means a local authority to whom section 149 of this Act applies.

Certificate
of fair rent.

69.—(1) A person intending—

- (a) to provide a dwelling-house by the erection or conversion of any premises or to make any improvements in a dwelling-house, or
- (b) to let on a regulated tenancy a dwelling-house which is not for the time being subject to such a tenancy and which satisfies the condition either—
 - (i) that no rent for it is registered under this Part of this Act, or
 - (ii) that a rent is so registered but not less than 3 years have elapsed since the relevant date (as defined in section 67(5) of this Act),

may apply to the rent officer for a certificate (to be known as a certificate of fair rent) specifying a rent which, in the opinion

of the rent officer, would be a fair rent under a regulated tenancy of the dwelling-house or, as the case may be, of the dwelling-house after the erection or conversion or after the completion of the improvements.

(2) The regulated tenancy to which the application for the certificate of fair rent relates shall be assumed to be a tenancy on such terms as may be specified in the application and, except in so far as other terms are so specified, on the terms that the tenant would be liable for internal decorative repairs, but no others, and that no services or furniture would be provided for him.

(3) Schedule 12 to this Act shall have effect with respect to applications for certificates of fair rent.

(4) Subject to section 67(6) of this Act, where a certificate of fair rent has been issued in respect of a dwelling-house, an application for the registration of a rent for the dwelling-house in accordance with the certificate may be made within 3 years of the date of the certificate either—

- (a) by the landlord under such a regulated tenancy of the dwelling-house as is specified in the certificate ; or
- (b) by a person intending to grant such a regulated tenancy of the dwelling-house ;

and in lieu of the provisions of Part I of Schedule 11 to this Act, the provisions of Part II of that Schedule shall have effect with respect to an application so made.

(5) In this section “improvement”, in addition to having the meaning given by section 75 of this Act, shall be construed in accordance with paragraph 2(2) of Schedule 20 to this Act.

70.—(1) In determining, for the purposes of this Part of this Act, what rent is or would be a fair rent under a regulated tenancy of a dwelling-house, regard shall be had to all the circumstances (other than personal circumstances) and in particular to—

- (a) the age, character, locality and state of repair of the dwelling-house, and
- (b) if any furniture is provided for use under the tenancy, the quantity, quality and condition of the furniture.

(2) For the purposes of the determination it shall be assumed that the number of persons seeking to become tenants of similar dwelling-houses in the locality on the terms (other than those relating to rent) of the regulated tenancy is not substantially greater than the number of such dwelling-houses in the locality which are available for letting on such terms.

PART IV

(3) There shall be disregarded—

- (a) any disrepair or other defect attributable to a failure by the tenant under the regulated tenancy or any predecessor in title of his to comply with any terms thereof ;
- (b) any improvement carried out, otherwise than in pursuance of the terms of the tenancy, by the tenant under the regulated tenancy or any predecessor in title of his ;
- (c) the provision in the locality after the material date of any new amenity or the improvement after that date of any amenity already existing in the locality, where the amenity is provided or improved—
 - (i) at the cost of a person other than the landlord or a superior landlord or a predecessor in title of the landlord or a superior landlord, or
 - (ii) by a body of a public nature which is a superior landlord, in the exercise of functions of a public nature ;
- (d) any deterioration after the material date in the amenities of the locality (including the disappearance of any of them) other than a deterioration attributable to any act or omission of the landlord or a superior landlord or a predecessor in title of the landlord or a superior landlord ; and
- (e) if any furniture is provided for use under the regulated tenancy, any improvement to the furniture by the tenant under the regulated tenancy or any predecessor in title of his or, as the case may be, any deterioration in the condition of the furniture due to any ill-treatment by the tenant, any person residing or lodging with him, or any sub-tenant of his.

(4) In this section “improvement” includes the replacement of any fixture or fitting.

(5) In subsection (3)(c) and (d) above “the material date” means—

- (a) where a rent is registered under this Part of this Act, the relevant date, as defined in section 67(5) of this Act, and
- (b) where no rent is registered under this Part, 8th March 1971.

Amount to be registered as rent.

71.—(1) The amount to be registered as the rent of any dwelling-house shall include any sums payable by the tenant to the landlord for the use of furniture or for services, whether or

not those sums are separate from the sums payable for the occupation of the dwelling-house or are payable under separate agreements.

PART IV

(2) Where any rates in respect of a dwelling-house are borne by the landlord or a superior landlord, the amount to be registered under this Part of this Act as the rent of the dwelling-house shall be the same as if the rates were not so borne; but the fact that they are so borne shall be noted on the register.

(3) Where subsection (2) above applies, the amount of the rates for any rental period, ascertained in accordance with Schedule 5 to this Act—

- (a) shall, subject to paragraphs 1(4) and 4(3) of Schedule 9 to this Act, be added to the limit imposed by section 44(1) of this Act or, in relation to any such contractual period as is mentioned in paragraph (b) of section 55(1) of this Act, to the limit imposed by that paragraph; and
- (b) if the rental period is a statutory period, as defined in section 61 of this Act, shall be recoverable, without service of any notice of increase, in addition to the sums recoverable from the tenant apart from this subsection.

(4) Where, under a regulated tenancy, the sums payable by the tenant to the landlord include any sums varying according to the cost from time to time of—

- (a) any services provided by the landlord or a superior landlord, or
- (b) any works of maintenance or repair carried out by the landlord or a superior landlord,

the amount to be registered under this Part of this Act as rent may, if the rent officer is satisfied or, as the case may be, the rent assessment committee are satisfied, that the terms as to the variation are reasonable, be entered as an amount variable in accordance with those terms.

72.—(1) Unless the rent officer or, as the case may be, the rent assessment committee determine that it shall take effect as from a later date, the registration of any rent for a dwelling-house shall take effect—

Effect of registration of rent.

- (a) in a case where (by virtue of subsection (4) of section 67 of this Act) an application is made before the expiry of the period of three years referred to in subsection (3) of that section, as from the first day after the expiry of that period of 3 years;

PART IV
1975 c. 6.

(b) in a case where, on an application under section 8 of the Housing Rents and Subsidies Act 1975, a new rent has been substituted for the rent previously registered, as from the date as from which the registration of the rent for which the new registered rent was substituted took effect ; and

(c) in any other case, as from the date of the application.

(2) The date from which the registration takes effect shall be entered in the register and as from that date any previous registration of a rent for the dwelling-house shall cease to have effect.

(3) Where a valid notice of increase under any provision of Part III of this Act has been served on a tenant and, in consequence of the registration of a rent, part but not the whole of the increase specified in the notice becomes irrecoverable from the tenant, the registration shall not invalidate the notice, but the notice shall, as from the date from which the registration takes effect, have effect as if it specified such part only of the increase as has not become irrecoverable.

Cancellation
of registration
of rent.

73.—(1) An application may be made in accordance with this section for the cancellation of the registration of a rent for a dwelling-house where—

(a) a rent agreement as respects the dwelling-house takes effect, or is to take effect, after the expiration of a period of 3 years beginning with the relevant date (as defined in section 67(5) of this Act), and

(b) the period for which the tenancy has effect cannot end, or be brought to an end by the landlord (except for non-payment of rent or a breach of the terms of the tenancy), earlier than 12 months after the date of the application, and

(c) the application is made jointly by the landlord and the tenant under the agreement.

(2) The rent agreement may be one providing that the agreement does not take effect unless the application for cancellation of registration is granted.

(3) An application under this section must be in the prescribed form and contain the prescribed particulars, and must be accompanied by a copy of the rent agreement.

(4) If the rent officer is satisfied that the rent, or the highest rent, payable under the rent agreement does not exceed a fair rent for the dwelling-house, he shall cancel the registration.

(5) Where under the terms of the rent agreement the sums payable by the tenant to the landlord include any sums varying

according to the cost from time to time of any services provided by the landlord or a superior landlord, or of any works of maintenance or repair carried out by the landlord or a superior landlord, the rent officer shall not cancel the registration unless he is satisfied that those terms are reasonable.

(6) The cancellation shall not take effect until the date when the agreement takes effect; and if the cancellation is registered before that date, the date on which it is to take effect shall be noted on the register.

(7) The cancellation of the registration shall be without prejudice to a further registration of a rent at any time after cancellation.

(8) The rent officer shall notify the applicants of his decision to grant, or to refuse, any application under this section.

(9) In this section "rent agreement" means—

- (a) an agreement increasing the rent payable under a protected tenancy which is a regulated tenancy, or
- (b) where a regulated tenancy is terminated, and a new regulated tenancy is granted at a rent exceeding the rent under the previous tenancy, the grant of the new tenancy.

74.—(1) The Secretary of State may make regulations—

Regulations.

- (a) prescribing the form of any notice, application, register or other document to be given, made or used in pursuance of this Part of this Act;
- (b) regulating the procedure to be followed by rent officers and rent assessment committees; and
- (c) prescribing anything required or authorised to be prescribed by this Part of this Act.

(2) Regulations under subsection (1)(b) above may contain provisions modifying the following provisions of this Act:—

- (a) Section 67, 69 or 72;
- (b) Part I or II of Schedule 11;
- (c) Schedule 12;

but no regulations containing such provisions shall have effect unless approved by a resolution of each House of Parliament.

(3) Regulations made under this section shall be made by statutory instrument which, except in a case falling within subsection (2) above, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

75.—(1) In this Part of this Act, except where the context otherwise requires—

Interpretation
of Part IV.

"improvement" includes structural alteration, extension or addition and the provision of additional fixtures or

PART IV

fittings, but does not include anything done by way of decoration or repair ;

“ prescribed ” means prescribed by regulations under section 74 of this Act, and references to a prescribed form include references to a form substantially to the same effect as the prescribed form.

(2) References in this Part of this Act to rates, in respect of a dwelling-house, include references to such proportion of any rates in respect of a hereditament of which the dwelling-house forms part as may be agreed in writing between the landlord and the tenant or determined by the county court.

PART V

RENTS UNDER RESTRICTED CONTRACTS

Rent tribunals

Rent tribunals.

76.—(1) There shall continue to be a tribunal (in this Act referred to as a “ rent tribunal ”) for each area which is a district for the purposes of this Part of this Act and Schedule 13 to this Act shall have effect with respect to rent tribunals.

(2) Each of the following areas is a district for the purposes of this Part of this Act:—

- (a) a non-metropolitan county ;
- (b) a metropolitan district ;
- (c) a London borough ; and
- (d) the City of London which, for this purpose, shall include the Inner Temple and the Middle Temple.

(3) The Secretary of State may direct—

- (a) that an area consisting of the whole or part of any 2 or more of the districts referred to in subsection (2) above shall be treated as a single district for the purposes of this Part of this Act ; or
- (b) that different parts of any such district as is referred to in that subsection shall be treated as separate districts for those purposes.

Control of rents

Reference of contracts to rent tribunals and obtaining by them of information.

77.—(1) Either the lessor or the lessee under a restricted contract or the local authority may refer the contract to the rent tribunal for the district in question.

(2) Where a restricted contract is referred to a rent tribunal under subsection (1) above they may, by notice in writing served on the lessor, require him to give to them, within such

period (not less than 7 days from the date of the service of the notice) as may be specified in the notice, such information as they may reasonably require regarding such of the prescribed particulars relating to the contract as are specified in the notice. PART V

(3) If, within the period specified in a notice under subsection (2) above, the lessor fails without reasonable cause to comply with the provisions of the notice he shall be liable on a first conviction to a fine not exceeding £50 and on a second or subsequent conviction to a fine not exceeding £100.

(4) Proceedings for an offence under this section shall not be instituted otherwise than by the local authority.

78.—(1) Where a restricted contract is referred to a rent tribunal and the reference is not, before the tribunal have entered upon consideration of it, withdrawn by the party or authority who made it, the tribunal shall consider it. Powers of rent tribunals on reference of contracts.

(2) After making such inquiry as they think fit and giving to—

(a) each party to the contract, and

(b) if the general management of the dwelling is vested in and exercisable by a housing authority, that authority,

an opportunity of being heard or, at his or their option, of submitting representations in writing, the tribunal, subject to subsections (3) and (4) below,—

(i) shall approve the rent payable under the contract, or

(ii) shall reduce or increase the rent to such sum as they may, in all the circumstances, think reasonable, or

(iii) may, if they think fit in all the circumstances, dismiss the reference,

and shall notify the parties and the local authority of their decision.

(3) On the reference of a restricted contract relating to a dwelling for which a rent is registered under Part IV of this Act, the rent tribunal may not reduce the rent payable under the contract below the amount which would be recoverable from the tenant under a regulated tenancy of the dwelling.

(4) An approval, reduction or increase under this section may be limited to rent payable in respect of a particular period.

(5) In subsection (1) above “housing authority” means a council which is a local authority for the purposes of Part V of the Housing Act 1957.

1957 c. 56.

79.—(1) The local authority shall prepare and keep up to date a register for the purposes of this Part of this Act and shall make the register available for inspection in such place Register of rents under restricted contracts.

PART V

or places and in such manner as the Secretary of State may direct.

(2) The register shall be so prepared and kept up to date as to contain, with regard to any contract relating to a dwelling situated in the area of the local authority and under which a rent is payable which has been approved, reduced or increased under section 78 of this Act, entries of—

- (a) the prescribed particulars with regard to the contract ;
- (b) a specification of the dwelling to which the contract relates ; and
- (c) the rent as approved, reduced or increased by the rent tribunal, and, in a case in which the approval, reduction or increase is limited to rent payable in respect of a particular period, a specification of that period.

(3) Where any rates in respect of a dwelling are borne by the lessor or any person having any title superior to that of the lessor, the amount to be entered in the register under this section as the rent payable for the dwelling shall be the same as if the rates were not so borne ; but the fact that they are so borne shall be noted in the register.

(4) It shall be the duty of the rent tribunal when, under section 78(2) of this Act, they notify the local authority of their decision in a case, to furnish to the local authority such particulars as are requisite for enabling them to discharge their functions under subsections (1) to (3) above.

(5) A copy of an entry in the register certified under the hand of an officer duly authorised in that behalf by the local authority shall be receivable in evidence in any court and in any proceedings.

(6) A person requiring such a certified copy shall be entitled to obtain it on payment of the prescribed fee.

**Recon-
sideration
of rent after
registration.**

80.—(1) Where the rent payable for any dwelling has been entered in the register under section 79 of this Act the lessor or the lessee or the local authority may refer the case to the rent tribunal for reconsideration of the rent so entered.

(2) Where the rent under a restricted contract has been registered under section 79 of this Act, a rent tribunal shall not be required to entertain a reference, made otherwise than by the lessor and the lessee jointly, for the registration of a different rent for the dwelling concerned before the expiry of the period of 3 years beginning on the date on which the rent was last considered by the tribunal, except on the ground that, since that date, there has been such a change in—

- (a) the condition of the dwelling,
- (b) the furniture or services provided,
- (c) the terms of the contract, or

(d) any other circumstances taken into consideration when the rent was last considered, PART V
as to make the registered rent no longer a reasonable rent.

81.—(1) Where the rent payable for any dwelling is entered in the register under section 79 of this Act, it shall not be lawful to require or receive on account of rent for that dwelling under a restricted contract payment of any amount in excess of the rent so registered— Effect of registration of rent.

(a) in respect of any period subsequent to the date of the entry, or

(b) where a particular period is specified in the register, in respect of that period.

(2) Where subsection (3) of section 79 applies, the amount entered in the register under that section shall be treated for the purposes of this section as increased for any rental period by the amount of the rates for that period, ascertained in accordance with Schedule 5 to this Act.

(3) Where any payment has been made or received in contravention of this section, the amount of the excess shall be recoverable by the person by whom it was paid.

(4) Any person who requires or receives any payment in contravention of this section shall be liable to a fine not exceeding £100 or to imprisonment for a term not exceeding 6 months or both, and, without prejudice to any other method of recovery, the court by which a person is found guilty of an offence under this subsection may order the amount paid in excess to be repaid to the person by whom the payment was made.

(5) Proceedings for an offence under this section shall not be instituted otherwise than by the local authority.

Miscellaneous and general

82. Where a restricted contract is referred to a rent tribunal under this Part, or Part VII, of this Act and— Jurisdiction of rent tribunals.

(a) the contract relates to a dwelling consisting of or comprising part only of a hereditament, and

(b) no apportionment of the rateable value of the hereditament has been made under section 25 of this Act,

then, unless the lessor in the course of the proceedings requires that such an apportionment shall be made and, within 2 weeks of making the requirement, brings proceedings in the county court for the making of the apportionment, the rent tribunal shall have jurisdiction to deal with the reference if it appears to them that, had the apportionment been made, they would have had jurisdiction.

PART V
Local
authorities
for Part V.

83.—(1) For the purposes of this Part of this Act, the local authority shall be—

- (a) in a district or London borough, the council of the district or borough in question, and
- (b) in the City of London, the Common Council.

(2) The local authority shall have power to publish information regarding the provisions of this Part, and sections 103 to 106, of this Act.

Regulations.

84. The Secretary of State may by statutory instrument make regulations—

- (a) with regard to the tenure of office of chairmen and other members of rent tribunals ;
- (b) with regard to proceedings before rent tribunals under this Part, and Part VII, of this Act ;
- (c) for prescribing anything which is required by this Part of this Act to be prescribed ; and
- (d) generally for carrying into effect the provisions of this Part, and sections 103 to 106, of this Act.

**Interpretation
of Part V.**

85.—(1) In this Part of this Act, except where the context otherwise requires,—

- “ dwelling ” means a house or part of a house ;
- “ lessee ” means the person to whom is granted, under a restricted contract, the right to occupy the dwelling in question as a residence and any person directly or indirectly deriving title from the grantee ;
- “ lessor ” means the person who, under a restricted contract, grants to another the right to occupy the dwelling in question as a residence and any person directly or indirectly deriving title from the grantor ;
- “ register ” means the register kept by the local authority in pursuance of section 79 of this Act ;
- “ rent tribunal ” has the meaning assigned to it by section 76(1) of this Act ;
- “ services ” includes attendance, the provision of heating or lighting, the supply of hot water and any other privilege or facility connected with the occupancy of a dwelling, other than a privilege or facility requisite for the purposes of access, cold water supply or sanitary accommodation.

(2) References in this Part of this Act to a party to a contract include references to any person directly or indirectly deriving title from such a party.

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(3) Where separate sums are payable by the lessee of any dwelling to the lessor for any two or more of the following:—

- (a) occupation of the dwelling,
- (b) use of furniture, and
- (c) services,

any reference in this Part of this Act to “rent” in relation to that dwelling is a reference to the aggregate of those sums and, where those sums are payable under separate contracts, those contracts shall be deemed to be one contract.

(4) The references in sections 79(3) and 81(2) of this Act to rates, in respect of a dwelling, include references to such proportion of any rates in respect of a hereditament of which the dwelling forms part as may be agreed in writing between the lessor and the lessee or determined by the county court.

PART VI

RENT LIMIT FOR DWELLINGS LET BY HOUSING ASSOCIATIONS, HOUSING TRUSTS AND THE HOUSING CORPORATION

Registration of rents

86.—(1) In this Part of this Act “housing association tenancy” means a tenancy to which this Part of this Act applies. Tenancies to which Part VI applies.

(2) This Part of this Act applies to a tenancy where—

- (a) the interest of the landlord under that tenancy belongs to a housing association or housing trust, or to the Housing Corporation, and
- (b) the tenancy would be a protected tenancy but for section 15 or 16 of this Act, and is not a tenancy to which Part II of the Landlord and Tenant Act 1954 applies. 1954 c. 56.

(3) In this Part of this Act “housing association” has the meaning assigned to it for the purposes of the Housing Act 1957 by section 189(1) of that Act, except that it does not include any association which is a registered society within the meaning of section 74 of the Industrial and Provident Societies Act 1965 and whose rules—

- (a) restrict membership to persons who are tenants or prospective tenants of the association, and
- (b) preclude the granting or assigning of tenancies to persons other than members.

(4) In this Part of this Act “housing trust” means a corporation or body of persons which—

- (a) is required by the terms of its constituent instrument to devote the whole of its funds, including any surplus

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which may arise from its operations, to the following purposes, that is to say, the provision of houses for persons the majority of whom are in fact members of the working classes, and other purposes incidental thereto ; or

- (b) is required by the terms of its constituent instrument to devote the whole or substantially the whole of its funds to charitable purposes and in fact devotes the whole or substantially the whole of its funds to the purposes set out in paragraph (a) of this subsection.
- (5) In subsection (4) above “ house ” includes—
- (a) any yard, garden, outhouses and appurtenances belonging thereto or usually enjoyed therewith ; and
 - (b) any part of a building which is occupied or intended to be occupied as a separate dwelling.

Rents to be
registrable.

87.—(1) There shall be a part of the register under Part IV of this Act in which rents may be registered for dwelling-houses which are let, or are, or are to be, available for letting, under a housing association tenancy.

(2) In relation to that part of the register the following (and no other) provisions of this Act:—

- (a) sections 67, 69 and 70,
- (b) section 71, except subsection (3), and
- (c) Schedules 11 and 12,

shall apply in relation to housing association tenancies, and in their application to such tenancies shall have effect as if for any reference in those provisions to a regulated tenancy there were substituted a reference to a housing association tenancy.

(3) Registration in that part of the register shall take effect on the date of registration (subject to paragraph 10 of Schedule 24 to this Act).

(4) From the date of registration any previous registration of a rent for the dwelling-house shall cease to have effect.

(5) Where by virtue of subsection (4) of section 67 of this Act (as modified by subsection (2) above)—

- (a) an application is made before the expiry of the period of 3 years referred to in subsection (3) of that section, and
- (b) a new rent is registered before the expiry of that period of 3 years,

the references in subsections (3) and (4) above, in subsections (2) and (3) of section 89, and the last reference in section 90(2),

of this Act, to the date of registration shall be construed as references to the first day after the expiry of that period of 3 years.

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(6) A rent registered in any part of the register for a dwelling-house which becomes, or ceases to be, one subject to a housing association tenancy, shall be as effective as if it were registered in any other part of the register.

Rent limit

88.—(1) Where the rent payable under a tenancy would exceed the rent limit determined in accordance with this Part of this Act, the amount of the excess shall be irrecoverable from the tenant. Rent limit.

(2) Where a rent for the dwelling-house is registered, then, subject to sections 89 and 90 of this Act, the rent limit is the rent so registered.

(3) Where any rates in respect of the dwelling-house are borne by the landlord, or a superior landlord, the amount of those rates for any rental period, ascertained in accordance with Schedule 5 to this Act, shall be added to the limit imposed by subsection (2) above, and in this Part of this Act references to the amount of the registered rent include any amount to be added under this subsection.

(4) Where no rent for the dwelling-house is registered, then, subject to subsection (5) below, the rent limit shall be determined as follows:—

- (a) if the lease or agreement creating the tenancy was made before 1st January 1973, the rent limit is the rent recoverable under the tenancy, as varied by any agreement made before that date (but not as varied by any later agreement);
- (b) if paragraph (a) above does not apply, and, not more than 3 years before the tenancy began, the dwelling-house was subject to another tenancy (whether before 1973 or later) the rent limit is the rent recoverable under that other tenancy (or, if there was more than one, the last of them) for the last rental period thereof;
- (c) if paragraphs (a) and (b) above do not apply, the rent limit is the rent payable under the terms of the lease or agreement creating the tenancy (and not the rent so payable under those terms as varied by any subsequent agreement).

(5) The reference in subsection (4)(b) above to another tenancy includes, in addition to a housing association tenancy, a regulated tenancy—

- (a) which subsisted at any time after 1st April 1975; and

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(b) under which, immediately before it came to an end, the interest of the landlord belonged to a housing association.

(6) Where for any period there is a difference between the amount (if any) of the rates borne by the landlord or a superior landlord in respect of the dwelling-house and the amount (if any) so borne in the rental period on which the rent limit is based, the rent limit under this Part of this Act shall be increased or decreased by the amount of the difference.

(7) A tenancy commencing (whether before or after the coming into force of this Act) while there is in operation a condition imposed under any of the following enactments:—

- 1924 c. 35. (a) section 2 of the Housing (Financial Provisions) Act 1924 ;
- 1938 c. 16. (b) section 3 of the Housing (Financial Provisions) Act 1938
1958 c. 42. or section 46(1) of the Housing (Financial Provisions) Act 1958 ;
- 1949 c. 60. (c) section 23 of the Housing Act 1949 ; and
- 1952 c. 53. (d) section 3 of the Housing Act 1952 or section 104(3) of
1957 c. 56. the Housing Act 1957 ;

(which impose rent limits on tenancies of subsidised private houses) shall be disregarded for the purposes of subsection (4)(b) above in determining the rent limit under any subsequent tenancy of the dwelling-house.

Phasing of
progression to
registered
rent.

89.—(1) This section applies where a rent is registered for a dwelling-house (whether it is the first or any subsequent registration) unless at the date of registration there is no tenant and no person to whom a tenancy has been granted.

(2) The rent limit shall progress from the rent limit immediately before the date of registration to the registered rent in stages, and—

- (a) for any rental period beginning in the first stage, the rent limit shall be the rent limit immediately before the date of registration plus £0.75 per week, or the registered rent, whichever is the less ;
- (b) for any rental period beginning in the second or any subsequent stage, the rent limit shall be the rent payable for the first rental period of the last previous stage plus £0.75 per week, or the registered rent, whichever is the less.

(3) The first stage shall last for 52 weeks from the date of registration, or from the beginning of the first rental period for which the rent is first increased (by any amount) on or after that date, whichever is the later.

(4) Any subsequent stage shall last 52 weeks from the end of the last previous stage, or from the beginning of the first rental period for which the rent is first increased (by any amount) after the end of the last previous stage, whichever is the later.

(5) If a tenancy of the dwelling-house is granted at any time when—

(a) the rent limit is less than the registered rent, and

(b) the tenant is neither the person who, at the time when the previous tenancy (or the last previous tenancy) ended, was the tenant under that tenancy nor a member of that tenant's family who resided with him,

the registered rent shall become the rent limit from the beginning of the new tenancy, and the stages by which the rent limit was to progress shall terminate.

(6) The registration of a lower or higher rent during the progression from the rent limit in force before the prior registration shall not alter the stages by which the rent limit is to progress.

(7) If a higher rent is registered in the 52 weeks beginning with the first rental period for which the rent is increased up to the rent registered on the prior registration, the first stage in the progression from that rent up to the later registered rent shall not begin until the end of that period of 52 weeks.

(8) If for any rental period beginning after the date of registration there is a difference between the amount (if any) of the rates borne by the landlord or a superior landlord in respect of the dwelling-house and the amount (if any) so borne immediately before the date of registration, any limit imposed by this section for that rental period shall be increased or decreased by the amount of the difference, but not so as to enable any rent to be increased above the rent limit under section 88 of this Act.

(9) An increase of rent made solely to reflect an increase in the amount of rates borne by the landlord or a superior landlord shall be disregarded for the purposes of subsections (3) and (4) above.

90.—(1) Where the rent limit for a dwelling-house immediately before the date of registration of a rent for that dwelling-house exceeded the rent so registered, the registration shall be provisional only until it takes effect in accordance with this section.

Previous rent limit exceeding registered rent: special rent limit.

(2) If—

(a) no application is made under this section to the Secretary of State before—

(i) the expiration of a period of 28 days beginning with the date of registration or,

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(ii) where a rent determined by a rent assessment committee is registered in substitution for a rent determined by the rent officer, and it is lower than the rent for which it is substituted, the expiration of a period of 28 days beginning with the date of registration of the substituted rent, or

(b) an application duly made to the Secretary of State under this section is refused,

the registration shall cease to be provisional, and shall take effect as from the date of registration.

(3) The Secretary of State may, on an application made to him within the relevant period of 28 days mentioned in subsection (2)(a) above, grant the application and direct that the rent limit for the dwelling-house shall be such amount as is specified in the direction, being an amount not more than the said previous rent limit, but more than the rent which is provisionally registered.

The Secretary of State may include in a direction under this subsection such conditions as he thinks fit, and if any condition is not complied with the direction shall cease to have effect.

(4) The period for which the direction has effect shall begin with the date of the provisional registration, and the date when, subject to subsection (5) and (6) below, that period is to end shall be specified in the direction, being a date not more than 3 years and 6 months from the date of the provisional registration.

(5) The direction shall cease to have effect—

(a) if on a subsequent application for registration a different rent is registered for the dwelling-house, and that rent is equal to or exceeds the rent specified in the direction,
or

(b) the rent assessment committee determine a rent in substitution for the rent registered by the rent officer, and that rent is equal to or exceeds the rent specified in the direction, or

(c) the applicant ceases to be the landlord of the dwelling-house.

(6) Subject to subsection (5) above, if on the date specified as the end of the period under subsection (4) above a subsequent application for registration is pending, the direction shall continue in force until that application has been disposed of by the rent officer.

(7) When the period for which a direction has effect ends, and the provisional registration is not superseded by a new

registration under subsection (5)(a) or (b) above, the registration shall cease to be provisional and except for the purposes of section 67 of this Act shall take effect at the time when the period ends.

(8) The rent officer shall notify the tenant of any case where a registration is by virtue of this section a provisional registration.

(9) This section applies whether the registration mentioned in subsection (1) above is the first or any subsequent registration and, in the case of a subsequent registration, whether or not the rent limit immediately before the date of registration was that fixed by a direction under this section.

(10) A confirmation of a rent by the rent officer shall be treated for the purposes of this section as a registration of a rent which, whether or not it is a provisional registration, supersedes the registration in force prior to the confirmation.

91.—(1) An application under section 90 of this Act shall be in such form as the Secretary of State may direct either generally or in any particular case, and the applicant shall give notice of the application to the rent officer, and shall take all reasonable steps to give notice of the application to the tenant of each dwelling-house which would be affected by a direction given on the application.

Special rent
limit:
procedure on
application.

(2) The Secretary of State in entertaining the application—

- (a) shall take into consideration the information about the finances of the applicant given to him on the application, and any further information given by the applicant at his request, and
- (b) shall not give a direction unless he is satisfied that the direction is necessary having regard to the applicant's normal sources of income, and to the expenditure (including loan charges) which in his opinion it is reasonable for the applicant to incur in the exercise of housing functions.

(3) The Secretary of State shall give notice in writing of his decision on the application to the applicant and to the rent officer and, where the decision is to grant the application, the notice shall include particulars of the direction given on the application.

(4) The rent officer shall note in the register—

- (a) any application notified to him by the applicant, and
- (b) any direction given and the period for which it is effective, and
- (c) any decision of the Secretary of State not to grant an application.

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(5) The applicant shall take all reasonable steps to notify the tenant of each dwelling-house affected of any case where the Secretary of State decides to grant or not to grant an application and, where the decision is to grant the application, the notice shall include particulars of the direction given on the application.

(6) In this section—

“housing functions” means constructing, improving or managing or facilitating or encouraging the construction or improvement of dwellings, the provision of dwellings by conversion and the acquisition of dwellings, and includes functions which are supplemental or incidental to any of those functions,

“loan charges” includes any loan charges made by a housing association (including charges for debt management) whether in respect of borrowing from any capital fund kept by the housing association, or in respect of borrowing between accounts kept by the housing association for different functions, or otherwise.

Conversion to regulated tenancies

Conversion of housing association tenancies into regulated tenancies.

92.—(1) If at any time, by virtue of subsections (1) and (3) of section 15 of this Act, a tenancy ceases to be one to which this Part of this Act applies and becomes a protected tenancy, that tenancy shall be a regulated tenancy and the housing association which is the landlord under that tenancy shall give notice in writing to the tenant, in such form as may be prescribed, informing him that his tenancy is no longer excluded from protection under this Act.

(2) If, without reasonable excuse, a housing association fails to give notice to a tenant under subsection (1) above within the period of 21 days beginning on the day on which his tenancy becomes a protected tenancy, the association shall be liable to a fine not exceeding £100.

(3) Where an offence under subsection (2) above committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager or secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(4) Schedule 14 to this Act shall have effect for supplementing this section.

(5) In this section—

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“housing association” has the same meaning as in section 189(1) of the Housing Act 1957; and

1957 c. 56.

“prescribed” means prescribed by order made by the Secretary of State.

(6) The power of the Secretary of State to make an order under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) An order under this section may be varied or revoked by a subsequent order.

Miscellaneous

93.—(1) Subject to subsections (2) and (3) below, where a housing association tenancy is a weekly or other periodical tenancy, the rent payable to the housing association or, as the case may be, the housing trust or the Housing Corporation (in this section called “the landlord”) may, without the tenancy being terminated, be increased with effect from the beginning of any rental period by a written notice of increase given by the landlord to the tenant—

Increase of rent without notice to quit.

- (a) not later than 4 weeks before the beginning of the rental period (or any earlier date on which the payment of rent in respect of that period falls to be made), and
- (b) not later than the time when a notice to quit would have to be served if it were to be effective to terminate the tenancy at the beginning of the said rental period.

(2) Where notice of increase is given under subsection (1) above for the beginning of a rental period and the tenancy continues into that period, the notice shall nevertheless not have effect if the tenancy is terminated by notice given by the tenant in accordance with the provisions (express or implied) of the tenancy and—

- (a) the notice to terminate the tenancy is given before the end of the period of 2 weeks following the date on which the notice of increase is given, or such longer period as may be allowed by the notice of increase, and
- (b) the date on which the tenancy is made to terminate is not later than the earliest day on which the tenancy could be terminated by a notice given by the tenant on the last day of that period.

(3) A notice of increase under subsection (1) above shall not be valid unless it tells the tenant of his right to terminate the tenancy and of the steps to be taken by him if he wishes to do

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so, and it also gives him the dates by which, if the increase is not to be effective, notice to terminate the tenancy must be received by the landlord and the tenancy be made to terminate.

(4) This section shall apply to a tenancy notwithstanding that the letting took place before the coming into force of this Act.

(5) Nothing in this section shall authorise any rent to be increased above the rent limit, and any reference in section 88 of this Act to the variation by agreement of the rent recoverable under a tenancy shall include a reference to variation under this section.

Recovery from landlord of sums paid in excess of recoverable rent, etc.

94.—(1) Where a tenant has paid on account of rent any amount which, by virtue of this Part of this Act, is irrecoverable by the landlord, the tenant who paid it shall be entitled to recover that amount from the landlord who received it or his personal representatives.

(2) Any amount which a tenant is entitled to recover under subsection (1) above may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the landlord.

(3) No amount which a tenant is entitled to recover under subsection (1) above shall be recoverable at any time after the expiry of 2 years from the date of payment.

(4) Any person who, in any rent book or similar document, makes an entry showing or purporting to show any tenant as being in arrears in respect of any sum on account of rent which is irrecoverable by virtue of this Part of this Act shall be liable to a fine not exceeding £50, unless he proves that, at the time of the making of the entry, the landlord had a bona fide claim that the sum was recoverable.

(5) If, where any such entry has been made by or on behalf of any landlord, the landlord on being requested by or on behalf of the tenant to do so, refuses or neglects to cause the entry to be deleted within 7 days, the landlord shall be liable to a fine not exceeding £50, unless he proves that, at the time of the neglect or refusal to cause the entry to be deleted, he had a bona fide claim that the sum was recoverable.

Duty of landlord to supply statement of rent under previous tenancy.

95.—(1) Where the rent payable under a tenancy is subject to the rent limit specified in section 88(4)(b) of this Act, the landlord shall, on being so requested in writing by the tenant, supply him with a statement in writing of the rent which was payable for the last rental period of the other tenancy referred to in that subsection.

(2) If, without reasonable excuse, a landlord who has received such a request—

(a) fails to supply the statement referred to in subsection (1) above within 21 days of receiving the request, or

(b) supplies a statement which is false in any material particular,

he shall be liable on a first conviction to a fine not exceeding £50 and, on a second or subsequent conviction, to a fine not exceeding £100.

(3) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager or secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

96.—(1) Where a rent determined by a rent assessment committee is registered in substitution for a rent determined by the rent officer, the date of registration shall be deemed for the purposes of this Part of this Act to be the date on which the rent determined by the rent officer was registered. Supplemental.

(2) A landlord shall not by virtue of subsection (1) above be entitled to recover any rent for a rental period beginning before the date when the rent determined by the rent assessment committee was registered.

(3) A county court shall have jurisdiction, either in the course of any proceedings relating to a dwelling-house or on an application made for the purpose by the landlord or the tenant, to determine any question as to the rent limit under this Part of this Act, or as to any matter which is or may become material for determining any such question.

(4) In ascertaining for the purposes of this Part of this Act whether there is any difference with respect to rents or rates between one rental period and another (whether of the same tenancy or not) or the amount of any such difference, any necessary adjustments shall be made to take account of periods of different lengths.

(5) For the purposes of such an adjustment a period of one month shall be treated as equivalent to one-twelfth of a year and a period of a week as equivalent to one-fifty-second of a year.

97.—(1) In this Part of this Act, except where the context otherwise requires— Interpretation
of Part VI.

“housing association”, “housing association tenancy” and “housing trust” have the meanings assigned to them by section 86 of this Act; and

“tenancy” means a housing association tenancy.

PART VI

(2) In this Part of this Act references to registration are, subject to section 87(5) of this Act and unless the context otherwise requires, references to registration pursuant to section 87.

(3) It is hereby declared that any power of giving directions conferred on the Secretary of State by this Part of this Act includes power to vary or revoke directions so given.

PART VII

SECURITY OF TENURE

Limitations on recovery of possession of dwelling-houses let on protected tenancies or subject to statutory tenancies

Grounds for possession of certain dwelling-houses.

98.—(1) Subject to this Part of this Act, a court shall not make an order for possession of a dwelling-house which is for the time being let on a protected tenancy or subject to a statutory tenancy unless the court considers it reasonable to make such an order and either—

- (a) the court is satisfied that suitable alternative accommodation is available for the tenant or will be available for him when the order in question takes effect, or
- (b) the circumstances are as specified in any of the Cases in Part I of Schedule 15 to this Act.

(2) If, apart from subsection (1) above, the landlord would be entitled to recover possession of a dwelling-house which is for the time being let on or subject to a regulated tenancy, the court shall make an order for possession if the circumstances of the case are as specified in any of the Cases in Part II of Schedule 15.

(3) Part III of Schedule 15 shall have effect in relation to Case 9 in that Schedule and for determining the relevant date for the purposes of the Cases in Part II of that Schedule.

(4) Part IV of Schedule 15 shall have effect for determining whether, for the purposes of subsection (1)(a) above, suitable alternative accommodation is or will be available for a tenant.

Grounds for possession of certain dwelling-houses let to agricultural workers, etc.

99.—(1) This section applies to any protected or statutory tenancy which—

- (a) if it were a tenancy at a low rent, and
- (b) if (where relevant) any earlier tenancy granted to the tenant, or to a member of his family, had been a tenancy at a low rent,

would be a protected occupancy or statutory tenancy as defined in the Rent (Agriculture) Act 1976.

1976 c. 80.

(2) Notwithstanding anything in section 98 of this Act, the court shall not make an order for possession of a dwelling-house which is for the time being let on or subject to a tenancy to

which this section applies unless the court considers it reasonable to make such an order and the circumstances are as specified in any of the Cases (except Case 8) in Part I of Schedule 15 to this Act or in either of the Cases in Schedule 16 to this Act.

(3) If, apart from subsection (2) above, the landlord would be entitled to recover possession of a dwelling-house which is for the time being let on or subject to a tenancy to which this section applies, the court shall make an order for possession if the circumstances are as specified in any of the Cases (except Cases 16 to 18) in Part II of Schedule 15 to this Act.

100.—(1) Subject to subsection (5) below, a court may adjourn, for such period or periods as it thinks fit, proceedings for possession of a dwelling-house which is let on a protected tenancy or subject to a statutory tenancy.

Extended discretion of court in claims for possession of certain dwelling-houses.

(2) On the making of an order for possession of such a dwelling-house, or at any time before the execution of such an order (whether made before or after the commencement of this Act), the court, subject to subsection (5) below, may—

(a) stay or suspend execution of the order, or

(b) postpone the date of possession,

for such period or periods as the court thinks fit.

(3) Any such adjournment as is referred to in subsection (1) above and any such stay, suspension or postponement as is referred to in subsection (2) above may be made subject to such conditions with regard to payment by the tenant of arrears of rent, rent or mesne profits and otherwise as the court thinks fit.

(4) If any such conditions as are referred to in subsection (3) above are complied with, the court may, if it thinks fit, discharge or rescind any such order as is referred to in subsection (2) above.

(5) This section shall not apply if the circumstances are as specified in any of the Cases in Part II of Schedule 15.

101.—(1) At any time when a dwelling-house to which this section applies is overcrowded, within the meaning of the Housing Act 1957, in such circumstances as to render the occupier guilty of an offence, nothing in this Part of this Act shall prevent the immediate landlord of the occupier from obtaining possession of the dwelling-house.

Overcrowded dwelling-houses. 1957 c. 56.

(2) This section applies to a dwelling-house which consists of premises used as a separate dwelling by members of the working classes or of a type suitable for such use.

PART VII
 Compensation
 for mis-
 representation
 or concealment
 in Cases
 8 and 9.

102. Where, in such circumstances as are specified in Case 8 or Case 9 in Schedule 15 to this Act, a landlord obtains an order for possession of a dwelling-house let on a protected tenancy or subject to a statutory tenancy and it is subsequently made to appear to the court that the order was obtained by misrepresentation or concealment of material facts, the court may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by that tenant as a result of the order.

Restricted contracts

Notice to quit
 served after
 reference of
 contract to
 rent tribunal.

103.—(1) If, after a restricted contract has been referred to a rent tribunal by the lessee or the local authority under section 77 or 80 of this Act, a notice to quit the dwelling to which the contract relates is served by the lessor on the lessee at any time before the decision of the tribunal is given or within the period of 6 months thereafter, then, subject to sections 105 and 106 of this Act, the notice shall not take effect before the expiry of that period.

(2) In a case falling within subsection (1) above,—

- (a) the rent tribunal may, if they think fit, direct that a shorter period shall be substituted for the period of 6 months specified in that subsection ; and
- (b) if the reference to the rent tribunal is withdrawn, the period during which the notice to quit is not to take effect shall end on the expiry of 7 days from the withdrawal of the reference.

Application
 to tribunal
 for security
 of tenure
 where notice
 to quit is
 served.

104.—(1) Subject to sections 105 and 106(3) of this Act, where—

- (a) a notice to quit a dwelling the subject of a restricted contract has been served, and
- (b) the restricted contract has been referred to a rent tribunal under section 77 or 80 of this Act (whether before or after the service of the notice to quit) and the reference has not been withdrawn, and
- (c) the period at the end of which the notice to quit takes effect (whether by virtue of the contract, of section 103 of this Act or of this section) has not expired,

the lessee may apply to the rent tribunal for the extension of that period.

(2) Where an application is made under this section, the notice to quit to which the application relates shall not have effect before the determination of the application unless the application is withdrawn.

(3) On an application under this section, the rent tribunal, after making such inquiry as they think fit and giving to each party an opportunity of being heard or, at his option, of submitting representations in writing, may direct that the notice to quit shall not have effect until the end of such period, not exceeding 6 months from the date on which the notice to quit would have effect apart from the direction, as may be specified in the direction.

(4) If the rent tribunal refuse to give a direction under this section,—

- (a) the notice to quit shall not have effect before the expiry of 7 days from the determination of the application; and
- (b) no subsequent application under this section shall be made in relation to the same notice to quit.

(5) On coming to a determination on an application under this section, the rent tribunal shall notify the parties of their determination.

105. Where a person who has occupied a dwelling as a residence (in this section referred to as “the owner-occupier”) has, by virtue of a restricted contract, granted the right to occupy the dwelling to another person and—

Notices to quit served by owner-occupiers.

- (a) at or before the time when the right was granted (or, if it was granted before 8th December 1965, not later than 7th June 1966) the owner-occupier has given notice in writing to that other person that he is the owner-occupier within the meaning of this section, and
- (b) if the dwelling is part of a house, the owner-occupier does not occupy any other part of the house as his residence,

neither section 103 nor 104 of this Act shall apply where a notice to quit the dwelling is served if, at the time the notice is to take effect, the dwelling is required as a residence for the owner-occupier or any member of his family who resided with him when he last occupied the dwelling as a residence.

106.—(1) Subsections (2) and (3) below apply where a restricted contract has been referred to a rent tribunal and the period at the end of which a notice to quit will take effect has been determined by virtue of section 103 of this Act or extended under section 104.

Reduction of period of notice on account of lessee's default.

(2) If, in a case where this subsection applies, it appears to the rent tribunal, on an application made by the lessor for a direction under this section,—

- (a) that the lessee has not complied with the terms of the contract, or

PART VII

- (b) that the lessee or any person residing or lodging with him has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers or has been convicted of using the dwelling, or allowing the dwelling to be used, for an immoral or illegal purpose, or
- (c) that the condition of the dwelling has deteriorated owing to any act or neglect of the lessee or any person residing or lodging with him, or
- (d) that the condition of any furniture provided for the use of the lessee under the contract has deteriorated owing to any ill-treatment by the lessee or any person residing or lodging with him,

the rent tribunal may direct that the period referred to in subsection (1) above shall be reduced so as to end at a date specified in the direction.

(3) No application may be made under section 104 of this Act with respect to a notice to quit if a direction has been given under subsection (2) above reducing the period at the end of which the notice is to take effect.

(4) In any case where—

- (a) a notice to quit a dwelling which is the subject of a restricted contract has been served, and
- (b) the period at the end of which the notice to quit takes effect is for the time being extended by virtue of section 103 or 104 of this Act, and
- (c) at some time during that period the lessor institutes proceedings in the county court for the recovery of possession of the dwelling, and
- (d) in those proceedings the county court is satisfied that any of paragraphs (a) to (d) of subsection (2) above applies,

the court may direct that the period referred to in paragraph (b) above shall be reduced so as to end at a date specified in the direction.

Miscellaneous

Interpretation
of Part VII.

107.—(1) In this Part of this Act, except where the context otherwise requires—

“dwelling” means a house or part of a house ;

“lessee” means the person to whom is granted, under a restricted contract, the right to occupy the dwelling in question as a residence and any person directly or indirectly deriving title from the grantee ; and

“lessor” means the person who, under a restricted contract, grants to another the right to occupy the dwelling in question as a residence and any person directly or indirectly deriving title from the grantor.

PART VII

(2) References in this Part of this Act to a party to a contract include references to any person directly or indirectly deriving title from such a party.

PART VIII

CONVERSION OF CONTROLLED TENANCIES INTO REGULATED TENANCIES

Dwelling-houses in good repair and provided with standard amenities

108.—(1) This section shall have effect with respect to a controlled tenancy of a dwelling-house which is certified by the local authority, on the application of the landlord, to satisfy the following conditions:—

Conversion of controlled tenancies.

(a) that it is provided with all the standard amenities for the exclusive use of its occupants;

(b) that it is in good repair, having regard to its age, character and locality and disregarding internal decorative repair; and

(c) that it is in all other respects fit for human habitation.

(2) On the issue of the certificate the tenancy shall cease to be a controlled tenancy and, except in the case mentioned in subsection (3) below, shall become a regulated tenancy.

(3) If the controlled tenancy is one to which Part II of the Landlord and Tenant Act 1954 would apply, apart from section 24(2) of this Act, or would so apply if the controlled tenancy were a tenancy within the meaning of the Act of 1954, it shall, when it ceases to be a controlled tenancy, be treated as a tenancy continuing by virtue of section 24 of the Act of 1954 after the expiry of a term of years certain.

1954 c. 56.

(4) The conditions mentioned in subsection (1) above are in this Part of this Act referred to as the “qualifying conditions” and a certificate issued in accordance with this section as a “qualification certificate”.

109.—(1) An application for a qualification certificate must state the name of the tenant under the controlled tenancy, and may be combined with an application for a grant under Part VII of the Housing Act 1974.

Application for qualification certificate.

1974 c. 44.

(2) Before considering an application for a qualification certificate the local authority shall serve on the person named in the application as the tenant a copy of the application and, where subsection (3) below applies, the notice required by that subsection.

PART VIII

(3) Subject to subsection (4) below and to section 110 of this Act, the local authority shall serve on the person so named a notice in the prescribed form—

- (a) informing him that he may, within 28 days from the service of the notice or such other period as may be prescribed, make representations to the authority that the dwelling-house does not satisfy the qualifying conditions, and
- (b) containing such other information or explanation of the effect of this Part of this Act as may be prescribed.

(4) Subsection (3) above shall not apply where the local authority have approved an application for a grant under section 2(1) or 9(1) of the Housing Act 1969 or section 61(1) or 65(1) of the Housing Act 1974 in respect of a dwelling-house and the work specified in the application for the grant has been carried out.

1969 c. 33.
1974 c. 44.

(5) Where, after considering any representations made in pursuance of subsection (3) above (where that subsection applies), the local authority are satisfied that the dwelling-house satisfies the qualifying conditions, they shall issue to the applicant a qualification certificate, but if they are not so satisfied they shall give notice to the applicant of their refusal of his application containing a written statement of their reasons for the refusal.

(6) The local authority shall send a copy of the certificate or of the notice of refusal to the tenant.

Certificate of
provisional
approval.

110.—(1) If an application for a qualification certificate is made at a time when the dwelling-house lacks one or more of the standard amenities, the application must state what works are required for the qualifying conditions to be satisfied, and must be accompanied by plans and specifications of those works.

(2) Where the application contains such a statement, section 109(3) of this Act shall not apply.

(3) If it appears to the local authority that the dwelling-house will satisfy the qualifying conditions when the works specified in the application have been carried out, the local authority shall approve the application provisionally and shall issue to the applicant a certificate of provisional approval, and send a copy thereof to the tenant.

(4) Where the local authority decide not to issue a certificate of provisional approval, they shall give the applicant a written statement of their reasons for the refusal, and the application for a qualification certificate shall be dismissed.

(5) When it is shown to the satisfaction of the local authority, after issue of a certificate of provisional approval—

- (a) that the works specified in the relevant application have been carried out, and

(b) that the dwelling-house is then in the state in which it would be expected to be after the carrying out of the works,

PART VII

they shall issue the qualification certificate applied for (but without prejudice to their power of issuing a qualification certificate where the qualifying conditions are satisfied although the specified works have not been carried out in whole or in part).

111.—(1) Where an application for a qualification certificate is, or is to be, made in respect of a dwelling-house which lacks one or more of the standard amenities, the applicant may apply for a certificate of fair rent. Certificate of fair rent.

Schedule 12 to this Act shall have effect with respect to such an application.

(2) The application shall be accompanied by plans and specifications of the works required for the qualifying conditions to be satisfied.

(3) A certificate of fair rent issued on the application shall specify the rent which would be a fair rent under the regulated tenancy that might arise by virtue of section 108 of this Act if the works shown in the plans and specifications were carried out.

(4) If the applicant for a qualification certificate has obtained a certificate of fair rent on an application under this section, and supplies to the local authority a copy of the certificate of fair rent, and—

(a) certifies to the local authority that the plans and specifications accompanying the application for the certificate of fair rent were the same as those which accompanied his application for a qualification certificate, or

(b) supplies to the local authority copies of the plans and specifications which accompanied his application for the certificate of fair rent,

the local authority shall, if they issue a qualification certificate, state that the landlord has complied with the provisions of this subsection as respects the certificate of fair rent, and shall also state whether the works specified in the plans and specifications accompanying the application for the certificate of fair rent have been carried out, and give particulars of any respect in which they have not been carried out.

112.—(1) Where a controlled tenancy of a dwelling-house has become a regulated tenancy on the issue of a qualification certificate, an application for the first registration of a rent for the dwelling-house shall be accompanied by a copy of the qualification certificate. Registration of rent.

PART VIII

(2) Where a certificate of fair rent has been issued under this Part of this Act and an application for the first registration of a rent for the dwelling-house is made not later than 2 years after the issue of the certificate of fair rent, Part III of Schedule 11 to this Act shall have effect with respect to the application instead of Part II.

Appeal to
county court.

113.—(1) Within 28 days of the service on him under section 109(5) of this Act of a notice of refusal to grant a qualification certificate, or such longer period as the county court may allow, the applicant for a qualification certificate may appeal to the county court on the ground that the certificate ought to be issued; and on such an appeal the court may confirm the refusal, or order the local authority to issue the certificate.

(2) Within 28 days of the service on him under section 109(6) of this Act of a copy of a qualification certificate, or such longer period as the county court may allow, the tenant may appeal to the county court on either or both of the following grounds:—

- (a) that the certificate ought not to have been issued;
- (b) that the certificate is invalid by reason of a failure to comply with any requirement of this Part of this Act or of some informality, defect or error;

and on any such appeal the court may confirm or quash the certificate.

(3) If an appeal under subsection (2) above is on the ground mentioned in paragraph (b), the court shall confirm the certificate unless satisfied that the interests of the appellant have been substantially prejudiced by the facts relied on by him.

(4) On an appeal under this section, the court—

- (a) shall have regard to the state of the dwelling-house at the time of the hearing as well as at the time of the issue or refusal of the certificate, and
- (b) shall make no order for costs unless it appears to the court, having regard to the conduct of the parties and all other circumstances, that it would be equitable to do so.

(5) Any certificate issued in pursuance of an order made under subsection (1) above shall be deemed to be issued on the date of the order.

(6) Where a qualification certificate with respect to any dwelling-house is quashed by an order under this section after a rent for the dwelling-house has been registered in pursuance of this Part of this Act, the registration shall be deemed never to have had effect and the rent officer shall delete it on being informed of the order.

Phasing of rent increases

PART VIII

114. Schedule 9 to this Act shall have effect for securing that, on first registration of a rent after the conversion of a controlled tenancy into a regulated tenancy, an increase in rent may, in certain circumstances, be recovered only in stages.

Phasing of rent increases after conversion.

Miscellaneous

115. Schedule 17 to this Act shall apply for the purpose of modifying the provisions of this Act in relation to a tenancy which has become a regulated tenancy by virtue of—

Converted tenancies: modification of Act.

(a) this Part of this Act, or

(b) Part III of the Housing Finance Act 1972 (which is superseded by this Part).

1972 c. 47.

116.—(1) This section shall apply where a dwelling-house which is subject to a statutory tenancy (whether a controlled or regulated tenancy) does not satisfy the qualifying conditions and the works required for those conditions to be satisfied cannot be carried out without the consent of the tenant.

Consent of tenant.

(2) If the tenant is unwilling to give his consent, then, if the condition specified in paragraph (a), or the condition specified in paragraph (b), of subsection (3) below is satisfied, the county court may, on the application of the landlord, make an order empowering him to enter and carry out the works.

(3) The condition is—

(a) that the works were specified in the application for a grant under Part I of the Housing Act 1969 or Part VII of the Housing Act 1974 and the application has been approved, or

1969 c. 33.
1974 c. 44.

(b) that the works are specified in a certificate issued by a local authority (which may be a certificate of provisional approval under this Part of this Act) and stating that the dwelling-house will satisfy the qualifying conditions when the works have been carried out.

(4) An order under subsection (2) above may be made subject to such conditions as to the time at which the works are to be carried out and as to any provision to be made for the accommodation of the tenant and his household while they are carried out as the court may think fit.

(5) Where such an order is made subject to any condition as to time, compliance with that condition shall be deemed to be also compliance with any condition imposed by the local authority under sections 4(4) or 10 of the Housing Act 1969 or section 82(1) of the Housing Act 1974.

(6) In determining whether to make such an order and, if it is made, what (if any) conditions it should be subject to, the

PART VIII court shall have regard to all the circumstances and in particular to—

- (a) any disadvantage to the tenant that might be expected to result from the works, and
- (b) the accommodation that might be available for him whilst the works are carried out, and
- (c) the age and health of the tenant,

but the court shall not take into account the means or resources of the tenant.

Regulations.

117.—(1) The Secretary of State may make regulations for the purposes of this Part of this Act—

- (a) prescribing the form of any notice, application, register or other document to be given, made or used in pursuance of this Part ;
- (b) regulating the procedure to be followed by rent officers and rent assessment committees ; and
- (c) prescribing anything required or authorised to be prescribed by this Part.

(2) Regulations under subsection (1)(b) above may contain provisions modifying Part III of Schedule 11 to this Act, but no regulations containing such provisions shall have effect unless approved by a resolution of each House of Parliament.

(3) Regulations made under this section shall be made by statutory instrument which, except in a case falling within subsection (2) above, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation of Part VIII.

118.—(1) In this Part of this Act, except where the context otherwise requires—

“ local authority ”—

(a) in relation to any dwelling-house in an area which the Greater London Council have declared—

- (i) a general improvement area (in accordance with section 28(1) of the Housing Act 1969) ; or
- (ii) a housing action area (in accordance with section 49(2) of the Housing Act 1974) ;

means the Greater London Council, to the exclusion of any other authority ; and

(b) in any other case means—

- (i) the council of a district or of a London borough ;
- (ii) the Common Council of the City of London ; or
- (iii) the Council of the Isles of Scilly ;

“ prescribed ” means prescribed by regulations under section 117 of this Act ;

1969 c. 33.

1974 c. 44.

“qualification certificate” and “qualifying conditions” have the meanings assigned to them by section 108(4) of this Act ; PART VIII

“standard amenities” has the meaning assigned to it by section 58 of the Housing Act 1974. 1974 c. 44.

(2) Section 4 of the Housing Act 1957 (standard of fitness for human habitation) shall apply for the purposes of this Part of this Act. 1957 c. 56.

PART IX

PREMIUMS, ETC.

119.—(1) Any person who, as a condition of the grant, renewal or continuance of a protected tenancy, requires, in addition to the rent, the payment of any premium or the making of any loan (whether secured or unsecured) shall be guilty of an offence. Prohibition of premiums and loans on grant of protected tenancies.

(2) Any person who, in connection with the grant, renewal or continuance of a protected tenancy, receives any premium in addition to the rent shall be guilty of an offence.

(3) A person guilty of an offence under this section shall be liable to a fine not exceeding £100.

(4) The court by which a person is convicted of an offence under this section relating to requiring or receiving any premium may order the amount of the premium to be repaid to the person by whom it was paid.

120.—(1) Subject to section 121 of this Act, any person who, as a condition of the assignment of a protected tenancy, requires the payment of any premium or the making of any loan (whether secured or unsecured) shall be guilty of an offence. Prohibition of premiums and loans on assignment of protected tenancies.

(2) Subject to section 121 of this Act, any person who, in connection with the assignment of a protected tenancy, receives any premium shall be guilty of an offence.

(3) Notwithstanding anything in subsections (1) and (2) above, an assignor of a protected tenancy of a dwelling-house may, if apart from this section he would be entitled to do so, require the payment by the assignee or receive from the assignee a payment—

(a) of so much of any outgoings discharged by the assignor as is referable to any period after the assignment takes effect ;

(b) of a sum not exceeding the amount of any expenditure reasonably incurred by the assignor in carrying out any structural alteration of the dwelling-house or in

PART IX

providing or improving fixtures therein, being fixtures which, as against the landlord, he is not entitled to remove ;

- (c) where the assignor became a tenant of the dwelling-house by virtue of an assignment of the protected tenancy, of a sum not exceeding any reasonable amount paid by him to his assignor in respect of expenditure incurred by that assignor, or by any previous assignor of the tenancy, in carrying out any such alteration or in providing or improving any such fixtures as are mentioned in paragraph (b) above ; or
- (d) where part of the dwelling-house is used as a shop or office, or for business, trade or professional purposes, of a reasonable amount in respect of any goodwill of the business, trade or profession, being goodwill transferred to the assignee in connection with the assignment or accruing to him in consequence thereof.

(4) Without prejudice to subsection (3) above, the assignor shall not be guilty of an offence under this section by reason only that—

- (a) any payment of outgoings required or received by him on the assignment was a payment of outgoings referable to a period before the assignment took effect ; or
- (b) any expenditure which he incurred in carrying out structural alterations of the dwelling-house or in providing or improving fixtures therein and in respect of which he required or received the payment of any sum on the assignment was not reasonably incurred ; or
- (c) any amount paid by him as mentioned in subsection (3)(c) above was not a reasonable amount ; or
- (d) any amount which he required to be paid, or which he received, on the assignment in respect of goodwill was not a reasonable amount.

(5) Notwithstanding anything in subsections (1) and (2) above, Part I of Schedule 18 to this Act shall have effect in relation to the assignment of protected tenancies which are regulated tenancies in cases where a premium was lawfully required or received at the commencement of the tenancy.

(6) A person guilty of an offence under this section shall be liable to a fine not exceeding £100.

(7) The court by which a person is convicted of an offence under this section relating to requiring or receiving any premium may order the amount of the premium, or so much of it as cannot lawfully be required or received under this section (including any amount which, by virtue of subsection (4) above, does not give rise to an offence), to be repaid to the person by whom it was paid.

121. Part II of Schedule 18 to this Act shall have effect where a premium was lawfully required and paid on the grant, renewal or continuance of a regulated tenancy—

PART IX
 Tenancies which became regulated by virtue of Counter-Inflation Act 1973.
 1973 c. 9.
 1968 c. 23.

- (a) which was granted before 8th March 1973, and
- (b) which would not have been a regulated tenancy, but for section 14(1) of the Counter-Inflation Act 1973 (which brought certain tenancies of dwelling-houses with high rateable values within the protection of the Rent Act 1968).

122.—(1) This section applies in relation to any premises if—

Prohibition of premiums on grant or assignment of rights under restricted contracts.

- (a) under Part V of this Act, a rent is registered for those premises in the register kept in pursuance of section 79 of this Act ; and
- (b) in a case where the approval, reduction or increase of the rent by the rent tribunal is limited to rent payable in respect of a particular period, that period has not expired.

(2) Any person who, as a condition of the grant, renewal, continuance or assignment of rights under a restricted contract, requires the payment of any premium shall be guilty of an offence.

(3) Nothing in subsection (2) above shall prevent a person from requiring—

- (a) that there shall be paid so much of any outgoings discharged by a grantor or assignor as is referable to any period after the grant or assignment takes effect ; or
- (b) that there shall be paid a reasonable amount in respect of goodwill of a business, trade, or profession, where the goodwill is transferred to a grantee or assignee in connection with the grant or assignment or accrues to him in consequence thereof.

(4) A person guilty of an offence under this section shall be liable to a fine not exceeding £100.

(5) The court by which a person is convicted of an offence under this section may order the amount of the premium, or so much of it as cannot lawfully be required under this section, to be repaid to the person by whom it was paid.

123. Where the purchase of any furniture has been required as a condition of the grant, renewal, continuance or assignment—

Excessive price for furniture to be treated as premium.

- (a) of a protected tenancy, or
- (b) of rights under a restricted contract which relates to premises falling within section 122(1) of this Act,

PART IX

then, if the price exceeds the reasonable price of the furniture, the excess shall be treated, for the purposes of this Part of this Act, as if it were a premium required to be paid as a condition of the grant, renewal, continuance or assignment of the protected tenancy or, as the case may be, the rights under the restricted contract.

Punishment of attempts to obtain from prospective tenants excessive prices for furniture.

124.—(1) Any person who, in connection with the proposed grant, renewal, continuance or assignment, on terms which require the purchase of furniture, of a protected tenancy—

- (a) offers the furniture at a price which he knows or ought to know is unreasonably high, or otherwise seeks to obtain such a price for the furniture, or
- (b) fails to furnish, to any person seeking to obtain or retain accommodation whom he provides with particulars of the tenancy, a written inventory of the furniture, specifying the price sought for each item,

shall be liable to a fine not exceeding £100.

(2) Where a local authority have reasonable grounds for suspecting that an offence under subsection (1)(a) above has been committed with respect to a protected tenancy or proposed protected tenancy of a dwelling-house, they may give notice to the person entitled to possession of the dwelling-house or his agent that, on such date as may be specified in the notice, which shall not be earlier than—

- (a) 24 hours after the giving of the notice, or
- (b) if the dwelling-house is unoccupied, the expiry of such period after the giving of the notice as may be reasonable in the circumstances,

facilities will be required for entry to the dwelling-house and inspection of the furniture therein.

(3) A notice under this section may be given by post.

(4) Where a notice is given under this section, any person authorised by the local authority may avail himself of any facilities for such entry and inspection as are referred to in subsection (2) above which are provided on the specified date but shall, if so required, produce some duly authenticated document showing that he is authorised by the local authority.

(5) If it is shown to the satisfaction of a justice of the peace, on sworn information in writing, that a person required to give facilities under this section has failed to give them, the justice may, by warrant under his hand, empower the local authority, by any person authorised by them, to enter the dwelling-house in question, if need be by force, and inspect the furniture therein.

(6) A person empowered by or under the preceding provisions of this section to enter a dwelling-house may take with him such other persons as may be necessary and, if the dwelling-house is unoccupied, shall leave it as effectively secured against trespassers as he found it.

(7) Any person who wilfully obstructs a person acting in pursuance of a warrant issued under subsection (5) above shall be liable on a first conviction to a fine not exceeding £20 and, on a second or subsequent conviction, to a fine not exceeding £50.

(8) In this section "local authority" means the council of a district or of a London borough or the Common Council of the City of London.

125.—(1) Where under any agreement (whether made before or after the commencement of this Act) any premium is paid after the commencement of this Act and the whole or any part of that premium could not lawfully be required or received under the preceding provisions of this Part of this Act, the amount of the premium or, as the case may be, so much of it as could not lawfully be required or received, shall be recoverable by the person by whom it was paid.

Recovery of premiums and loans unlawfully required or received.

(2) Nothing in section 119 or 120 of this Act shall invalidate any agreement for the making of a loan or any security issued in pursuance of such an agreement but, notwithstanding anything in the agreement for the loan, any sum lent in circumstances involving a contravention of either of those sections shall be repayable to the lender on demand.

126.—(1) Where a protected tenancy which is a regulated tenancy is granted, continued or renewed, any requirement that rent shall be payable—

Avoidance of requirements for advance payment of rent in certain cases.

(a) before the beginning of the rental period in respect of which it is payable, or

(b) earlier than 6 months before the end of the rental period in respect of which it is payable (if that period is more than 6 months),

shall be void, whether the requirement is imposed as a condition of the grant, renewal or continuance of the tenancy or under the terms thereof.

(2) Any requirement avoided by subsection (1) above is, in this section, referred to as a "prohibited requirement".

(3) Rent for any rental period to which a prohibited requirement relates shall be irrecoverable from the tenant.

PART IX

(4) Any person who purports to impose any prohibited requirement shall be liable to a fine not exceeding £100, and the court by which he is convicted may order any amount of rent paid in compliance with the prohibited requirement to be repaid to the person by whom it was paid.

(5) Where a tenant has paid on account of rent any amount which, by virtue of this section, is irrecoverable the tenant shall be entitled to recover that amount from the landlord who received it or his personal representatives.

(6) Any amount which a tenant is entitled to recover under subsection (5) above may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the landlord.

(7) No amount which a tenant is entitled to recover under subsection (5) above shall be recoverable at any time after the expiry of 2 years from the date of payment.

(8) Any person who, in any rent book or similar document makes an entry showing or purporting to show any tenant as being in arrears in respect of any sum on account of rent which is irrecoverable by virtue of this section shall be liable to a fine not exceeding £50, unless he proves that, at the time of the making of the entry, the landlord had a bona fide claim that the sum was recoverable.

(9) If, where any such entry has been made by or on behalf of any landlord, the landlord on being requested by or on behalf of the tenant to do so, refuses or neglects to cause the entry to be deleted within 7 days, the landlord shall be liable to a fine not exceeding £50, unless he proves that, at the time of the neglect or refusal to cause the entry to be deleted, he had a bona fide claim that the sum was recoverable.

Allowable premiums in relation to certain long tenancies.

1954 c. 27.

1968 c. 23.

127.—(1) Where a tenancy is both a long tenancy within the meaning of Part I of the Landlord and Tenant Act 1954 and a protected tenancy, then—

- (a) if the conditions specified in subsection (2) below are satisfied with respect to it, nothing in this Part of this Act or in Part VII of the Rent Act 1968 (provisions superseded by this Part) or the enactments replaced by the said Part VII shall apply or be deemed ever to have applied to the tenancy ;
- (b) if any of those conditions are not satisfied with respect to it, Part II of Schedule 18 to this Act shall apply and, if the tenancy was granted before the passing of this Act, be deemed always to have applied to it.

(2) The conditions mentioned in subsection (1)(a) above are— PART IX

- (a) that the tenancy is not, and cannot become, terminable within 20 years of the date when it was granted by notice given to the tenant; and
- (b) that, unless the tenancy was granted before 25th July 1969 or was granted in pursuance of Part I of the Leasehold Reform Act 1967, the sums payable by the tenant otherwise than in respect of rates, services, repairs, maintenance or insurance are not, under the terms of the tenancy, varied or liable to be varied within 20 years of the date when it was granted nor, thereafter, more than once in any 21 years; and 1967 c. 88,
- (c) that assignment or underletting of the whole of the premises comprised in the tenancy is not precluded by the terms of the tenancy and, if it is subject to any consent, there is neither a term excluding section 144 of the Law of Property Act 1925 (no payment in nature of fine) nor a term requiring in connection with a request for consent the making of an offer to surrender the tenancy. 1925 c. 20.

(3) Where the condition specified in subsection (2)(b) above would be satisfied with respect to a sub-tenancy but for a term providing for one variation, within 20 years of the date when the sub-tenancy was granted, of the sums payable by the sub-tenant, that condition shall be deemed to be satisfied notwithstanding that term, if it is satisfied with respect to a superior tenancy of the premises comprised in the sub-tenancy (or of those and other premises).

(4) Nothing in this section shall affect the recovery, in pursuance of any judgment given or order or agreement made before 20th May 1969, of any amount which it was not lawful to receive under the law in force at the time it was received.

(5) In this section “grant” includes continuance and renewal.

128.—(1) In this Part of this Act, unless the context otherwise requires,— Interpretation of Part IX.

“furniture” includes fittings and other articles; and

“premium” includes any fine or other like sum and any other pecuniary consideration in addition to rent.

(2) For the avoidance of doubt it is hereby declared that nothing in this Part of this Act shall render any amount recoverable more than once.

PART X

MORTGAGES

Mortgages to which Part X applies.

129.—(1) This Part of this Act is concerned with mortgages which—

- (a) were created before the relevant date, and
- (b) are either controlled mortgages or regulated mortgages, as defined in sections 130 and 131 of this Act.

(2) For the purposes of this Part of this Act, “relevant date”—

- 1967 c. 88. (a) in a case where, on 28th November 1967, land consisting of or including a dwelling-house was subject to a long tenancy which became a regulated tenancy on that date by virtue of section 39 of the Leasehold Reform Act 1967, means, in relation to that land, 28th November 1967 ;
- 1973 c. 9. (b) in a case where, on 22nd March 1973, land consisting of or including a dwelling-house was subject to a tenancy which became a regulated tenancy by virtue of section 14 of the Counter-Inflation Act 1973, means, in relation to that land, 22nd March 1973 ;
- (c) in the case of land consisting of or including a dwelling-house subject to a regulated furnished tenancy, means, in relation to that land, 14th August 1974 ; and
- (d) in any other case, means 8th December 1965.

Controlled mortgages.
1968 c. 23.
1920 c. 17.
1939 c. 71.

130. For the purposes of this Part of this Act, a mortgage is a controlled mortgage at any time when, had neither the Rent Act 1968 nor this Act been passed, it would have been a mortgage to which the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 would have applied (whether by virtue of the modification of that Act effected by Schedule 1 to the Rent and Mortgage Restrictions Act 1939 or otherwise).

Regulated mortgages.

131.—(1) Subject to subsection (2) below, a mortgage which falls within section 129(1)(a) of this Act but which is not a controlled mortgage is a regulated mortgage if—

- (a) it is a legal mortgage of land consisting of or including a dwelling-house which is let on or subject to a regulated tenancy, and
- (b) the regulated tenancy is binding on the mortgagee.

(2) Notwithstanding that a mortgage falls within subsection (1) above, it is not a regulated mortgage if—

- (a) the rateable value on the appropriate day of the dwelling-house which falls within subsection (1)(a) above or, if there is more than one such dwelling-house comprised in the mortgage, the aggregate of the rateable values of those dwelling-houses on the appropriate day is less than one-tenth of the rateable value on the appropriate day of the whole of the land comprised in the mortgage, or
- (b) the mortgagor is in breach of covenant, but for this purpose a breach of the covenant for the repayment of the principal money otherwise than by instalments shall be disregarded.

(3) Subsection (2)(a) above shall have effect, in the case of land consisting of or including a dwelling-house which on 22nd March 1973 was subject to a tenancy which became a regulated tenancy by virtue of section 14 of the Counter-Inflation Act 1973, as if for the reference to the appropriate day there were substituted a reference to 7th March 1973. 1973 c. 9.

(4) In this section “legal mortgage” includes a charge by way of legal mortgage.

(5) Any reference in this Part of this Act to a regulated mortgage shall be construed in accordance with this section.

132.—(1) The powers of the court under this section relate only to regulated mortgages, and those powers become exercisable in relation to such a mortgage only on an application made by the mortgagor within 21 days, or such longer time as the courts may allow, after the occurrence of one of the following events :—

Powers of court to mitigate hardship to mortgagors under regulated mortgages.

- (a) the rate of interest payable in respect of the mortgage is increased ; or
- (b) a rent for a dwelling-house comprised in the mortgage is registered under Part IV of this Act and the rent so registered is lower than the rent which was payable immediately before the registration ; or
- (c) the mortgagee, not being a mortgagee who was in possession on the relevant date, demands payment of the principal money secured by the mortgage or takes any steps for exercising any right of foreclosure or sale or for otherwise enforcing his security.

Paragraph (b) above shall not apply to a case falling within section 129(2)(b) of this Act.

PART X

(2) If the court is satisfied on any such application that, by reason of the event in question and of the operation of this Act, the mortgagor would suffer severe financial hardship unless relief were given under this section, the court may by order make such provision—

- (a) limiting the rate of interest,
- (b) extending the time for the repayment of the principal money, or
- (c) otherwise varying the terms of the mortgage or imposing any limitation or condition on the exercise of any right or remedy in respect thereof,

as it thinks appropriate.

(3) Where the court makes an order under subsection (2) above in relation to a mortgage which comprises other land as well as a dwelling-house or dwelling-houses subject to a regulated tenancy the order may, if the mortgagee so requests, make provision for apportioning the money secured by the mortgage between that other land and the dwelling-house or dwelling-houses.

(4) Where such an apportionment is made, the other provisions of the order made by the court shall not apply in relation to the other land referred to in that subsection and the money secured by the other land, and the mortgage shall have effect for all purposes as two separate mortgages of the apportioned parts.

(5) Where the court has made an order under this section it may vary or revoke it by a subsequent order.

(6) The court for the purposes of this section is a county court, except that where an application under subsection (1) above is made in pursuance of any step taken by the mortgagee in the High Court it is the High Court.

Restrictions
applicable to
controlled
mortgages.

133.—(1) Part I of Schedule 19 to this Act shall have effect with respect to the interest rate on controlled mortgages, and Part II of that Schedule shall have effect, subject to subsection (2) below, with respect to the enforcement of the mortgagee's rights and remedies under a controlled mortgage.

(2) Where the mortgagee under a controlled mortgage satisfies the county court that greater hardship would be caused if the restrictions imposed on the exercise of the mortgagee's rights and remedies by Part II of Schedule 19 continued to apply to the mortgage than if they were removed or modified, the court may by order allow him to exercise such of those rights and remedies as may be specified in the order, on such terms and conditions as may be so specified.

(3) Where the county court has made an order under this section it may vary or revoke it by a subsequent order. PART X

134.—(1) Where a controlled mortgage comprises other land as well as a dwelling-house or dwelling-houses to which, immediately before 8th June 1968, the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 applied, the mortgagee may apportion the principal money secured by the mortgage between that other land and the dwelling-house or dwelling-houses by giving one month's notice in writing to the mortgagor, stating the particulars of the apportionment. Apportionment of controlled mortgages. 1920 c. 17.

(2) At any time before the expiry of a month's notice given under subsection (1) above, the mortgagor may dispute the amounts apportioned by the notice and, in default of agreement, the apportionment of the principal money secured by the mortgage shall be determined by a single arbitrator appointed by the President of the Royal Institution of Chartered Surveyors.

(3) Where a notice is given under subsection (1) above then, as from the expiry of the month's notice, this Part of this Act shall cease to apply to the mortgage in question so far as it relates to the other land referred to in subsection (1) above and the money secured by the other land, and the mortgage shall have effect for all purposes as two separate mortgages of the apportioned parts.

135.—(1) Where a mortgagor under a controlled mortgage has paid on account of mortgage interest any amount which, by virtue of Schedule 19 to this Act, is irrecoverable by the mortgagee, the mortgagor who paid it shall be entitled to recover that amount from the mortgagee who received it or his personal representatives. Recovery of sums paid in excess of permitted rate of interest under controlled mortgage.

(2) Any amount which a mortgagor is entitled to recover under subsection (1) above may, without prejudice to any other method of recovery, be deducted by the mortgagor from any mortgage interest payable by him to the mortgagee.

(3) No amount which a mortgagor is entitled to recover under subsection (1) above shall be recoverable at any time after the expiry of 2 years from the date of payment.

136. In this Part of this Act, except where the context otherwise requires— Interpretation of Part X.

- (a) "mortgagee" and "mortgagor" include any person from time to time deriving title under the original mortgagee or mortgagor; and

PART X

1925 c. 21.

- (b) “legal mortgage” in relation to regulated mortgages, and “mortgage”, in relation to controlled mortgages, include any charge registered under the Land Registration Act 1925.

PART XI

GENERAL

Sublettings

Effect on sub-tenancy of determination of superior tenancy.
1976 c. 80.

137.—(1) If a court makes an order for possession of a dwelling-house from—

- (a) a protected or statutory tenant, or
(b) a protected occupier or statutory tenant as defined in the Rent (Agriculture) Act 1976,

and the order is made by virtue of section 98(1) or 99(2) of this Act or, as the case may be, under Part I of Schedule 4 to that Act, nothing in the order shall affect the right of any sub-tenant to whom the dwelling-house or any part of it has been lawfully sublet before the commencement of the proceedings to retain possession by virtue of this Part of this Act, nor shall the order operate to give a right to possession against any such sub-tenant.

(2) Where a statutorily protected tenancy of a dwelling-house is determined, either as a result of an order for possession or for any other reason, any sub-tenant to whom the dwelling-house or any part of it has been lawfully sublet shall, subject to this Act, be deemed to become the tenant of the landlord on the same terms as if the tenant’s statutorily protected tenancy had continued.

(3) Where a dwelling-house—

- (a) forms part of premises which have been let as a whole on a superior tenancy but do not constitute a dwelling-house let on a statutorily protected tenancy; and
(b) is itself subject to a protected or statutory tenancy,

then, from the coming to an end of the superior tenancy, this Act shall apply in relation to the dwelling-house as if, in lieu of the superior tenancy, there had been separate tenancies of the dwelling-house and of the remainder of the premises, for the like purposes as under the superior tenancy, and at rents equal to the just proportion of the rent under the superior tenancy.

In this subsection “premises” includes, if the sub-tenancy in question is a protected or statutory tenancy to which section 99 of this Act applies, an agricultural holding within the meaning of the Agricultural Holdings Act 1948.

1948 c. 63.

(4) In subsections (2) and (3) above “statutorily protected tenancy” means— PART XI

(a) a protected or statutory tenancy ;

(b) a protected occupancy or statutory tenancy as defined in the Rent (Agriculture) Act 1976 ; or 1976 c. 80.

(c) if the sub-tenancy in question is a protected or statutory tenancy to which section 99 of this Act applies, a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1948. 1948 c. 63.

(5) Subject to subsection (6) below, a long tenancy of a dwelling-house which is also a tenancy at a low rent but which, had it not been a tenancy at a low rent, would have been a protected tenancy, shall be treated for the purposes of subsection (2) above as a statutorily protected tenancy.

(6) Notwithstanding anything in subsection (5) above, subsection (2) above shall not have effect where the sub-tenancy in question was created (whether immediately or derivatively) out of a long tenancy falling within subsection (5) above and, at the time of the creation of the sub-tenancy—

(a) a notice to terminate the long tenancy had been given under section 4(1) of the Landlord and Tenant Act 1954 c. 56. 1954 ; or

(b) the long tenancy was being continued by section 3(1) of that Act ;

unless the sub-tenancy was created with the consent in writing of the person who at the time when it was created was the landlord, within the meaning of Part I of that Act.

(7) This section shall apply equally where a protected occupier of a dwelling-house, or part of a dwelling-house, has a relevant licence as defined in the Rent (Agriculture) Act 1976, and in this section “tenancy” and all cognate expressions shall be construed accordingly.

138.—(1) If, in a case where section 137(2) of this Act applies, the conditions mentioned in subsection (2) below are fulfilled, the terms on which the sub-tenant is, by virtue of section 137(2), deemed to become the tenant of the landlord shall not include any terms as to the provision by the landlord of furniture or services. Effect on furnished sub-tenancy of determination of superior unfurnished tenancy.

(2) The conditions are:—

(a) that the statutorily protected tenancy which is determined as mentioned in section 137(2) was neither a protected furnished tenancy nor a statutory furnished tenancy ; and

PART XI

- (b) that, immediately before the determination of that statutorily protected tenancy, the sub-tenant referred to in section 137(2) was the tenant under a protected furnished tenancy or a statutory furnished tenancy; and
- (c) that the landlord, within the period of 6 weeks beginning with the day on which the statutorily protected tenancy referred to in section 137(2) is determined, serves notice on the sub-tenant that this section is to apply to his tenancy or statutory tenancy.

(3) In this section "statutorily protected tenancy" has the meaning given to it, for the purposes of subsection (2) of section 137 of this Act, by subsection (4) of that section.

Obligation to notify sublettings of dwelling-houses let on or subject to protected or statutory tenancies.

139.—(1) If the tenant of a dwelling-house let on or subject to a protected or statutory tenancy sublets any part of the dwelling-house on a protected tenancy, then, subject to subsection (2) below, he shall, within 14 days after the subletting, supply the landlord with a statement in writing of the subletting giving particulars of occupancy, including the rent charged.

(2) Subsection (1) above shall not require the supply of a statement in relation to a subletting of any part of a dwelling-house if the particulars which would be required to be included in the statement as to the rent and other conditions of the sub-tenancy would be the same as in the last statement supplied in accordance with that subsection with respect to a previous subletting of that part.

(3) A tenant who is required to supply a statement in accordance with subsection (1) above and who, without reasonable excuse—

(a) fails to supply a statement, or

(b) supplies a statement which is false in any material particular,

shall be liable to a fine not exceeding £25.

(4) In this section—

(a) "protected tenancy" includes a protected occupancy under the Rent (Agriculture) Act 1976;

(b) "statutory tenancy" includes a statutory tenancy under that Act.

1976 c. 80.

Fire Precautions

Modification of Act in relation to fire precautions.
1971 c. 40.

140. Schedule 20 to this Act shall have effect for the purpose of modifying this Act in connection with certain provisions of the Fire Precautions Act 1971.

Jurisdiction and procedure

PART XI

141.—(1) A county court shall have jurisdiction, either in the course of any proceedings relating to a dwelling or on an application made for the purpose by the landlord or the tenant, to determine any question—

County court
jurisdiction.

- (a) as to whether a tenancy is a protected tenancy or whether any person is a statutory tenant of a dwelling-house, or whether a mortgage is a controlled mortgage within the meaning of Part X of this Act ; or
- (b) as to the rent limit ; or
- (c) as to the rent actually recoverable under a controlled tenancy ; or
- (d) as to the application of Part V and sections 103 to 106 of this Act to a contract ; or
- (e) as to whether a protected, statutory or regulated tenancy is a protected, statutory or regulated furnished tenancy ;

or as to any matter which is or may become material for determining any such question.

(2) In subsection (1) above “ dwelling ” and “ the rent limit ” have, in relation to a controlled tenancy, the same meanings as in Part II of this Act.

(3) A county court shall have jurisdiction to deal with any claim or other proceedings arising out of any of the provisions of this Act specified in subsection (5) below, notwithstanding that by reason of the amount of the claim or otherwise the case would not, apart from this subsection, be within the jurisdiction of a county court.

(4) If, under any of the provisions of this Act specified in subsection (5) below, a person takes proceedings in the High Court which he could have taken in the county court, he shall not be entitled to recover any costs.

(5) The provisions referred to in subsections (3) and (4) above are—

- (a) Part II ;
- (b) in Part III, section 57 ;
- (c) Part VII, except sections 98(2) and 101 ;
- (d) in Part IX, sections 125 and 126 ;
- (e) in Part X, sections 133(1), 134 and 135 ; and
- (f) in this Part of this Act, sections 145 and 147.

PART XI
Rules as to
procedure.

142.—(1) The Lord Chancellor may make such rules and give such directions as he thinks fit for the purpose of giving effect to the provisions of this Act and may, by those rules or directions, provide for the conduct so far as desirable in private of any proceedings for the purposes of those provisions and for the remission of any fees.

(2) The power vested in the Lord Chancellor by subsection (1) above may, when the Great Seal is in commission, be exercised by any Lord Commissioner.

(3) The power conferred by subsection (1) above shall not be exercisable in relation to the following provisions of this Act:—

(a) Part IV, except section 75(2);

(b) Part V;

(c) Part VI;

(d) sections 103 to 106, except subsection (4).

(4) Any rules made under this section shall be contained in a statutory instrument.

Release from provisions of Act

Release from
rent
regulation.

143.—(1) Where the Secretary of State is satisfied with respect to every part of any area that the number of persons seeking to become tenants there—

(a) of dwelling-houses exceeding a specified rateable value,
or

(b) of any class or description of dwelling-house or of
dwelling-house exceeding a specified rateable value,

is not substantially greater than the number of such dwelling-houses in that part, he may by order provide that no such dwelling-house in the area shall be the subject of a regulated tenancy or the subject of a protected occupancy or statutory tenancy under the Rent (Agriculture) Act 1976.

1976 c. 80.

(2) An order under this section may contain such transitional provisions, including provisions to avoid or mitigate hardship, as appear to the Secretary of State to be desirable.

(3) The power to make an order under this section shall be exercisable by statutory instrument and no such order shall have effect unless it is approved by a resolution of each House of Parliament.

Release from
restricted
contract
provisions.

144.—(1) The Secretary of State may by order provide that, as from such date as may be specified in the order, section 19 of this Act shall not apply to a dwelling the rateable value of which on such day as may be specified in the order exceeds such amount as may be so specified.

(2) An order under this section—

- (a) may be made so as to relate to the whole of England and Wales or to such area in England and Wales as may be specified in the order, and so as to apply generally or only to, or except to, such classes or descriptions of dwellings as may be specified in the order; and
- (b) may contain such transitional provisions as appear to the Secretary of State to be desirable.

(3) The power to make an order under this section shall be exercisable by statutory instrument and no such order shall have effect unless it is approved by a resolution of each House of Parliament.

145.—(1) This section applies to any condition mentioned in any of the enactments specified in subsection (2) below which limits the rent to be charged in respect of any dwelling.

Rents of
subsidised
private
houses.

(2) The enactments referred to in subsection (1) above are—

- (a) section 3 of the Housing (Financial Provisions) Act 1938 c. 16. 1938;
- (b) section 46 of the Housing (Financial Provisions) Act 1958 c. 42. 1958;
- (c) section 104 of the Housing Act 1957. 1957 c. 56.

(3) Subject to subsection (4) below, in so far as any condition to which this section applies limits the rent under a controlled tenancy, the condition shall limit, or as the case may be shall have effect as if it limited, that rent to the amount of the rent limit, within the meaning of Part II of this Act.

(4) If any condition to which this section applies was imposed before 6th July 1957 and then limited the rent to an amount exceeding what would be the rent limit if ascertained under subsections (1) and (2) of section 27 of this Act, the rent limit under a controlled tenancy shall be that amount, subject to the provisions of subsection (3) of that section and of paragraph 7(2) of Schedule 6 to this Act.

(5) Schedule 21 to this Act shall have effect, to the extent therein specified, in relation to any condition to which this section applies which limits the rent under a tenancy which is not a controlled tenancy.

Miscellaneous

146.—(1) In determining whether a long tenancy was, at any time,—

- (a) a tenancy at a low rent within the meaning of the Rent Act 1968; or

Long
tenancies at a
low rent.

1968 c. 23.

PART XI

(b) a tenancy to which, by virtue of section 12(7) of the Act of 1920, the Rent Acts did not apply;

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.

(2) In subsection (1) above—

“long tenancy” means a tenancy granted for a term certain exceeding 21 years, other than a tenancy which is, or may become, terminable before the end of that term by notice given to the tenant;

1920 c. 17.

“the Act of 1920” means the Increase of Rent and Mortgage Interest (Restrictions) Act 1920; and

“the Rent Acts” means the Rent and Mortgage Interest Restrictions Acts 1920 to 1939.

Restriction on levy of distress for rent.

147.—(1) No distress for the rent of any dwelling-house let on a protected tenancy or subject to a statutory tenancy shall be levied except with the leave of the county court; and the court shall, with respect to any application for such leave, have the same or similar powers with respect to adjournment, stay, suspension, postponement and otherwise as are conferred by section 100 of this Act in relation to proceedings for possession of such a dwelling-house.

1959 c. 22.

(2) Nothing in subsection (1) above shall apply to distress levied under section 137 of the County Courts Act 1959.

Implied term in all protected tenancies.

148. It shall be a condition of a protected tenancy of a dwelling-house that the tenant shall afford to the landlord access to the dwelling-house and all reasonable facilities for executing therein any repairs which the landlord is entitled to execute.

Supplemental

Powers of local authorities for the purposes of giving information.

1962 c. 50.

1977 c. 43.

1972 c. 47.

149.—(1) Any local authority to which this section applies shall have power—

(a) to publish information, for the assistance of landlords and tenants and others, as to their rights and duties under—

(i) the Landlord and Tenant Act 1962,

(ii) the Protection from Eviction Act 1977,

(iii) section 90 of the Housing Finance Act 1972, and

(iv) this Act,

and as to the procedure for enforcing those rights or securing the performance of those duties, and

- (b) to publish information, for the assistance of owners and occupiers of dwelling-houses and others, as to their rights and duties under the Rent (Agriculture) Act 1976 and as to the procedure for enforcing those rights or securing the performance of those duties, and
- (c) to make any such information as is mentioned in paragraph (a) or (b) above available in any other way, and
- (d) to furnish particulars as to the availability, extent and character of alternative accommodation.

PART XI

1976 c. 80.

- (2) This section applies to the following local authorities:—
- (a) councils of districts and of London boroughs ;
- (b) the Common Council of the City of London ; and
- (c) the Council of the Isles of Scilly.

150.—(1) Offences under this Act are punishable summarily. Prosecution of offences.

(2) Proceedings for an offence under this Act (other than one under section 31(9)) may be instituted by any local authority to which section 149 of this Act applies.

151.—(1) Any document required or authorised by this Act to be served by the tenant of a dwelling-house on the landlord thereof shall be deemed to be duly served on him if it is served— Service of notices on landlord's agents.

- (a) on any agent of the landlord named as such in the rent book or other similar document ; or
- (b) on the person who receives the rent of the dwelling-house.

(2) Where a dwelling-house is subject to a regulated tenancy, subsection (1) above shall apply also in relation to any document required or authorised by this Act to be served on the landlord by a person other than the tenant.

(3) If for the purpose of any proceedings (whether civil or criminal) brought or intended to be brought under this Act, any person serves upon any such agent or other person as is referred to in paragraph (a) or paragraph (b) of subsection (1) above a notice in writing requiring the agent or other person to disclose to him the full name and place of abode or place of business of the landlord, that agent or other person shall forthwith comply with the notice.

(4) If any such agent or other person as is referred to in subsection (3) above fails or refuses forthwith to comply with a notice served on him under that subsection, he shall be liable to a fine not exceeding £25, unless he shows to the satisfaction of the court that he did not know, and could not with reasonable diligence have ascertained, such of the facts required by the notice to be disclosed as were not disclosed by him.

PART XI

(5) So far as this section relates to Part V or IX or sections 103 to 107, of this Act, references to a landlord and to a tenant shall respectively include references to a lessor and to a lessee as defined by section 85 of this Act.

Interpretation. **152.**—(1) In this Act, except where the context otherwise requires,—

“the appropriate day” has the meaning assigned to it by section 25(3) of this Act ;

“controlled tenancy” shall be construed in accordance with section 17 of this Act ;

“landlord” includes any person from time to time deriving title under the original landlord and also includes, in relation to any dwelling-house, any person other than the tenant who is, or but for Part VII of this Act would be, entitled to possession of the dwelling-house ;

“let” includes “sublet” ;

“long tenancy” means a tenancy granted for a term of years certain exceeding 21 years, whether or not subsequently extended by act of the parties or by any enactment ;

“protected furnished tenancy”, “regulated furnished tenancy” and “statutory furnished tenancy” mean a protected or, as the case may be, regulated or statutory tenancy—

(a) under which the dwelling-house concerned is bona fide let at a rent which includes payments in respect of furniture, and

(b) in respect of which the amount of rent which is fairly attributable to the use of furniture, having regard to the value of that use to the tenant, forms a substantial part of the whole rent ;

“protected tenant” and “protected tenancy” shall be construed in accordance with section 1 of this Act ;

“rates” includes water rates and charges but does not include an owner’s drainage rate as defined in section 63(2)(a) of the Land Drainage Act 1976 ;

“rateable value” shall be construed in accordance with section 25 of this Act ;

“regulated tenancy” shall be construed in accordance with section 18 of this Act ;

“rent tribunal” has the meaning given by section 76(1) of this Act ;

“rental period” means a period in respect of which a payment of rent falls to be made ;

- “restricted contract” shall be construed in accordance with section 19 of this Act; PART XI
- “statutory tenant” and “statutory tenancy” shall be construed in accordance with section 2 of this Act;
- “tenant” includes statutory tenant and also includes a sub-tenant and any person deriving title under the original tenant or sub-tenant;
- “tenancy” includes “sub-tenancy”;
- “tenancy at a low rent” has the meaning assigned to it by section 5 of this Act.

(2) Except in so far as the context otherwise requires, any reference in this Act to any other enactment shall be taken as referring to that enactment as amended by or under any other enactment, including this Act.

153.—(1) With the exception of Part V, and sections 103 to 106, of this Act (which do not apply to the Isles of Scilly) this Act applies to the Isles subject to such exceptions, adaptations and modifications as the Secretary of State may by order direct. Application to Isles of Scilly.

(2) The power to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) An order under this section may be varied or revoked by a subsequent order.

154.—(1) Subject to sections 13 and 19(5)(b) of this Act this Act shall apply in relation to premises in which there subsists, or at any material time subsisted, a Crown interest as it applies in relation to premises in which no such interest subsists or ever subsisted. Application to Crown property.

(2) In this section “Crown interest” means an interest which belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster or to the Duchy of Cornwall, or to a government department, or which is held in trust for Her Majesty for the purposes of a government department.

155.—(1) In relation to such protected and statutory tenancies in existence at the commencement of this Act as are specified in Schedule 22 thereto, the provisions of this Act specified in that Schedule shall have effect subject to the modifications so specified. Modifications, amendments, transitional provisions, repeals etc.

(2) Subject to subsection (3) below, the enactments specified in Schedule 23 to this Act shall have effect subject to the amendments specified in that Schedule.

PART XI

(3) The savings and transitional provisions in Schedule 24 to this Act shall have effect.

1889 c. 63.

(4) The inclusion in this Act of any express saving, transitional provision or amendment shall not be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

(5) Subject to subsection (3) above, the enactments specified in Schedule 25 to this Act (which include enactments which were spent before the passing of this Act) are hereby repealed to the extent specified in the third column of that Schedule.

Short title,
commence-
ment and
extent.

156.—(1) This Act may be cited as the Rent Act 1977.

(2) This Act shall come into force on the expiry of the period of one month beginning with the date on which it is passed.

(3) This Act does not extend to Scotland or Northern Ireland.

SCHEDULES

SCHEDULE 1

Sections 2 and 3.

STATUTORY TENANCIES

PART I

STATUTORY TENANTS BY SUCCESSION

1. Paragraph 2 or, as the case may be, paragraph 3 below shall have effect, subject to section 2(3) of this Act, for the purpose of determining who is the statutory tenant of a dwelling-house by succession after the death of the person (in this Part of this Schedule referred to as "the original tenant") who, immediately before his death, was a protected tenant of the dwelling-house or the statutory tenant of it by virtue of his previous protected tenancy.

2. If the original tenant was a man who died leaving a widow who was residing with him at his death then, after his death, the widow shall be the statutory tenant if and so long as she occupies the dwelling-house as her residence.

3. Where paragraph 2 above does not apply, but a person who was a member of the original tenant's family was residing with him at the time of and for the period of 6 months immediately before his death then, after his death, that person or if there is more than one such person such one of them as may be decided by agreement, or in default of agreement by the county court, shall be the statutory tenant if and so long as he occupies the dwelling-house as his residence.

4. A person who becomes the statutory tenant of a dwelling-house by virtue of paragraph 2 or 3 above is in this Part of this Schedule referred to as "the first successor".

5. If, immediately before his death, the first successor was still a statutory tenant, paragraph 6 or, as the case may be, paragraph 7 below shall have effect, subject to section 2(3) of this Act, for the purpose of determining who is the statutory tenant after the death of the first successor.

6. If the first successor was a man who died leaving a widow who was residing with him at his death then, after his death, the widow shall be the statutory tenant if and so long as she occupies the dwelling-house as her residence.

7. Where paragraph 6 above does not apply but a person who was a member of the first successor's family was residing with him at the time of and for the period of 6 months immediately before his death then, after his death, that person or if there is more than one such person such one of them as may be decided by agreement, or in default of agreement by the county court, shall be the statutory tenant if and so long as he occupies the dwelling-house as his residence.

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8.—(1) A person shall not become a statutory tenant by virtue of paragraph 6 or 7 above in any case where, immediately before the death of the first successor, his statutory tenancy was a controlled tenancy and, apart from section 24(2) of this Act, Part II of the Landlord and Tenant Act 1954 would have applied to that statutory tenancy, had it been a tenancy within the meaning of that Act.

1954 c. 56.

(2) In a case falling within sub-paragraph (1) above, the person who, if paragraph 6 or, as the case may be, paragraph 7 above had applied, would have become the statutory tenant shall, instead, be treated for the purposes of the Landlord and Tenant Act 1954 as the tenant under a tenancy continuing by virtue of section 24 of that Act after the expiry of a term of years certain.

9. Paragraphs 5 to 8 above do not apply where the statutory tenancy of the original tenant arose by virtue of section 4 of the Requisitioned Houses and Housing (Amendment) Act 1955 or section 20 of the Rent Act 1965.

1955 c. 24.

1965 c. 75.

10.—(1) Where after a succession the successor becomes the tenant of the dwelling-house by the grant to him of another tenancy, “the original tenant” and “the first successor” in this Part of this Schedule shall, in relation to that other tenancy, mean the persons who were respectively the original tenant and the first successor at the time of the succession, and accordingly—

- (a) if the successor was the first successor, and, immediately before his death he was still the tenant (whether protected or statutory), paragraphs 6 and 7 above shall apply on his death,
- (b) if the successor was not the first successor, no person shall become a statutory tenant on his death by virtue of this Part of this Schedule.

(2) Sub-paragraph (1) above applies—

- (a) even if a successor enters into more than one other tenancy of the dwelling-house, and
- (b) even if both the first successor and the successor on his death enter into other tenancies of the dwelling-house.

(3) In this paragraph “succession” means the occasion on which a person becomes the statutory tenant of a dwelling-house by virtue of this Part of this Schedule and “successor” shall be construed accordingly.

(4) This paragraph shall apply as respects a succession which took place before 27th August 1972 if, and only if, the tenancy granted after the succession, or the first of those tenancies, was granted on or after that date, and where it does not apply as respects a succession, no account should be taken of that succession in applying this paragraph as respects any later succession.

11.—(1) Paragraphs 5 to 8 above do not apply where—

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- (a) the tenancy of the original tenant was granted on or after the operative date within the meaning of the Rent (Agriculture) Act 1976, and
- (b) both that tenancy and the statutory tenancy of the first successor were tenancies to which section 99 of this Act applies.

(2) If the tenants under both of the tenancies falling within sub-paragraph (1)(b) above were persons to whom paragraph 7 of Schedule 9 to the Rent (Agriculture) Act 1976 applies, the reference in sub-paragraph (1)(a) above to the operative date shall be taken as a reference to the date of operation for forestry workers within the meaning of that Act.

PART II

RELINQUISHING TENANCIES AND CHANGING TENANTS

Payments demanded by statutory tenants as a condition of giving up possession

12.—(1) A statutory tenant of a dwelling-house who, as a condition of giving up possession of the dwelling-house, asks for or receives the payment of any sum, or the giving of any other consideration, by any person other than the landlord, shall be guilty of an offence.

(2) Where a statutory tenant of a dwelling-house requires that furniture or other articles shall be purchased as a condition of his giving up possession of the dwelling-house, the price demanded shall, at the request of the person on whom the demand is made, be stated in writing, and if the price exceeds the reasonable price of the articles the excess shall be treated, for the purposes of sub-paragraph (1) above, as a sum asked to be paid as a condition of giving up possession.

(3) A person guilty of an offence under this paragraph shall be liable to a fine not exceeding £100.

(4) The court by which a person is convicted of an offence under this paragraph may order the payment—

- (a) to the person who made any such payment, or gave any such consideration, as is referred to in sub-paragraph (1) above, of the amount of that payment or the value of that consideration, or
- (b) to the person who paid any such price as is referred to in sub-paragraph (2) above, of the amount by which the price paid exceeds the reasonable price.

Change of statutory tenant by agreement

13.—(1) Where it is so agreed in writing between a statutory tenant (“the outgoing tenant”) and a person proposing to occupy

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the dwelling ("the incoming tenant"), the incoming tenant shall be deemed to be the statutory tenant of the dwelling as from such date as may be specified in the agreement ("the transfer date").

(2) Such an agreement shall not have effect unless the landlord is a party thereto, and, if the consent of any superior landlord would have been required to an assignment of the previous contractual tenancy, the agreement shall not have effect unless the superior landlord is a party thereto.

(3) If the outgoing tenant is the statutory tenant by virtue of his previous protected tenancy, then, subject to sub-paragraph (6) below, this Act shall have effect, on and after the transfer date, as if the incoming tenant had been a protected tenant and had become the statutory tenant by virtue of his previous protected tenancy.

(4) Subject to sub-paragraphs (5) and (6) below, if the outgoing tenant is a statutory tenant by succession, then, on and after the transfer date—

(a) this Act shall have effect as if the incoming tenant were a statutory tenant by succession, and

(b) the incoming tenant shall be deemed to have become a statutory tenant by virtue of that paragraph of Part I of this Schedule by virtue of which the outgoing tenant became (or is deemed to have become) a statutory tenant.

(5) If the outgoing tenant is a statutory tenant by succession, the agreement may provide that, notwithstanding anything in sub-paragraph (4) above, on and after the transfer date, this Act shall have effect, subject to sub-paragraph (6) below, as if the incoming tenant had been a protected tenant and had become the statutory tenant by virtue of his previous protected tenancy.

(6) Unless the incoming tenant is deemed, by virtue of sub-paragraph (4)(b) above, to have become a statutory tenant by virtue of paragraph 6 or 7 of Part I of this Schedule, paragraphs 5 to 7 of that Part shall not apply where a person has become a statutory tenant by virtue of this paragraph.

(7) In this paragraph "the dwelling" means the aggregate of the premises comprised in the statutory tenancy of the outgoing tenant.

No pecuniary consideration to be required on change of tenant under paragraph 13

14.—(1) Any person who requires the payment of any pecuniary consideration for entering into such an agreement as is referred to in paragraph 13(1) above shall be liable to a fine not exceeding £100.

(2) The court by which a person is convicted of an offence under sub-paragraph (1) above may order the amount of the payment to be repaid by the person to whom it was paid.

(3) Without prejudice to sub-paragraph (2) above, the amount of any such payment as is referred to in sub-paragraph (1) above shall

be recoverable by the person by whom it was made either by proceedings for its recovery or, if it was made to the landlord by a person liable to pay rent to the landlord, by deduction from any rent so payable.

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(4) Notwithstanding anything in sub-paragraph (1) above, if apart from this paragraph he would be entitled to do so, the outgoing tenant may require the payment by the incoming tenant—

- (a) of so much of any outgoing discharges by the outgoing tenant as is referable to any period after the transfer date ;
 - (b) of a sum not exceeding the amount of any expenditure reasonably incurred by the outgoing tenant in carrying out any structural alteration of the dwelling or in providing or improving fixtures therein, being fixtures which, as against the landlord, the outgoing tenant is not entitled to remove ;
 - (c) where the outgoing tenant became a tenant of the dwelling by virtue of an assignment of the previous protected tenancy, of a sum not exceeding any reasonable amount paid by him to his assignor in respect of expenditure incurred by the assignor, or by any previous assignor of the tenancy, in carrying out any such alteration or in providing or improving any such fixtures as are mentioned in paragraph (b) above ; or
 - (d) where part of the dwelling is used as a shop or office, or for business, trade or professional purposes, of a reasonable amount in respect of any goodwill of the business, trade or profession, being goodwill transferred to the incoming tenant in connection with his becoming a statutory tenant of the dwelling or accruing to him in consequence thereof.
- (5) In this paragraph “outgoing tenant”, “incoming tenant”, “the transfer date” and “the dwelling” have the same meanings as in paragraph 13 above.

SCHEDULE 2

Section 12(3).

RESIDENT LANDLORDS

PART I

PROVISIONS FOR DETERMINING APPLICATION OF SECTION 12

1. In determining whether the condition in section 12(1)(c) of this Act is at any time fulfilled with respect to a tenancy, there shall be disregarded—

- (a) any period of not more than 14 days beginning with the date on which the interest of the landlord under the tenancy becomes vested at law and in equity in an individual who, during that period, does not occupy as his residence another dwelling-house which forms part of the building concerned ;
- (b) if, within a period falling within paragraph (a) above, the individual concerned notifies the tenant in writing of his

SCH. 2

intention to occupy as his residence another such dwelling-house as is referred to in that paragraph, the period beginning with the date on which the interest of the landlord under the tenancy becomes vested in that individual as mentioned in that paragraph and ending—

(i) at the expiry of the period of 6 months beginning on that date, or

(ii) on the date on which that interest ceases to be so vested, or

(iii) on the date on which the condition in section 12(1)(c) again applies,

whichever is the earlier ; and

(c) any period of not more than 12 months beginning with the date on which the interest of the landlord under the tenancy becomes, and during which it remains, vested—

(i) in the personal representatives of a deceased person acting in that capacity ; or

(ii) in trustees as such ; or

(iii) by virtue of section 9 of the Administration of Estates Act 1925, in the Probate Judge, within the meaning of that Act.

1925 c. 23.

2. During any period when—

(a) the interest of the landlord under the tenancy referred to in section 12(1) is vested in trustees as such, and

(b) that interest is or, if it is held on trust for sale, the proceeds of its sale are held on trust for any person who occupies as his residence a dwelling-house which forms part of the building referred to in section 12(1)(a),

the condition in section 12(1)(c) shall be deemed to be fulfilled and, accordingly, no part of that period shall be disregarded by virtue of paragraph 1 above.

3. Throughout any period which, by virtue of paragraph 1 above, falls to be disregarded for the purpose of determining whether the condition in section 12(1)(c) is fulfilled with respect to a tenancy, no order shall be made for possession of the dwelling-house subject to that tenancy, other than an order which might be made if that tenancy were or, as the case may be, had been a regulated tenancy.

4. For the purposes of section 12, a building is a purpose-built block of flats if as constructed it contained, and it contains, 2 or more flats ; and for this purpose “flat” means a dwelling-house which—

(a) forms part only of a building ; and

(b) is separated horizontally from another dwelling-house which forms part of the same building.

5. For the purposes of section 12, a person shall be treated as occupying a dwelling-house as his residence if, so far as the nature of the case allows, he fulfils the same conditions as, by virtue of section 2(3) of this Act, are required to be fulfilled by a statutory tenant of a dwelling-house.

PART II

SCH. 2

Tenancies ceasing to fall within section 12

6.—(1) In any case where—

- (a) a tenancy which, by virtue only of section 12, was precluded from being a protected tenancy ceases to be so precluded and accordingly becomes a protected tenancy, and
- (b) before it became a protected tenancy a rent was registered for the dwelling concerned under Part V of this Act,

the amount which is so registered shall be deemed to be registered under Part IV of this Act as the rent for the dwelling-house which is let on that tenancy, and that registration shall be deemed to take effect on the day the tenancy becomes a protected tenancy.

(2) Section 67(3) of this Act shall not apply to an application for the registration under Part IV of a rent different from that which is deemed to be registered as mentioned in sub-paragraph (1) above.

(3) The reference in section 69(1)(b) of this Act to a rent being registered for a dwelling-house does not include a rent which is deemed to be registered as mentioned in sub-paragraph (1) above.

(4) If, immediately before a tenancy became a protected tenancy as mentioned in sub-paragraph (1)(a) above, the rates in respect of the dwelling-house concerned were borne as mentioned in subsection (3) of section 79 of this Act and the fact that they were so borne was noted as required by that subsection, then, in the application of Part IV in relation to the protected tenancy, section 71(2) of this Act shall be deemed to apply.

7. If, in a case where a tenancy becomes a protected tenancy as mentioned in sub-paragraph (1)(a) above—

- (a) a notice to quit had been served in respect of the dwelling concerned before the date on which the tenancy became a protected tenancy, and
- (b) the period at the end of which that notice to quit takes effect had, before that date, been extended under Part VII of this Act, and
- (c) that period has not expired before that date,

the notice to quit shall take effect on the day following that date (whenever it would otherwise take effect) and, accordingly, on that day the protected tenancy shall become a statutory tenancy.

SCHEDULE 3

CONTROLLED TENANCIES

PART I

1956 RATEABLE VALUES

Section 17.

1.—(1) The reference in section 17(1)(a) of this Act to the rateable value of a dwelling-house on 7th November 1956 shall be construed—

- (a) if the dwelling-house was a hereditament for which a rateable value was on that date shown in the valuation list, as a

SCH. 3

reference to the rateable value of the hereditament, or where that value differed from the net annual value, the net annual value thereof, as shown in the valuation list on that date ;

- (b) if the dwelling-house formed part only of such a hereditament, as a reference to such proportion of the said rateable value or net annual value as may be or have been agreed in writing between the landlord and tenant or determined by the county court ;
- (c) if the dwelling-house consisted of or formed part of more than one such hereditament, as a reference to the aggregate of the rateable values (ascertained in accordance with paragraphs (a) and (b) above) of those hereditaments or parts.

(2) Any apportionment of rateable value made by the county court in a case falling within sub-paragraph (1)(b) above shall be final.

2. Subject to paragraph 3 below, where, after 7th November 1956, the valuation list was altered so as to vary the rateable value of a hereditament, and the alteration—

- (a) had effect from a date not later than 7th November 1956, and
- (b) was made in pursuance of a proposal made before 1st April 1957,

the rateable value on 7th November 1956 of any dwelling-house consisting of or wholly or partly comprised in that hereditament shall be ascertained as if the amount of the rateable, or as the case may be the net annual, value of that hereditament shown in the valuation list on 7th November 1956 had been the amount of that value shown in the list as altered.

3. Where such a proposal as is referred to in paragraph 2 above was pending on 6th July 1957 and—

- (a) the proposal was for an alteration in the valuation list reducing the rateable value of the dwelling-house, but
- (b) that rateable value on 31st March 1956 was such that, if it had remained unaltered, the rateable value of the dwelling-house on 7th November 1956 would have exceeded the relevant limit specified in section 17(1)(a) of this Act,

then any alteration in the rateable value of the dwelling-house which was made in pursuance of the proposal shall be disregarded in determining whether that rateable value on 7th November 1956 did or did not exceed the relevant limit in section 17(1)(a).

4. Where—

- (a) the tenant or any previous tenant under a tenancy or a statutory tenancy which began before 6th July 1957 made or contributed to the cost of an improvement on the premises comprised in the protected or statutory tenancy ; and
- (b) the improvement was made before 7th November 1956 by the execution of works amounting to structural alteration, extension or addition,

the rateable value of the premises as ascertained in accordance with paragraphs 1 to 3 above shall be taken to be reduced by such amount, if any, as may have been agreed or determined in accordance with Part III of Schedule 5 to the Rent Act 1957 (which, in certain cases, provided for a reduction of rateable value on account of certain improvements if the tenant served the necessary notice on the landlord not later than 6 weeks after the commencement of that Act).

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1957 c. 25.

5. If at the time of the making of such an agreement relating to the rateable value of a dwelling-house as is mentioned in paragraph 1(b) above, the landlord was himself a tenant, then, unless he was a tenant under a tenancy having a term with more than 7 years to run at that time, the agreement shall not have effect for the purposes of this Act except with the concurrence in writing of his immediate landlord.

PART II

1939 RATEABLE VALUES

6. This Part of this Schedule shall have effect in determining the 1939 rateable value of the dwelling-house for the purposes of section 17(2)(a) of this Act.

7. If, on 6th April 1939, a rateable value was shown in the valuation list then in force with respect to a dwelling-house within the area which constituted the administrative county of London, the 1939 rateable value of that dwelling-house means that rateable value or, if the net annual value of the dwelling-house as shown in that list differed from the rateable value, that net annual value.

8. If, on 1st April 1939, a rateable value was shown in the valuation list then in force with respect to a dwelling-house outside the area which constituted the administrative county of London, the 1939 rateable value of that dwelling-house means that rateable value or, if the net annual value of the dwelling-house as shown in that list differed from the rateable value, that net annual value.

9. In relation to a dwelling-house which was first assessed after 1st April 1939 or, if it is within the area which constituted the administrative county of London, after 6th April 1939, the 1939 rateable value means the rateable value shown in the valuation list with respect to the dwelling-house on the day on which the dwelling-house was first assessed or, if the net annual value as shown in the valuation list in force on that day differed from the rateable value, that net annual value.

10. Where, for the purpose of determining the 1939 rateable value of any dwelling-house, it is necessary to apportion the 1939 rateable value of the property in which that dwelling-house is comprised, the county court may, on application by either party, make such apportionment as seems just, and the decision of a county court (whether given before or after the commencement of this Act) as to the amount to be apportioned to the dwelling-house shall be final.

Section 27.

SCHEDULE 4

1956 GROSS VALUE

1.—(1) Subject to this Schedule, the 1956 gross value of any dwelling, for the purposes of Part II of this Act, is the gross value thereof as shown in the valuation list on 7th November 1956 or, where the dwelling forms part only of a hereditament shown in that list, such proportion of the gross value shown in that list for that hereditament as may be or have been agreed in writing between the landlord and the tenant or be determined by the county court.

(2) Any apportionment of gross value determined by the county court for the purposes of Part II of this Act shall be final.

2. Where a dwelling is or forms part of a hereditament for which no gross value was shown in the valuation list on 7th November 1956, paragraph 1 above shall have effect in relation to the dwelling as if, for the references to that date, there were substituted references to the first subsequent date on which a gross value for that hereditament was shown in the valuation list.

3. If, in pursuance of a proposal made before 1st April 1957, or made on the ground of a change in the occupier or in the circumstances of occupation, the gross value shown for a hereditament in the valuation list was varied after 7th November 1956, then, as regards any rental periods (whether beginning before or after the variation) the 1956 gross value of a dwelling which is or forms part of that hereditament shall be ascertained by reference to the gross value as so varied.

4.—(1) Where a dwelling is or forms part of a hereditament the gross value of which, as shown in the valuation list, was arrived at after such a reduction as was provided for in section 4(3) of the Valuation for Rating Act 1953 (which related to certain hereditaments consisting partly of premises used wholly for the purposes of a private dwelling and partly of other premises) that gross value shall be deemed, for the purposes of Part II of this Act, to be further reduced by four-sevenths of so much thereof as is attributable to that part of the hereditament which was not used wholly for the purposes of a private dwelling or private dwellings; and a certificate of the valuation officer shall be conclusive evidence of the amount so attributable.

(2) In sub-paragraph (1) above “the valuation officer”, in relation to a valuation list, means any officer of the Commissioners of Inland Revenue who was for the time being appointed by the Commissioners to be the valuation officer or one of the valuation officers, or to be the deputy valuation officer or one of the deputy valuation officers, in relation to that list.

5.—(1) Subject to sub-paragraph (2) below, where a dwelling consists of or forms part of more than one hereditament, the 1956 gross value of the dwelling shall be ascertained by determining the 1956 gross value of each hereditament or part as if it were a separate dwelling and aggregating the gross values so determined.

(2) In determining, for the purposes of this paragraph, the 1956 gross value of any hereditament, that gross value shall be taken to be reduced by four-sevenths if it was ascertained in accordance with the definition of gross value in section 68 of the Rating and Valuation Act 1925. SCH. 4
1925 c. 90.

6. Where a tenant or any previous tenant under a controlled tenancy which began before 6th July 1957 made or contributed to the cost of an improvement on the premises comprised in the tenancy and the improvement was made before 7th November 1956 by the execution of works amounting to structural alteration, extension or addition, the 1956 gross value of the premises shall be reduced by such amount, if any, as may have been agreed or determined in accordance with Part III of Schedule 5 to the Rent Act 1957 (which, in certain cases, provided for a reduction in the 1956 gross value on account of certain improvements if the tenant served the necessary notice on the landlord not later than 6 weeks after the commencement of that Act). 1957 c. 25.

7. If, at the time of the making of such an agreement as is referred to in paragraph 1 above, the landlord was himself a tenant, then, unless he was tenant under a tenancy having a term with more than 7 years to run at that time, the agreement shall not have effect for the purposes of Part II of this Act, except with the concurrence in writing of his immediate landlord.

8. In this Schedule the expression "valuation list" does not include any new valuation list which came into force at any time after July 1957.

SCHEDULE 5

Section 27.

CALCULATION OF AMOUNT OF RATES

1. For the purposes of this Act, the amount of rates for any rental period shall be taken, subject to this Schedule, to be an amount which bears to the total rates payable during the relevant rating period the same proportion as the length of the rental period bears to the length of the relevant rating period.

2. In this Schedule "the relevant rating period", in relation to a rental period, means the rating period during which the rent for that rental period is payable.

3. The amount of the rates for any rental period which precedes the making, by the authority levying the rates, of their first demand for, or for an instalment of, the rates for the relevant rating period shall be calculated on the basis that the rates for that rating period will be the same as for the last preceding rating period.

4.—(1) On the making, by the authority levying the rates, of their first such demand, and on the making by them of any subsequent such demand, the amount of the rates for any rental period shall if necessary be recalculated on the basis that the rates for the relevant rating period will be such as appears from the information given in the demand and any previous demands.

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(2) Any such recalculation shall not affect the ascertainment of the rates for any rental period beginning more than 6 weeks before the date of the service of the demand giving rise to the recalculation.

5. If, as a result of the settlement of a proposal, the rates payable for the relevant rating period are decreased, the amount of the rates for a rental period shall be recalculated so as to give effect to the decrease; but any such recalculation shall not affect the ascertainment of the rates for any rental period beginning more than 6 weeks before the date of the settlement of the proposal.

6. In computing the rates for any rental period for the purposes of this Schedule, any discount, and any allowance made under any of the enactments relating to allowances given where rates are paid by the owner instead of by the occupier, shall be left out of account, and accordingly those rates shall be computed as if no such discount or allowance had fallen to be, or had been, allowed or made.

Section 27.

SCHEDULE 6

ADJUSTMENT OF RENT IN RESPECT OF REPAIRS

PART I

ADJUSTMENT OF RENT LIMIT

1.—(1) This Part of this Schedule shall have effect in ascertaining the rent limit by reference to the 1956 gross value.

(2) If under the terms of the tenancy the tenant is responsible for all repairs, the appropriate factor is four-thirds.

(3) If under the terms of the tenancy the tenant is responsible for some but not all repairs, the appropriate factor is such number less than 2 but greater than four-thirds as may be or have been agreed in writing between the landlord and the tenant or determined by the county court.

2.—(1) In paragraph 1 above the expression "repairs" does not include internal decorative repairs, but if the landlord is responsible for internal decorative repairs under the terms of the tenancy, or neither the landlord nor the tenant is responsible therefor under the terms of the tenancy but the landlord elects to be treated for the purposes of Part II of this Act as responsible therefor,—

(a) "seven-thirds" and "five-thirds" shall be substituted respectively for "2" and "four-thirds" in section 27 of this Act and in paragraph 1 above, and

(b) in the case of an election under this paragraph the question whether the rent limit applicable to any rental period beginning after the election is to be ascertained under section 27(1) or (2) of this Act shall be determined as if the election had always had effect.

(2) An election under this paragraph shall be made by notice in the prescribed form served on the tenant and shall continue in force notwithstanding any change in the person of the landlord.

(3) An election under this paragraph shall not have effect if the tenant dissents from it in writing within one month of the service on the tenant of the notice under sub-paragraph (2) above.

(4) If the tenant duly dissents, Part VII of this Act shall have effect as if, in relation to the dwelling in question, the circumstances specified in Case 1 in Schedule 15 to this Act included the case where the tenant has failed to keep the dwelling in a reasonable state of internal decorative repair, having due regard to its age, character and locality.

PART II

ABATEMENT FOR DISREPAIR

Notification of disrepair to landlord

3. This Part of this Schedule shall have effect where the tenant under a controlled tenancy serves on the landlord a notice in the prescribed form stating that—

- (a) the dwelling or any part of it is in disrepair by reason of defects specified in the notice, and
 - (b) those defects ought reasonably to be remedied, having due regard to the age, character and locality of the dwelling,
- and requesting the landlord to remedy them.

Landlord's undertaking to repair and certificates of disrepair

4.—(1) If, on the expiry of 6 weeks from the service of a notice under paragraph 3 above, any of the defects specified in the notice remain unremedied, then, unless the landlord has given an undertaking in the prescribed form to remedy those defects or such of them as the tenant may agree in writing to accept as sufficient, the tenant may in the prescribed form apply to the local authority for a certificate of disrepair.

(2) Any application under this paragraph shall be accompanied by a copy of the notice served on the landlord.

(3) Where an application under this paragraph is made to a local authority and the local authority are satisfied—

- (a) that the dwelling or any part of it is in disrepair by reason of defects specified in the notice served on the landlord and,
- (b) that all or any of those defects ought reasonably to be remedied, having due regard to the age, character and locality of the dwelling,

they shall issue to the tenant a certificate of disrepair accordingly.

(4) Any such certificate of disrepair shall be in the prescribed form and shall specify the defects as to which the local authority are satisfied as mentioned in sub-paragraph (3) above, stating that the local authority are so satisfied.

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(5) If, on an application by the tenant, the county court is satisfied, with respect to any defects, that the local authority have failed to issue a certificate of disrepair which ought to have been issued, the court shall direct the authority to proceed on the footing that, in relation to those defects, they are satisfied as to the matters specified in sub-paragraph (3) above ; and if, on an application by the tenant, the county court is satisfied that any defect not specified in a certificate of disrepair ought to have been specified therein, the court shall order that the defect shall be deemed to have been specified in the certificate.

(6) The local authority shall not be concerned to inquire into any obligation as between a landlord and a tenant or into the origin of any defect ; but if, on an application by the landlord, the county court is satisfied, with respect to any defect specified in a certificate of disrepair, that it is one for which the tenant is responsible, the court shall cancel the certificate with respect to that defect.

(7) If, on an application by the landlord, the county court is satisfied with respect to any defect specified in a certificate of disrepair that it ought not to have been so specified, the court shall cancel the certificate with respect to that defect.

(8) Where a certificate of disrepair is cancelled under this paragraph with respect to all the defects specified therein, it shall be deemed never to have had effect ; and where it is so cancelled with respect to some only of the defects specified therein, it shall be deemed never to have had those defects specified therein.

5.—(1) Where, after the issue of a certificate of disrepair, the landlord applies to the local authority for the cancellation of the certificate on the ground that the defects specified in the certificate have been remedied, the local authority shall serve on the tenant a notice to the effect that, unless an objection from the tenant is received by them within 3 weeks from the service of the notice on the ground that those defects or any of them have not been remedied, they propose to cancel the certificate.

(2) If no objection is received as mentioned in sub-paragraph (1) above, or if, in the opinion of the local authority, the objection is not justified, they shall cancel the certificate as from the date of the application or such later date as appears to them to be the date on which the defects specified in the certificate were remedied.

(3) Where the landlord has applied to the local authority for the cancellation of a certificate of disrepair and the authority have not cancelled the certificate, the landlord may apply to the county court, and if on the application the court is satisfied that the certificate ought to have been cancelled by the local authority, the court shall order that the certificate shall cease to have effect as from the date of the order or such earlier date as may be specified in the order.

(4) Where the local authority have cancelled a certificate of disrepair the tenant may apply to the county court, and if on the application the court is satisfied that the certificate ought not to have been cancelled, the court may order that it shall be deemed not to have been cancelled.

*Abatement of rent where certificate issued or undertaking
not carried out*

SCH. 6

6.—(1) Where an application for a certificate of disrepair is granted, any notice of increase served during the period beginning 6 months before the date of the application and ending when the certificate ceases to be in force shall have no effect with respect to any rental period beginning while the certificate is in force, except in so far as it specifies an increase authorised by section 29, 31 or 32 of this Act.

(2) Where a certificate of disrepair is issued, the appropriate factor applicable to any rental period beginning while the certificate is in force shall be four-thirds and the rent limit shall be ascertained under subsection (1) of section 27 of this Act, notwithstanding anything in subsection (3) of that section or section 145(4) of this Act.

(3) A notice of increase served while a certificate of disrepair is in force shall be void unless it contains a statement that it will not take effect while the certificate is in force, except in so far as the increase specified in it is authorised by section 29, 31 or 32 of this Act.

(4) Without prejudice to sub-paragraphs (1) to (3) above, but subject to sub-paragraph (5) below, the tenant shall be entitled to withhold rent otherwise recoverable for rental periods beginning while the certificate of disrepair continues in force up to an aggregate amount equal to the aggregate amount of rent for rental periods which began—

- (a) on or after the date of the application for the certificate of disrepair, and
- (b) before the granting thereof,

being rent which would have been made irrecoverable by sub-paragraphs (1) to (3) above if the certificate had been in force throughout those rental periods.

(5) The amount of rent withheld for any rental period by virtue of sub-paragraph (4) above shall not exceed the amount of rent made irrecoverable by sub-paragraphs (1) to (3) above for the first rental period beginning while the certificate is in force.

(6) Where under paragraph 4 above an application is made to the court for the cancellation of a certificate of disrepair with respect to all the defects specified therein, and the application is made within 3 weeks after the issue of the certificate, the rent recoverable for any rental period beginning while proceedings on the application are pending shall, until those proceedings are concluded, be deemed to be the same as if the certificate had not been issued.

7.—(1) If on the expiry of 6 months from the giving of such an undertaking as is mentioned in paragraph 4 above, any defects to which the undertaking relates remain unremedied, the same conse-

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quences shall follow as if a certificate of disrepair had then been issued and had continued in force until the remedying of the defects, and (where the undertaking was given before any application for such a certificate had been made) as if such an application had been made when the undertaking was given.

(2) Where such an undertaking has been given, the landlord or the tenant may apply to the local authority for a certificate under this sub-paragraph, and the local authority shall certify whether any, and if so which, of the defects to which the undertaking relates remain unremedied.

(3) A certificate under sub-paragraph (2) above shall in any proceedings be evidence until the contrary is proved of the matters certified.

8.—(1) If a certificate of disrepair is issued to the tenant of a dwelling, and the dwelling, or any part of it which is in disrepair by reason of the defects specified in the certificate, is subject to a sub-tenancy which is a controlled tenancy, then unless a certificate of disrepair in respect of those defects has been issued to the sub-tenant, the same consequences shall follow as between the tenant and the sub-tenant as if a certificate of disrepair—

- (a) had been issued to the sub-tenant when the certificate was issued to the tenant, and
- (b) had specified the same defects as the certificate issued to the tenant, and
- (c) had been issued on an application made by the sub-tenant when the tenant applied for the certificate issued to him, and
- (d) had continued in force for the same period as that certificate.

(2) Where paragraph 7(1) above has effect as between the landlord and the tenant, sub-paragraph (1) above shall have effect accordingly as between the tenant and the sub-tenant.

(3) Nothing in this paragraph shall prejudice the power of the sub-tenant to obtain a certificate of disrepair or the effect of any undertaking given to the sub-tenant.

Rent limit following cancellation of certificate of disrepair in cases to which section 31 applies

9. In a case to which section 31 of this Act applies, upon the cancellation of a certificate of disrepair, the rent limit for a rental period beginning after the cancellation shall be the greater of the following amounts:—

- (a) an amount calculated under section 27 of this Act (disregarding section 31); and
- (b) an amount calculated under that section as if subsection (1)(a) required the multiplication of the 1956 gross value of the dwelling by the reduced factor specified in paragraph 6(2) above and the addition to the figure arrived at of any increase permitted under section 31.

General and supplemental

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10. This Part of this Schedule shall apply while a controlled tenancy continues notwithstanding any change in the person of the landlord or the tenant.

11.—(1) The defects which may be specified in a certificate of disrepair shall not include any defects in the state of internal decorative repair unless the landlord is responsible for internal decorative repairs under the terms of the tenancy or is to be treated as responsible therefor by virtue of an election under paragraph 2 above.

(2) In considering whether or not to issue a certificate of disrepair or what defects to specify in such a certificate, the local authority shall treat the landlord as responsible for internal decorative repairs if the application for a certificate alleges that he is responsible therefor or that he is to be treated as responsible therefor by virtue of an election under paragraph 2 above, but in any other case the local authority shall treat the landlord as not responsible for such repairs.

(3) Paragraph 4(6) above shall apply in relation to a defect in the state of internal decorative repair as if, for the words "for which the tenant is responsible", there were substituted "for which the landlord is not responsible and is not to be treated as responsible by virtue of an election under paragraph 2 above".

12.—(1) On an application to the local authority for a certificate of disrepair or a certificate under paragraph 7(2) above, there shall be paid to the local authority a fee of $12\frac{1}{2}$ pence, but where a certificate of disrepair, or a certificate under that paragraph certifying that any defects remain unremedied, is granted to the tenant he shall be entitled to deduct the fee from any subsequent payment of rent to the landlord.

(2) If a certificate of disrepair is cancelled by the court under paragraph 4 above with respect to all the defects specified in the certificate, any sum deducted under this paragraph may be recovered by the landlord.

(3) On an application to the local authority for the cancellation of a certificate of disrepair, there shall be paid to the local authority a fee of $12\frac{1}{2}$ pence.

13. In the case of a controlled tenancy of a dwelling which forms part of any other premises owned by or under the control of the landlord or a superior landlord,—

(a) any disrepair of the roof or of any other part of those premises which results, or may result, in disrepair of the dwelling, and

(b) any disrepair of any staircase or other approach to the dwelling contained in those premises,

shall be treated for the purposes of this Part of this Schedule as if it were disrepair of the dwelling.

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14. The local authority shall serve a copy of every certificate of disrepair issued by them on the landlord.

15.—(1) In this Part of this Schedule, references to defects for which the tenant is responsible are references—

- (a) to defects for the remedying of which, as between the landlord and the tenant, the tenant is responsible ; or
- (b) to defects which are due to any act, neglect or default of the tenant or any person claiming under him or to any breach by the tenant or such a person of any express agreement.

(2) In this Part of this Schedule, except where the context otherwise requires, “local authority”, in relation to any premises, means the Council of the district or of the London borough in which the premises are situated or, if they are situated in the City of London, the Common Council of the City of London.

Section 44(4).

SCHEDULE 7

RENT LIMIT FOR CERTAIN TENANCIES FIRST REGULATED BY VIRTUE OF THE COUNTER-INFLATION ACT 1973

Special rent limit

1.—(1) This paragraph applies to a regulated tenancy—

- (a) which was granted before 8th March 1973, and
- (b) which would not have been a regulated tenancy but for section 14(1) of the Counter-Inflation Act 1973 (which brought certain tenancies of dwelling-houses with high rateable values within the protection of the Rent Act 1968).

1973 c. .

1968 c. 23.

(2) Subject to this Schedule, the recoverable rent for any contractual period of a tenancy to which this paragraph applies shall not exceed the limit specified in paragraph 2 below, and the amount of any excess shall, notwithstanding anything in any agreement, be irrecoverable from the tenant.

(3) Where a rent for the dwelling-house is registered under Part IV of this Act which is less than the limit specified in paragraph 2 below, neither section 44(1) nor section 45(2) of this Act shall apply to a tenancy to which this paragraph applies.

(4) Sub-paragraphs (2) and (3) above shall cease to apply if the landlord and the tenant so provide by an agreement conforming with the requirements of section 51(4) of this Act.

(5) Sub-paragraph (2) above shall not apply where a rent for the dwelling-house is registered under Part IV of this Act which is not less than the limit specified in paragraph 2 below.

S.I. 1972/1851.

2.—(1) Where, at 22nd March 1973, Article 10 of the Counter-Inflation (Rents) (England and Wales) Order 1972 applied to the rent under the tenancy (to which paragraph 1 above applies), the said

limit is the rent payable under the tenancy as limited by the said Article 10 immediately before that date.

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(2) In any other case the said limit is the rent payable under the terms of the tenancy (to which paragraph 1 above applies) at 22nd March 1973.

Adjustment for repairs, services or rates

3.—(1) This paragraph applies to a contractual period the rent for which is subject to paragraph 1(2) above.

(2) In this paragraph “the previous terms” means the terms of the tenancy (to which paragraph 1 above applies) as at 22nd March 1973, and “the limit” means the limit in paragraph 2 above.

(3) Where under the terms of the tenancy there is with respect to—

- (a) the responsibility for any repairs, or
- (b) the provision of services by the landlord or any superior landlord, or
- (c) the use of furniture by the tenant,

any difference compared with the previous terms, such as to affect the amount of the rent which it is reasonable to charge, the limit shall be increased or decreased by an appropriate amount.

(4) Where for the contractual period there is a difference between the amount (if any) of the rates borne by the landlord or a superior landlord in respect of the dwelling-house and the amount (if any) so borne during the first rental period for which the previous terms were agreed, the limit shall be increased or decreased by the difference.

(5) Where for the contractual period there is an increase in the cost of the provision of the services (if any) provided for the tenant by the landlord or a superior landlord compared with that cost at the time when the previous terms were agreed, such as to affect the amount of the rent which it is reasonable to charge, the limit shall be increased by an appropriate amount.

(6) Where the previous terms provide for a variation of the rent in any of the circumstances mentioned in this paragraph, the limit shall not be further varied under this paragraph by reason of the same circumstances.

(7) Any question whether, or by what amount, the limit is increased or decreased by sub-paragraph (3) or (5) above shall be determined by the county court, and any such determination—

- (a) may be made so as to relate to past rental periods, and
- (b) shall have effect with respect to rental periods subsequent to the periods to which it relates until revoked or varied by a subsequent determination.

Statutory period of tenancy : no adjustment for improvements

4. Section 48 of this Act shall not apply to a tenancy to which paragraph 1 above applies.

Section 55.

SCHEDULE 8

PHASING OF RENT INCREASES: GENERAL PROVISIONS

Interpretation

1.—(1) In this Schedule—

- “noted amount” means an amount noted under paragraph 2(1) below;
- “period of delay” means, subject to sub-paragraph (2) below, a period of 2 years beginning with the date of registration of a rent, whether before or after the coming into force of this Act;
- “permitted increase” means the amount by which the rent for any period may be increased;
- “previous rent limit” means, subject to sub-paragraphs (3) and (4) below, the amount which at the date of registration was recoverable by way of rent or would have been so recoverable upon service of a notice or notices of increase;
- “registered”, in relation to a rent, means registered under Part IV of this Act and “registration” shall be construed accordingly;
- “service element” means any amount calculated under paragraph 2 below;
- “services” means services provided by the landlord or a superior landlord;
- “specified sum” means £0.40 per week for a period which falls within the first year of the period of delay and £0.80 per week for a period which falls within the second year.

(2) In the case of a rent registered on or after 8th March 1974 but before 10th March 1975, the period of delay shall be taken to have begun on the later date.

(3) Where the rent includes an amount payable in respect of rates, the previous rent limit shall be decreased by the amount so payable, ascertained in accordance with Schedule 5 to this Act.

1973 c. 9.

(4) Where the rent under a tenancy was rendered partly irrecoverable by an order under section 11 of the Counter-Inflation Act 1973, the previous rent limit is an amount equal to the part of the rent which was recoverable immediately before 10th March 1975.

(5) An order may substitute for the specified sum, in relation to the first year of the period of delay or the second, or to the whole period, a sum other than the sum mentioned in sub-paragraph (1) above.

(6) An order under sub-paragraph (5) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Service element

2.—(1) Where—

- (a) the registered rent includes a payment in respect of services, and

(b) the rent is not registered as a variable rent in accordance with section 71(4) of this Act, but

(c) not less than 5 per cent. of the amount of the registered rent is in the opinion of the rent officer or rent assessment committee fairly attributable to the services,

the amount so attributable shall be noted in the register.

(2) In the Cases mentioned in the first column of the Table below, the amount of the service element shall be calculated as specified in the second column.

TABLE

CALCULATION OF SERVICE ELEMENT

<i>Case</i>	<i>Service element</i>
<p><i>Case A.</i> A specified amount or proportion was in the previous rent limit attributable to the provision of services, and came to less than the noted amount.</p>	<p>The service element is the difference between the amount or proportion and the noted amount.</p>
<p><i>Case B.</i> No amount or proportion attributable to the provision of services is specified, but an amount less than the noted amount appears to the rent officer or rent assessment committee to have been attributable to such provision.</p>	<p>The service element is the difference between—</p> <p>(a) an amount bearing to the previous rent limit the same proportion as the noted amount bears to the registered rent, and</p> <p>(b) the noted amount.</p>
<p><i>Case C.</i> No amount appears to the rent officer or rent assessment committee to have been attributable in the previous rent limit to the provision of services.</p>	<p>The service element is the noted amount.</p>

(3) The amount of the service element shall be recorded in the register, and in Case C above may be recorded by adding to the note under sub-paragraph (1) above a statement that the noted amount is the service element.

General formulae for calculating increases in rent

3.—(1) Subject to sub-paragraph (4) below, the permitted increase is an increase to an amount calculated in accordance with the formula set out in sub-paragraph (2) or (3) below, where—

PRL is the previous rent limit,

SE is the service element,

RR is the registered rent, and

SS is the specified sum.

SCH. 8

(2) The permitted increase for a period which falls within the first year of the period of delay is an increase to the greater of the following amounts, namely—

- (a) $PRL + SE + \frac{1}{3} [RR - (PRL + SE)]$;
- (b) $PRL + SE + SS$.

(3) The permitted increase for a period which falls within the second year of the period of delay is an increase to the greater of the following amounts, namely—

- (a) $PRL + SE + \frac{2}{3} [RR - (PRL + SE)]$;
- (b) $PRL + SE + SS$.

(4) The maximum permitted increase by virtue of this Schedule is an increase to the registered rent.

Subsequent registrations

4.—(1) Where the registration of the rent is in a period of delay beginning with an earlier registration—

- (a) from the date of the registration the limitation under the period of delay beginning with the earlier registration shall cease to apply ; and
- (b) a fresh period of delay shall begin with the later registration.

(2) This Schedule shall apply in relation to any such case as if the previous rent limit were the aggregate of the limit at the date of the earlier registration and any addition permitted under this Schedule in the portion of the earlier period of delay which elapsed before the later registration.

Amounts to be noted on certificate of fair rent

5. Where the rent specified in a certificate of fair rent includes a payment in respect of services and the amount which in the opinion of the rent officer or rent assessment committee is fairly attributable to the provision of the services is not less than 5 per cent. of the amount of the rent, then, if the applicant so requests, the amount so attributable shall be noted in the certificate of fair rent together with the amount of the service element.

General

6. The amount of any service element or of any amount sought to be noted in the register or in the certificate of fair rent in pursuance of this Schedule shall be included among the matters with respect to which representations may be made or consultations are to be held or notices given under Parts I and II of Schedule 11, and under Schedule 12 to this Act.

7. In ascertaining for the purposes of this Schedule whether there is any difference between amounts, or what that difference is, such adjustments shall be made as may be necessary to take account of periods of different lengths ; and for that purpose a month shall be treated as one-twelfth and a week as one-fifty-second of a year.

8.—(1) Where a registration takes effect from a date earlier than the date of registration, references in this Schedule to the date of registration shall nonetheless be references to the later date.

SCH. 8

(2) Where a rent determined by a rent assessment committee is registered in substitution for a rent determined by a rent officer, the preceding provisions of this Schedule shall have effect as if only the rent determined by the rent assessment committee had been registered, but the date of registration shall be deemed for the purposes of this Schedule (but not for the purposes of section 45(3) of this Act) to be the date on which the rent determined by the rent officer was registered.

9. This Schedule is subject to paragraph 3 of Schedule 20 to this Act.

10. Where any provision of this Schedule imposes a rent limit for a statutory period, or part of a statutory period, falling within the period of delay, section 45(2) of this Act shall have effect as if for references to the registered rent there were substituted references to that rent limit.

SCHEDULE 9

Sections 56, 114.

PHASING OF RENT INCREASES: CONVERTED TENANCIES AND IMPROVEMENTS

1.—(1) This paragraph applies where a rent for a dwelling-house which is subject to a regulated tenancy is registered under Part IV of this Act and—

- (a) the registration is the first registration, and the tenancy has become a regulated tenancy by virtue of Part VIII of this Act, section 43 of the Housing Act 1969 or Part III of the Housing Finance Act 1972, or 1969 c. 33
1972 c. 47
- (b) the registration is the first after the completion, during the existence of the regulated tenancy, of works towards the cost of which a grant was payable under Part I of the Housing Act 1969 or Part VII of the Housing Act 1974. 1974 c. 44.

(2) If the rent payable under the tenancy for any statutory period, or part of a statutory period, falling within the period of delay imposed by paragraph 2 below is less than the rent so registered, it shall not be increased by a notice of increase under section 45(2) of this Act except to the extent (if any) permitted under this Schedule; and any such notice which purports to increase it further shall have effect to increase it to the extent so permitted but no further.

(3) If after the tenancy becomes a regulated tenancy, or as the case may be after the completion of the works, and whether or not before the beginning of the period of delay, an agreement increasing the rent under the tenancy takes effect, the rent limit for any period of that tenancy (whether contractual or statutory), or part of such a period, falling within the period of delay shall be the amount to which, if the agreement had not been made, the rent could have been increased in accordance with this Schedule for a corresponding statutory period, or part of a statutory period.

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(4) In relation to such a contractual period or part the reference in section 71(3) of this Act to section 44(1) shall be construed as a reference to sub-paragraph (3) above.

(5) Where sub-paragraph (3) above applies to a statutory period, or part of a statutory period, sub-paragraph (2) above shall not apply to that period or part.

(6) Nothing in this Schedule shall prevent the rent being increased to the previous limit, calculated in accordance with paragraph 3 below, and nothing in this Schedule shall be taken to enable any rent to be increased above the amount registered.

(7) Subject to sub-paragraph (6) above, the registration, during the period of delay, of a rent superseding, and lower than, the rent registered at the beginning of the period of delay shall not affect the amount by which the rent may be increased in the period of delay.

2. The period of delay shall begin with the date of registration, and its duration and the extent to which the rent may be increased in the period of delay, shall be as set out in the Table below where—

“the step” means the excess of the rent registered at the beginning of the period of delay over the previous limit, and

“increase in recoverable rent for an improvement” means an increase in rent made by virtue of section 32 or 48(1) of, or paragraph 3 of Schedule 17 to, this Act, and

“add” means that for any rental period, or part of a rental period, beginning on or after the date as at which the addition is to be made the rent may be increased up to the previous limit, calculated in accordance with paragraph 3 below, with any previous addition under the Table, plus the specified addition,

and any reference to the addition of either a fraction of the step or a specified sum per week is a reference to an addition of whichever represents the greater increase of rent.

TABLE

PROGRESSION TO REGISTERED RENT FROM PREVIOUS RENT LIMIT

<i>Case</i>	<i>Phasing</i>
<p><i>Case A.</i> First registration of rent after tenancy becomes a regulated tenancy by virtue of Part VIII of this Act, section 43 of the Housing Act 1969 or Part III of the Housing Finance Act 1972 (except where one of the following cases applies).</p>	<p>Period of delay is 2 years.</p> <p>On date of registration add one third of the step, or £0.50 per week.</p> <p>One year after registration add one third of the step, or £0.50 per week.</p>

Case

Case B. As in Case A, but in the 12 months ending with the date of registration there has been an increase in recoverable rent for an improvement of £0.50 per week or more.

Case C. As in Case A, but at a date more than 12 months before the date of registration but not more than 2 years before the date of application for registration there has been an increase in recoverable rent for an improvement of £0.50 per week or more.

Case D. As in Case A, but at the date of registration the landlord is entitled to serve (but has not served) a notice of increase under section 48(1) of, or paragraph 3 of Schedule 17 to, this Act which or which taken together, would increase the recoverable rent by £0.50 per week or more.

Any such notice served before the date of registration which is not reflected in the previous limit as defined below because it has not taken effect shall be treated for the purposes of this Case as a notice which the landlord is entitled to serve.

Case E. As in Case A, but the date of registration is more than 3 months after the date of application for registration. If Case B, C or D applies this Case does not apply.

Case F. Works towards which a grant is payable or has been paid under Part I of the Housing Act 1969 or Part VII of the Housing Act 1974 are completed during a regulated tenancy of the dwelling-house. First registration after completion of the works.

Phasing

Period of delay ends with second anniversary of the date of increase.

On first anniversary of the date of increase add one half of the step, or £0.50 per week.

Period of delay is one year.

On date of registration add one half of the step, or £0.50 per week.

Period of delay is 2 years.

One year after date of registration add one half of the step, or £0.50 per week.

Period of delay ends 27 months after the date of application.

On date of registration add one third of the step, or £0.50 per week.

15 months after date of application add one third of the step, or £0.50 per week.

Period of delay is 2 years.

On date of registration add one third of the step, or £0.50 per week. 1969 c. 33.

One year after registration add one third of the step, or £0.50 per week. 1974 c. 44.

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Case

Case G. As in Case F, but the registration (after completion of the works) is in a period of delay beginning with an earlier registration.

Case H. In the period of delay current under any of the Cases above the registration at the beginning of the period of delay is superseded by a later registration of a higher rent. If Case G applies this Case does not apply.

Phasing

From the date of registration the limitation under the period of delay beginning with the earlier registration ceases to apply.

A period of delay of 2 years shall begin with the later registration.

On the date of the later registration add one third of the step, or £0.50 per week.

One year after the later registration add one third of the step, or £0.50 per week.

The step is from the previous limit for the earlier registration to the rent registered on the later registration, less any addition permitted in the part of the earlier period of delay before the second registration.

No new period of delay arises on the later registration, and the duration of the current period of delay is unaffected.

On the date of the later registration add the excess of the later registered rent over the earlier registered rent; in other respects the additions appropriate to the earlier registration are unaffected.

Previous limit

3.—(1) For the purposes of this Schedule the previous limit of a rent shall be taken to be the amount which at the date of registration was recoverable by way of the rent or would have been so recoverable if all notices of increase authorised by this Act, the Rent Act 1968 or section 37(3) of the Housing Finance Act 1972 had been served.

(2) Where the rent includes an amount payable in respect of rates, the amount so payable, ascertained in accordance with Schedule 5 to this Act, shall be deducted from the amount specified in sub-paragraph (1) above in calculating the previous limit of the rent.

(3) In any case where Schedule 8 to this Act had effect, but has ceased to have effect by reason of the registration of a new rent after an improvement with respect to which a grant under Part I of the Housing Act 1969 or Part VII of the Housing Act 1974 is payable or has been paid, this Schedule shall apply as if the previous rent

limit were the aggregate of the limit at the date of the earlier registration and any addition permitted under Schedule 8 to this Act in the portion of the earlier period of delay which elapsed before the later registration.

SCH. 9

Agreements with tenants having security of tenure: tenancy granted between conversion or improvement and the registration of rent

4.—(1) This paragraph applies where—

- (a) in the period between the conversion or improvement and the registration of a rent, the tenant, or any person who might succeed him as a statutory tenant, becomes the tenant under a new regulated tenancy of the dwelling-house, and
- (b) paragraph 1 above would have applied if the previous tenancy had continued and the new tenancy had not been granted.

(2) The preceding provisions of this Schedule shall apply as if the said previous tenancy had continued, and the rent limit for any period (whether contractual or statutory) of the new regulated tenancy, or part of such a period, falling within the period of delay shall be the amount to which, if the original tenancy had continued, the rent payable thereunder could have been increased in accordance with this Schedule for a corresponding statutory period, or part of a statutory period.

(3) In relation to such a contractual period or part the reference in section 71(3) of this Act to section 44(1) shall be construed as a reference to this paragraph.

(4) In this paragraph “conversion or improvement” means the time when the tenancy mentioned in paragraph 1(1)(a) above becomes a regulated tenancy, or as the case may be the time when the works mentioned in paragraph 1(1)(b) above are completed.

Rent agreement taking effect between conversion or improvement and the registration of rent

5.—(1) If, in the period between the conversion or improvement and the registration of a rent, a rent agreement with a tenant having security of tenure takes effect as respects the dwelling-house, and the landlord has conformed with the requirements of section 52(6) of this Act, or with sections 51 and 53 of this Act, then the preceding provisions of this Schedule shall apply as respects the period after the actual registration of rent as if the registration of rent had been on the date when the agreement took effect.

(2) Where this paragraph applies, the Table in this Schedule shall have effect as if all the Cases, other than Cases A and F, were omitted.

(3) In this paragraph—

“conversion or improvement” has the same meaning as in paragraph 4 above;

“rent agreement with a tenant having security of tenure” has the meaning given by section 51(1) of this Act.

SCH. 9 *Tenancy granted after registration of rent to a tenant having security of tenure*

6. Where during the period of delay in any Case the tenant, or any person who might succeed him as a statutory tenant, becomes the tenant under a new regulated tenancy of the dwelling-house, paragraph 4(2) above shall apply as it applies to a tenancy granted before the registration of a rent.

Supplemental

7. In ascertaining for the purposes of this Schedule whether there is any difference between amounts, or what that difference is, such adjustments shall be made as may be necessary to take account of periods of different lengths ; and for that purpose a month shall be treated as one-twelfth and a week as one-fifty-second of a year.

8.—(1) In this Schedule “registration” means registration of a rent under Part IV of this Act, and “registered” shall be construed accordingly.

(2) Where a registration takes effect from a date earlier than the date of registration, references in this Schedule to the date of registration shall nonetheless be references to the later date.

(3) Where a rent designated or determined by a rent assessment committee is registered in substitution for a rent determined by the rent officer, the preceding provisions of this Schedule shall have effect as if only the rent designated or determined by the rent assessment committee had been registered ; but the date of registration shall be deemed for the purposes of this Schedule (but not for the purposes of section 45(3) of this Act) to be the date on which the rent determined by the rent officer was registered.

(4) Where any provision of this Schedule imposes a rent limit for a statutory period, or part of a statutory period, falling within the period of delay, section 45(2) of this Act shall have effect in relation to that period, or part, as if for references to the registered rent there were substituted references to that rent limit.

9. This Schedule is subject to paragraph 3 of Schedule 20 to this Act.

Improvement works begun before 1972 to be disregarded for certain purposes

10. For the purposes of Cases B, C and D in the Table in this Schedule any improvement the works for which were begun before the year 1972 shall be disregarded, and accordingly if the effect of this paragraph is that one of those Cases does not apply, Case A shall apply instead.

SCHEDULE 10

RENT ASSESSMENT COMMITTEES

1. The Secretary of State shall draw up and from time to time revise panels of persons to act as chairmen and other members of rent assessment committees for such areas, comprising together every registration area, as the Secretary of State may from time to time determine.

2. Each panel shall consist of a number of persons appointed by the Lord Chancellor and a number of persons appointed by the Secretary of State and, if the Secretary of State thinks fit, a number of persons appointed by him to act only in cases of absence or incapacity of other members of the panel.

3. The Secretary of State shall nominate one of the persons appointed by the Lord Chancellor to act as president of the panel, and one or more such persons to act as vice-president or vice-presidents.

4. Subject to this Schedule, the number of rent assessment committees to act for an area and the constitution of those committees shall be determined by the president of the panel formed for that area or, in the case of the president's absence or incapacity, by the vice-president or, as the case may be, one of the vice-presidents.

5. Subject to paragraph 6 below, each rent assessment committee shall consist of a chairman and one or two other members, and the chairman shall be either the president or vice-president (or, as the case may be, one of the vice-presidents) of the panel or one of the other members appointed by the Lord Chancellor.

6. The president of the panel may, if he thinks fit, direct that when dealing with such cases or dealing with a case in such circumstances as may be specified in the direction, the chairman sitting alone may, with the consent of the parties, exercise the functions of a rent assessment committee.

7. There shall be paid to members of panels such remuneration and allowances as the Secretary of State, with the consent of the Minister for the Civil Service, may determine.

8. The President of the panel may appoint, with the approval of the Secretary of State as to numbers, such clerks and other officers and servants of rent assessment committees as he thinks fit, and there shall be paid to the clerks and other officers and servants such salaries and allowances as the Secretary of State, with the consent of the Minister for the Civil Service, may determine.

9. There shall be paid out of moneys provided by Parliament—

- (a) the remuneration and allowances of members of panels ;
- (b) the salaries and allowances of clerks and other officers and servants appointed under this Schedule ; and
- (c) such other expenses of a panel as the Minister for the Civil Service may determine.

10. Any reference to remuneration, salaries or allowances in this Schedule includes a reference to remuneration or, as the case may be, salaries or allowances, in respect of functions conferred by regulations under paragraph 15 of Schedule 1 to the Housing Rents and Subsidies Act 1975 ; and the reference to expenses in paragraph 9(c) above includes a reference to expenses incurred in the discharge of such functions. 1975 c. 6.

SCHEDULE 11

APPLICATIONS FOR REGISTRATION OF RENT

PART I

APPLICATION UNSUPPORTED BY CERTIFICATE OF FAIR RENT

Procedure on application to rent officer

1. On receiving any application for the registration of a rent, the rent officer may, by notice in writing served on the landlord or on the tenant (whether or not the applicant or one of the applicants), require him to give to the rent officer, within such period of not less than 7 days from the service of the notice as may be specified in the notice, such information as he may reasonably require regarding such of the particulars contained in the application as may be specified in the notice.

2. Where the application is made by the landlord alone, the rent officer shall serve on the tenant, and where it is made by the tenant alone he shall serve on the landlord, a notice informing him of the application and specifying a period of not less than 7 days from the service of the notice during which representations in writing may be made to the rent officer against the registration of the rent specified in the application.

3.—(1) Where—

(a) the application is made jointly by the landlord and the tenant, or

(b) no representations are made as mentioned in paragraph 2 above ;

and it appears to the rent officer, after making such inquiry, if any, as he thinks fit and considering any information supplied to him in pursuance of paragraph 1 above, that the rent specified in the application is a fair rent, he may register that rent without further proceedings.

(2) Where the rent officer registers a rent under this paragraph he shall notify the landlord and tenant accordingly.

4.—(1) Where representations are made as mentioned in paragraph 2 above or the rent officer is not satisfied that the rent specified in the application is a fair rent or, as the case may be, that the rent for the time being registered is no longer a fair rent, he shall serve a notice under this paragraph.

(2) A notice under this paragraph shall be served on the landlord and on the tenant informing them that the rent officer proposes, at a time (which shall not be earlier than 7 days after the service of the notice) and place specified in the notice, to consider in consultation with the landlord and the tenant, or such of them as may appear at that time and place, what rent ought to be registered for the dwelling-house or, as the case may be, whether a different rent ought to be so registered.

(3) At any such consultation the landlord and the tenant may each be represented by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

5. After considering, in accordance with paragraph 4 above, what rent ought to be registered or, as the case may be, whether a different rent ought to be registered, the rent officer shall, as the case may require,—

- (a) determine a fair rent and register it as the rent for the dwelling-house ; or
- (b) confirm the rent for the time being registered and note the confirmation in the register ;

and shall notify the landlord and the tenant accordingly by a notice stating that if, within 28 days of the service of the notice or such longer period as he or a rent assessment committee may allow, an objection in writing is received by the rent officer from the landlord or the tenant the matter will be referred to a rent assessment committee.

6.—(1) If such an objection as is mentioned in paragraph 5 above is received, then—

- (a) if it is received within the period of 28 days specified in that paragraph or a rent assessment committee so direct, the rent officer shall refer the matter to a rent assessment committee ;
- (b) if it is received after the expiry of that period the rent officer may either refer the matter to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer it.

(2) The rent officer shall indicate in the register whether the matter has been referred to a rent assessment committee in pursuance of this paragraph.

Determination of fair rent by rent assessment committee

7.—(1) The rent assessment committee to whom a matter is referred under paragraph 6 above—

- (a) may by notice in the prescribed form served on the landlord or the tenant require him to give to the committee, within such period of not less than 14 days from the service of the notice as may be specified in the notice, such further information, in addition to any given to the rent officer in pursuance of paragraph 1 above, as they may reasonably require ; and
- (b) shall serve on the landlord and on the tenant a notice specifying a period of not less than 14 days from the service of the notice during which either representations in writing or a request to make oral representations may be made by him to the committee.

(2) If any person fails without reasonable cause to comply with any notice served on him under sub-paragraph (1)(a) above, he

SCH. 11 shall be liable on a first conviction to a fine not exceeding £50 and, on a second or subsequent conviction, to a fine not exceeding £100.

(3) Where an offence under sub-paragraph (2) above committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager or secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

8. Where, within the period specified in paragraph 7(1)(b) above, or such further period as the committee may allow, the landlord or the tenant requests to make oral representations the committee shall give him an opportunity to be heard either in person or by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

9.—(1) The committee shall make such inquiry, if any, as they think fit and consider any information supplied or representation made to them in pursuance of paragraph 7 or paragraph 8 above and—

- (a) if it appears to them that the rent registered or confirmed by the rent officer is a fair rent, they shall confirm that rent;
- (b) if it does not appear to them that that rent is a fair rent, they shall determine a fair rent for the dwelling-house.

(2) Where the committee confirm or determine a rent under this paragraph they shall notify the landlord, the tenant and the rent officer accordingly.

(3) On receiving the notification, the rent officer shall, as the case may require, either indicate in the register that the rent has been confirmed or register the rent determined by the committee as the rent for the dwelling-house.

PART II

APPLICATION SUPPORTED BY CERTIFICATE OF FAIR RENT (EXCEPT WHERE CERTIFICATE ISSUED BY VIRTUE OF PART VIII)

Procedure on application to rent officer

10.—(1) On receiving an application for the registration of a rent which is made as mentioned in section 69(4) of this Act, the rent officer shall ascertain whether the works specified in the certificate have been carried out in accordance with the plans and specifications which accompanied the application for the certificate or, as the case may be, whether—

- (a) the condition of the dwelling-house is the same as at the date of the certificate, and
- (b) if any furniture is or is to be provided for use under a regulated tenancy of the dwelling-house, the quantity, quality and condition of the furniture in the dwelling-house

accords with the prescribed particulars contained in the application for the certificate.

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(2) If the rent officer is satisfied that the works have been so carried out or, as the case may be, that—

- (a) the dwelling-house is in the same condition as at the date of the certificate, and
- (b) if any furniture is or is to be provided for use under a regulated tenancy of the dwelling-house, the quantity, quality and condition of the furniture in the dwelling-house accords with the prescribed particulars contained in the application for the certificate,

he shall register the rent in accordance with the certificate.

(3) If the rent officer is not satisfied as mentioned in subparagraph (2) above, he shall serve on the applicant a notice stating the matters with respect to which he is not so satisfied and informing him that if, within 14 days from the service of the notice or such longer period as the rent officer or a rent assessment committee may allow, the applicant makes a request in writing to that effect, the rent officer will refer the matter to a rent assessment committee.

11. If such a request as is mentioned in paragraph 10(3) above is made, then—

- (a) if it is made within the period of 14 days specified in that paragraph or a rent assessment committee so direct, the rent officer shall refer the matter to a rent assessment committee ;
- (b) if it is made after the expiry of that period, the rent officer may either refer the matter to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer it.

Procedure on reference to rent assessment committee

12.—(1) The rent assessment committee to whom a matter is referred under paragraph 11 above shall give the applicant an opportunity to make representations in writing or to be heard either in person or by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

(2) After considering any representations made under subparagraph (1) above, the rent assessment committee shall notify the rent officer and the applicant whether they are satisfied as mentioned in paragraph 10(2) above and—

- (a) if they are so satisfied they shall direct the rent officer to register the rent in accordance with the certificate ;
- (b) if they are not so satisfied they shall direct the rent officer to refuse the application for registration.

Provisional registration

13. Where a rent is registered in pursuance of such an application as is mentioned in paragraph 10(1) above by a person who intends to grant a regulated tenancy, the registration shall be provisional

SCH. 11 only until the regulated tenancy is granted and shall be of no effect unless the rent officer is notified in the prescribed manner, within one month from the date of the registration or such longer time as the rent officer may allow, that the regulated tenancy has been granted.

14. Where a registration is made as mentioned in paragraph 13 above, the rent officer shall indicate in the register that it is so made and—

- (a) if he is notified as mentioned in that paragraph that the regulated tenancy has been granted he shall indicate that fact in the register ;
- (b) if he is not so notified he shall delete the registration.

PART III

APPLICATION SUPPORTED BY CERTIFICATE OF FAIR RENT ISSUED BY VIRTUE OF PART VIII

General

15. If—

- (a) the local authority have, under section 111(4) of this Act, stated that the works specified in the plans and specifications accompanying the application for the certificate of fair rent, have been carried out, and
- (b) the application for registration of a rent is made not later than 3 months after the issue of the qualification certificate,

the rent officer shall register the rent in accordance with the certificate of fair rent.

16.—(1) If—

- (a) the application for registration of a rent is made not later than 3 months after the issue of the qualification certificate, but
- (b) the local authority have not stated that the landlord has complied with the provisions of section 111(4) of this Act as respects the certificate of fair rent,

the rent officer shall ascertain whether the works specified in the plans and specifications accompanying the application for the certificate of fair rent have been carried out.

(2) If the rent officer is satisfied that the works have been so carried out, he shall register the rent in accordance with the certificate.

(3) If the rent officer is not so satisfied, paragraphs 18 to 25 below shall apply.

17. If—

- (a) the application for registration of a rent is made later than 3 months after the issue of the qualification certificate, or
- (b) the local authority have, under section 111(4) of this Act, stated that the works specified in the plans and specifications accompanying the application for the certificate of fair rent have not been carried out (in whole or in part),

paragraphs 18 to 25 below shall apply.

Notice served on tenant

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18. Where this paragraph and the following paragraphs of this Schedule apply, the rent officer shall serve a notice on the tenant informing him of the application and specifying a period of not less than 7 days from the service of the notice during which representations in writing may be made to the rent officer against the registration of the rent specified in the certificate of fair rent.

19. Where no such representations are made then, unless it appears to the rent officer that the rent specified in the certificate of fair rent is higher than a fair rent, he shall register that rent and notify the landlord and tenant accordingly.

20.—(1) Where—

- (a) representations are made as mentioned in paragraph 18 above, or
- (b) the rent officer is of opinion that the rent specified in the certificate of fair rent is higher than a fair rent,

he shall serve notice on the landlord and on the tenant informing them that he proposes, at a time (which shall not be earlier than 7 days after the service of the notice) and place specified in the notice, to consider, in consultation with the landlord and the tenant or such of them as may appear at that time and place, what rent, not exceeding that specified in the certificate of fair rent, ought to be registered.

(2) At any such consultation the landlord and tenant may each be represented by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

21.—(1) The rent officer shall consider, in accordance with paragraph 20 above, what rent ought to be registered, and—

- (a) if, after considering it, he is of opinion that the rent specified in the certificate of fair rent is not higher than a fair rent he shall register it, but
- (b) if, after considering it, he is of opinion that the rent so specified is higher than a fair rent he shall determine a fair rent and register that rent,

as the rent for the dwelling-house, and shall give notice of the registration to the landlord and the tenant.

(2) The notice shall state that if, within 28 days of the service of the notice or such longer period as the rent officer or a rent assessment committee may allow, an objection in writing is received by the rent officer from the landlord or the tenant the matter will be referred to a rent assessment committee.

22.—(1) If such an objection is received, then—

- (a) if it is received within the period of 28 days mentioned in paragraph 21 above or a rent assessment committee so direct, the rent officer shall refer the matter to a rent assessment committee ;

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- (b) if it is received after that period, the rent officer may either refer the matter to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer it.

(2) The rent officer shall indicate in the register whether the matter has been referred to a rent assessment committee in pursuance of this paragraph.

Determination of fair rent by rent assessment committee

23. The rent assessment committee to whom a matter is referred under paragraph 22 above shall serve on the landlord and on the tenant a notice specifying a period of not less than 14 days from the service of the notice during which either representations in writing or a request to make oral representations may be made by him to the committee.

24. Where, within the period specified under paragraph 23 above or such further period as the committee may allow, the landlord or the tenant requests to make oral representations the committee shall give him an opportunity to be heard either in person or by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

25.—(1) The committee shall make such inquiry, if any, as they think fit and consider any representation made to them in pursuance of paragraphs 23 and 24 above and—

- (a) if it appears to them that the rent registered by the rent officer has been rightly registered they shall confirm it ;
 (b) in any other case they shall designate as the rent for the dwelling-house either the rent specified in the certificate of fair rent or such lower rent as appears to them to be a fair rent, as the case may require ;

and they shall notify the landlord, the tenant and the rent officer accordingly.

(2) On receiving the notification, the rent officer shall, as the case may require, either indicate in the register that the rent has been confirmed or register the rent designated by the committee as the rent for the dwelling-house.

Section 69(3).

SCHEDULE 12

CERTIFICATES OF FAIR RENT

1. An application for a certificate of fair rent—

- (a) must be in the prescribed form ;
 (b) must state the rent to be specified in the certificate ;
 (c) in the case mentioned in section 69(1)(a) of this Act (but not where the application is made under section 111(1) of this Act), must be accompanied by plans and specifications of the works to be carried out and, if the works to be carried out are works of improvement, must state whether

the dwelling-house is for the time being subject to a regulated tenancy ; and SCH. 12

- (d) if any furniture is to be provided for use under a regulated tenancy of the dwelling-house, must contain the prescribed particulars with regard to any such furniture.

2.—(1) If it appears to the rent officer that the information supplied to him is insufficient to enable him to issue a certificate of fair rent he shall serve on the applicant a notice stating that he will not entertain the application and that, if a request in writing to that effect is made by the applicant within 14 days from the service of the notice or such longer period as a rent officer or a rent assessment committee may allow, the rent officer will refer the application to a rent assessment committee.

(2) If such a request is made, then—

- (a) if it is made within the 14 days referred to in sub-paragraph (1) above or a rent assessment committee so direct, the rent officer shall refer the application to a rent assessment committee ;
- (b) if it is made after the expiry of those 14 days, the rent officer may either refer the application to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer it.

3. If, in the case of an application made otherwise than under section 111(1) of this Act, it appears to the rent officer that the information supplied to him is sufficient and that the rent stated in the application would be a fair rent he may, unless the dwelling-house is subject to a regulated tenancy, issue a certificate specifying that rent and the other terms referred to in section 69(2) of this Act.

4.—(1) In the case of an application made under section 111(1) of this Act, the rent officer shall serve on the applicant a notice under sub-paragraph (3) below.

(2) If, in the case of any application made otherwise than under that section, it appears to the rent officer that the information is sufficient but either—

- (a) he is not satisfied that the rent stated in the application would be a fair rent, or
- (b) the dwelling-house is subject to a regulated tenancy,

he shall serve on the applicant a notice under sub-paragraph (3) below.

(3) A notice under this sub-paragraph shall state that the rent officer proposes, at a time (which shall not be earlier than 7 days after the service of the notice) and place specified in the notice, to consider in consultation with the applicant, if present at that time and place, what rent ought to be specified in the certificate.

(4) At any such consultation the applicant may be represented by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

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5. After considering in accordance with paragraph 4 above what rent ought to be specified in the certificate, the rent officer shall determine a fair rent and shall serve on the applicant a notice stating that he proposes to issue a certificate specifying that rent, unless within 14 days from the service of the notice, or such longer period as the rent officer or a rent assessment committee may allow, the applicant requests in writing that the application should be referred to a rent assessment committee.

6.—(1) If such a request as is referred to in paragraph 5 above is made, then—

(a) if it is made within the period of 14 days referred to in that paragraph or a rent assessment committee so direct, the rent officer shall refer the application to a rent assessment committee ;

(b) if it is made after the expiry of those 14 days, the rent officer may either refer the application to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer it.

(2) If no such request is made or if such a request is made but the application is not referred to a rent assessment committee, the rent officer shall issue the certificate.

7.—(1) Where an application is referred to a rent assessment committee, then if the reference is under paragraph 2 above and it appears to the committee that the information supplied by the applicant to the rent officer is insufficient to enable a certificate of fair rent to be issued they shall notify the applicant accordingly.

(2) In any other case where an application is referred to a rent assessment committee, they shall serve on the applicant a notice specifying a period of not less than 14 days from the service of the notice during which either representations in writing or a request to make oral representations may be made by him to the committee.

(3) Where, within the period specified under sub-paragraph (2) above or such further period as the committee may allow, the applicant requests to make oral representations, the committee shall give him an opportunity to be heard either in person or by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

8.—(1) After considering any representation made to them in pursuance of paragraph 7 above, the committee shall determine a fair rent for the dwelling-house and shall notify the applicant and the rent officer accordingly.

(2) On receiving the notification the rent officer shall issue to the applicant a certificate of fair rent, specifying the rent determined by the committee.

9.—(1) Sub-paragraph (2) below shall apply where—

(a) an application under this Schedule is made with respect to a dwelling-house which it is intended to improve and the dwelling-house is subject to a regulated tenancy, or

(b) an application is made under section 111(1) of this Act.

(2) Where this sub-paragraph applies—

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- (a) a notice under paragraph 4, 5, 7(2) or 8 above shall be served on the tenant as well as on the applicant and any notice served under paragraph 4, 5 or 7(2) above shall refer to consultation with, or, as the case may be, a request or representations by, the tenant as well as the applicant ;
- (b) the tenant may make representations, request reference to a rent assessment committee and be present or represented in like manner as the applicant, and references in this Schedule to the applicant shall be construed accordingly ; and
- (c) a copy of any certificate of fair rent issued in pursuance of the application shall be sent to the tenant.

SCHEDULE 13

Section 76.

RENT TRIBUNALS

1. A rent tribunal shall consist of a chairman and 2 other members.

2.—(1) The chairman and other members of a rent tribunal shall be appointed by the Secretary of State.

(2) During the absence or incapacity of any member of a rent tribunal a person appointed by the Secretary of State shall act in his place.

3.—(1) Where a rent tribunal acts for an area (whether consisting of one or more of the districts referred to in section 76(2) of this Act) wholly comprised in the area for which a panel is formed under Schedule 10 to this Act, the Secretary of State may direct the president of that panel to exercise, on behalf of the Secretary of State, his powers of appointment under paragraph 2 above.

(2) A person appointed by the president of a panel, by virtue of a direction under this paragraph, shall be selected by the president from that panel.

(3) While a direction is in force under this paragraph, section 7 of the Tribunals and Inquiries Act 1971 (appointment of chairmen) 1971 c. 62. shall not apply to the rent tribunal in question, but the president shall appoint as chairman or person to act as chairman of the rent tribunal either himself or one of the other members of the panel appointed by the Lord Chancellor.

4. The members and acting members of a rent tribunal shall receive such remuneration and such travelling and other allowances as the Secretary of State may, with the consent of the Minister for the Civil Service, determine.

5.—(1) A rent tribunal may appoint a clerk and, with the approval of the Secretary of State as to numbers, such other officers and servants as they think fit.

(2) There shall be paid to the clerk and other officers and servants such salary and allowances as the Secretary of State, with the consent of the Minister for the Civil Service, may determine.

SCH. 13 6. There shall be defrayed out of moneys provided by Parliament—

- (a) the remuneration and allowances of members and acting members of a rent tribunal ;
- (b) the salaries and allowances of the clerk and other officers appointed under this Schedule ; and
- (c) such other expenses of a rent tribunal as the Minister for the Civil Service may determine.

Section 92.

SCHEDULE 14

CONVERSION OF HOUSING ASSOCIATION TENANCIES INTO REGULATED TENANCIES

1.—(1) This paragraph applies in any case where—

- (a) a tenancy of a dwelling-house under which the interest of the landlord belonged to a housing association came to an end at a time before 1st April 1975, and
- (b) on the date when it came to an end, the tenancy was one to which Part VIII of the 1972 Act (which is superseded by Part VI of this Act) applied, and
- (c) if the tenancy had come to an end on 1st April 1975 it would, by virtue of section 18(1) of the 1974 Act have then been a protected tenancy for the purposes of the Rent Act 1968.

1968 c. 23.

(2) If on 1st April 1975 a person who was the tenant under the tenancy which came to an end duly retained possession of the dwelling-house, he shall be deemed to have done so as a statutory tenant under a regulated tenancy and as a person who became a statutory tenant on the termination of a protected tenancy under which he was the tenant.

(3) If on 1st April 1975 a person duly retained possession of the dwelling-house as being a person who, in the circumstances described in sub-paragraph (5) below, would have been the first successor, within the meaning of Schedule 1 to the Rent Act 1968, he shall be deemed to have done so as the statutory tenant under a regulated tenancy and as a person who became a statutory tenant by virtue of paragraph 2 or 3 of Schedule 1 to this Act.

(4) If on 1st April 1975 a person duly retained possession of the dwelling-house as being a person who, in the circumstances described in sub-paragraph (5) below, would have become the statutory tenant on the death of a first successor, he shall be deemed to have done so as a statutory tenant under a regulated tenancy and as a person who became a statutory tenant by virtue of paragraph 6 or 7 of Schedule 1 to this Act.

(5) The circumstances mentioned in sub-paragraphs (3) and (4) above are that—

- (a) the tenant under the tenancy, or any person to whom the dwelling-house or any part thereof had been lawfully sublet has died ; and

(b) if the deceased had been the original tenant within the meaning of Schedule 1 to the Rent Act 1968, the person duly retaining possession of the dwelling-house would have been the first successor within the meaning of that Schedule or would have become the statutory tenant on the death of that first successor. SCH. 14
1968 c. 23.

(6) References in this paragraph to a person duly retaining possession of a dwelling-house are references to his retaining possession without any order for possession having been made or, where such an order has been made—

(a) during any period while its operation is postponed or its execution is suspended ; or

(b) after it has been rescinded.

(7) Subject to sub-paragraph (8) below, the tenancy referred to in sub-paragraph (1) above shall be treated as the original contract of tenancy for the purposes of section 3 of this Act in relation to a statutory tenancy imposed by any of sub-paragraphs (2) to (4) above.

(8) The High Court or the county court may by order vary all or any of the terms of a statutory tenancy imposed by any of sub-paragraphs (2) to (4) above in any way appearing to the court to be just and equitable (and whether or not in a way authorised by sections 46 and 47 of this Act).

2.—(1) If, in a case where either a tenancy has become a protected tenancy by virtue of section 18(1) of the 1974 Act or by virtue of subsections (1) and (3) of section 15 of this Act or a statutory tenancy has been imposed by virtue of paragraph 1 above—

(a) a rent (the “ previous registered rent ”) was registered for the dwelling-house at a time when Part VIII of the 1972 Act or Part VI of this Act applied to that tenancy or, as the case may be, to the tenancy referred to in paragraph 1(1) above ; and

(b) a rent has subsequently been registered for the dwelling-house under Part IV of this Act but the rent so registered is less than the previous registered rent,

then subject to paragraph 4 below, until such time as a rent is registered under Part IV which is higher than the previous registered rent, the contractual rent limit or, as the case may be, the maximum rent recoverable during any statutory period of the regulated tenancy concerned shall be the previous registered rent.

(2) If in a case falling within sub-paragraph (1) above, the Secretary of State has, in a direction under section 90 of this Act, specified a rent limit for the dwelling-house higher than the previous registered rent, then, during the period for which that direction has effect as mentioned in that section, sub-paragraph (1) above shall have effect with the substitution for any reference to the previous registered rent of a reference to the rent limit so specified.

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(3) Nothing in this paragraph shall affect the operation of section 73 of this Act and, accordingly, where the registration of a rent is cancelled in accordance with that section, sub-paragraph (1) above shall cease to apply in relation to the rent of the dwelling-house concerned.

3.—(1) This paragraph applies for the purposes of the application of Part III of this Act in relation to—

- (a) a tenancy which has become a protected tenancy by virtue of section 18(1) of the 1974 Act or by virtue of subsections (1) and (3) of section 15 of this Act,
- (b) a statutory tenancy arising on the termination of such a tenancy, and
- (c) a statutory tenancy imposed by virtue of paragraph 1 above, in any case where at the time when Part VIII of the 1972 Act or Part VI of this Act applied to the tenancy referred to in paragraph (a) above or, as the case may require, paragraph 1(1) above, section 83(3) of the 1972 Act or section 88(4) of this Act, applied.

(2) Where this paragraph applies, the rent limit applicable to the tenancy or statutory tenancy referred to in sub-paragraph (1) above shall be deemed to be (or, as the case may be, to have been) the contractual rent limit under the relevant tenancy, but without prejudice to the subsequent registration of a rent for the dwelling-house under Part IV of this Act or (during the currency of a protected tenancy) the making of an agreement under section 51 of this Act increasing the rent payable.

1968 c. 23.

(3) Sub-paragraph (2) above shall have effect notwithstanding the repeal by the 1972 Act of section 20(3) of the Rent Act 1968 (contractual rent limit before registration), but nothing in this paragraph shall be taken as applying any provisions of section 88 of this Act to a tenancy at a time when it is a protected tenancy.

(4) In this paragraph “the relevant tenancy” means—

- (a) in the case of a tenancy falling within sub-paragraph (1)(a) above, that tenancy ;
- (b) in the case of a statutory tenancy falling within sub-paragraph (1)(b) above, the tenancy referred to in sub-paragraph (1)(a) above ; and
- (c) in the case of a statutory tenancy falling within sub-paragraph (1)(c) above, the protected tenancy referred to in sub-paragraph (2) of paragraph 1 above or, in a case where sub-paragraph (3) or (4) of that paragraph applies, a notional protected tenancy which, when taken with that regulated tenancy would, by virtue of section 18(2) of this Act, be treated for the purposes of this Act as constituting one regulated tenancy when taken together with the statutory tenancy.

4.—(1) This paragraph applies where—

- (a) a tenancy of a dwelling-house has become a protected tenancy by virtue of section 18(1) of the 1974 Act or by

virtue of subsections (1) and (3) of section 15 of this Act, or a statutory tenancy is imposed by virtue of paragraph 1 above; and

- (b) immediately before the tenancy became a protected tenancy or, as the case may require, immediately before the tenancy referred to in paragraph 1(1) above came to an end, section 84 of the 1972 Act or section 89 of this Act applied to the rent of the dwelling-house let on that tenancy.

(2) In this paragraph "the regulated tenancy" means the regulated tenancy consisting of the protected or statutory tenancy referred to in sub-paragraph 1(a) above, together with any subsequent statutory tenancy which, when taken with that regulated tenancy is by virtue of section 18(2) of this Act treated for the purposes of this Act as constituting one regulated tenancy.

(3) Subject to the following provisions of this paragraph, section 89 of this Act shall apply to the rent of a dwelling-house subject to the regulated tenancy.

(4) Section 89 of this Act shall cease to apply by virtue of this paragraph to the rent of a dwelling-house—

- (a) on the date on which a rent is registered for the dwelling-house under Part IV of this Act; or
- (b) on the date on which a new regulated tenancy of the dwelling-house is granted to a person who is neither the tenant under the regulated tenancy nor a person who might succeed him as a statutory tenant.

(5) If and so long as, by virtue of this paragraph, subsection (2) of section 89 of this Act imposes for any rental period of a tenancy or statutory tenancy a rent limit below the rent registered for the dwelling-house as mentioned in subsection (1) of that section,—

- (a) the contractual rent limit shall be the rent limit so imposed and not the registered rent (as provided by section 44(1) of this Act) and section 93 of this Act shall apply in relation to the tenancy as if it were one to which Part VI of this Act applied; and
- (b) a notice of increase under section 45(2)(b) of this Act may not increase the rent for any statutory period above the rent limit so imposed, and any such notice which purports to increase it further shall have effect to increase it to that limit but no further.

5.—(1) This paragraph has effect with respect to the application of Schedule 9 to this Act in relation to a regulated tenancy consisting of—

- (a) a tenancy which has become a protected tenancy by virtue of section 18(1) of the 1974 Act or by virtue of subsections (1) and (3) of section 15 of this Act, or
- (b) a statutory tenancy imposed by virtue of paragraph 1 above,

together with any subsequent statutory tenancy which, when taken with that regulated tenancy, is by virtue of section 18(2) of this Act

SCH. 14 treated for the purposes of this Act as constituting one regulated tenancy.

(2) For the purposes of paragraph 1(1)(b) of Schedule 9, a tenancy falling within sub-paragraph (1)(a) above shall be deemed to have been a regulated tenancy throughout the period when Part VIII of the 1972 Act or Part VI of this Act applied to it.

(3) In the case of a regulated tenancy falling within sub-paragraph (1)(b) above, paragraph 1(1)(b) of Schedule 9 shall have effect as if the reference to the completion of works during the existence of the regulated tenancy included a reference to their completion during the period beginning on the day on which Part VIII of the 1972 Act or Part VI of this Act first applied to the tenancy referred to in paragraph 1(1) above and ending on the day on which the regulated tenancy came into existence.

(4) The reference in paragraph 3(1) of Schedule 9 to notices of increase authorised by this Act shall include a reference to notices of increase under section 87 of the 1972 Act.

6. In the application of section 48 of this Act in relation to a statutory tenancy arising on the termination of a tenancy which has become a protected tenancy by virtue of section 18(1) of the 1974 Act or by virtue of subsections (1) and (3) of section 15 of this Act and a statutory tenancy imposed by virtue of paragraph 1 above, for the reference to 7th December 1965 (the date after which the improvement must be completed) there shall be substituted a reference to 1st April 1975.

7. In the application of section 70 of this Act in relation to a tenancy which has become a protected tenancy by virtue of section 18(1) of the 1974 Act or by virtue of subsections (1) and (3) of section 15 of this Act or a statutory tenancy which is imposed by virtue of paragraph 1 above, the reference in subsection (3) to a failure to comply with any terms of a regulated tenancy or to carrying out an improvement includes a reference to a failure occurring or an improvement carried out before the tenancy became a regulated tenancy or, as the case may be, before the statutory tenancy was imposed.

1972 c. 47.
1974 c. 44.

8. In this Schedule "the 1972 Act" means the Housing Finance Act 1972 and "the 1974 Act" means the Housing Act 1974.

Section 98.

SCHEDULE 15

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

PART I

CASES IN WHICH COURT MAY ORDER POSSESSION

Case 1

Where any rent lawfully due from the tenant has not been paid, or any obligation of the protected or statutory tenancy which arises under this Act, or—

- (a) in the case of a protected tenancy, any other obligation of the tenancy, in so far as is consistent with the provisions of Part VII of this Act, or

(b) in the case of a statutory tenancy, any other obligation of the previous protected tenancy which is applicable to the statutory tenancy,

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has been broken or not performed.

Case 2

Where the tenant or any person residing or lodging with him or any sub-tenant of his has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers, or has been convicted of using the dwelling-house or allowing the dwelling-house to be used for immoral or illegal purposes.

Case 3

Where the condition of the dwelling-house has, in the opinion of the court, deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any person residing or lodging with him or any sub-tenant of his and, in the case of any act of waste by, or the neglect or default of, a person lodging with the tenant or a sub-tenant of his, where the court is satisfied that the tenant has not, before the making of the order in question, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant, as the case may be.

Case 4

Where the condition of any furniture provided for use under the tenancy has, in the opinion of the court, deteriorated owing to ill-treatment by the tenant or any person residing or lodging with him or any sub-tenant of his and, in the case of any ill-treatment by a person lodging with the tenant or a sub-tenant of his, where the court is satisfied that the tenant has not, before the making of the order in question, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant, as the case may be.

Case 5

Where the tenant has given notice to quit and, in consequence of that notice, the landlord has contracted to sell or let the dwelling-house or has taken any other steps as the result of which he would, in the opinion of the court, be seriously prejudiced if he could not obtain possession.

Case 6

Where, without the consent of the landlord, the tenant has, at any time after—

- (a) 1st September 1939, in the case of a controlled tenancy ;
- (b) 22nd March 1973, in the case of a tenancy which became 1973 c. 9. a regulated tenancy by virtue of section 14 of the Counter-Inflation Act 1973 ;
- (c) 14th August 1974, in the case of a regulated furnished tenancy ; or

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(d) 8th December 1965, in the case of any other tenancy, assigned or sublet the whole of the dwelling-house or sublet part of the dwelling-house, the remainder being already sublet.

Case 7

Where the tenancy is a controlled tenancy and the dwelling-house consists of or includes premises licensed for the sale of intoxicating liquor for consumption off the premises only, and—

- (a) the tenant has committed an offence as holder of the licence, or
- (b) the tenant has not conducted the business to the satisfaction of the licensing justices or the police authority, or
- (c) the tenant has carried on the business in a manner detrimental to the public interest, or
- (d) the renewal of the licence has for any reason been refused.

Case 8

Where the dwelling-house is reasonably required by the landlord for occupation as a residence for some person engaged in his whole-time employment, or in the whole-time employment of some tenant from him or with whom, conditional on housing being provided, a contract for such employment has been entered into, and the tenant was in the employment of the landlord or a former landlord, and the dwelling-house was let to him in consequence of that employment and he has ceased to be in that employment.

Case 9

Where the dwelling-house is reasonably required by the landlord for occupation as a residence for—

- (a) himself, or
- (b) any son or daughter of his over 18 years of age, or
- (c) his father or mother, or
- (d) if the dwelling-house is let on or subject to a regulated tenancy, the father or mother of his wife or husband,

and the landlord did not become landlord by purchasing the dwelling-house or any interest therein after—

- (i) 7th November 1956, in the case of a controlled tenancy ;
- (ii) 8th March 1973, in the case of a tenancy which became a regulated tenancy by virtue of section 14 of the Counter-Inflation Act 1973 ;
- (iii) 24th May 1974, in the case of a regulated furnished tenancy ;
or
- (iv) 23rd March 1965, in the case of any other tenancy.

Case 10

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Where the court is satisfied that the rent charged by the tenant—

- (a) for any sublet part of the dwelling-house which is a dwelling-house let on a protected tenancy or subject to a statutory tenancy is or was in excess of the maximum rent for the time being recoverable for that part, having regard to Part II or, as the case may be Part III of this Act, or
- (b) for any sublet part of the dwelling-house which is subject to a restricted contract is or was in excess of the maximum (if any) which it is lawful for the lessor, within the meaning of Part V of this Act to require or receive having regard to the provisions of that Part.

PART II

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

Case 11

Where a person who occupied the dwelling-house as his residence (in this Case referred to as “the owner-occupier”) let it on a regulated tenancy 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 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
- (c) the court is satisfied that the dwelling-house is required as a residence for the owner-occupier or any member of his family who resided with the owner-occupier when he last occupied the dwelling-house as a residence.

1973 c. 9.

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-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 Rent Act 1968 shall be treated, in the case of a regulated furnished tenancy, as compliance with paragraph (a) of this case. 1968 c. 23.

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Case 12

Where a person (in this Case referred to as "the owner") who acquired the dwelling-house or any interest therein with a view to occupying it as his residence at such time as he might retire from regular employment 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
- (c) the court is satisfied either that the owner has retired from regular employment and requires the dwelling-house as a residence or that the owner has died and the dwelling-house is required as a residence for a member of his family who was residing with him at the time of his death.

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

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.

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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.

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 Agricultural Wages Act 1948. 1948 c. 47.

Case 17

Where proposals for amalgamation, approved for the purposes of a scheme under section 26 of the 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 1967 c. 22.

- (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

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- (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.

1948 c. 47.
1967 c. 22.

For the purposes of this Case "employed" and "agriculture" have the same meanings as in the Agricultural Wages Act 1948 and "amalgamation" has the same meaning as in Part II of the Agriculture Act 1967.

Case 18

Where—

1947 c. 48.

- (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 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 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 Agricultural Wages Act 1948 and "amalgamation" has the same meaning as in Part II of the Agriculture Act 1967. SCH. 15
1948 c. 47.
1967 c. 22.

PART III

PROVISIONS APPLICABLE TO CASE 9 AND PART II OF THIS SCHEDULE

Provision for Case 9

1. A court shall not make an order for possession of a dwelling-house by reason only that the circumstances of the case fall within Case 9 in Part I of this Schedule if the court is satisfied that, having regard to all the circumstances of the case, including the question whether other accommodation is available for the landlord or the tenant, greater hardship would be caused by granting the order than by refusing to grant it.

Provision for Part II

2. Any reference in Part II of this Schedule to the relevant date shall be construed as follows:—

- (a) except in a case falling within paragraph (b) or (c) below, if the protected tenancy, or, in the case of a statutory tenancy, the previous contractual tenancy, was created before 8th December 1965, the relevant date means 7th June 1966; and
- (b) except in a case falling within paragraph (c) below, if the tenancy became a regulated tenancy by virtue of section 14 of the Counter-Inflation Act 1973 and the tenancy or, in the case of a statutory tenancy, the previous contractual tenancy, was created before 22nd March 1973, the relevant date means 22nd September 1973; and
- (c) in the case of a regulated furnished tenancy, if the tenancy or, in the case of a statutory furnished tenancy, the previous contractual tenancy was created before 14th August 1974, the relevant date means 13th February 1975; and
- (d) in any other case, the relevant date means the date of the commencement of the regulated tenancy in question.

PART IV

SUITABLE ALTERNATIVE ACCOMMODATION

3. For the purposes of section 98(1)(a) of this Act, a certificate of the housing authority for the district in which the dwelling-house in question is situated, certifying that the authority will provide suitable alternative accommodation for the tenant by a date specified in the certificate, shall be conclusive evidence that suitable alternative accommodation will be available for him by that date.

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4. Where no such certificate as is mentioned in paragraph 1 above is produced to the court, accommodation shall be deemed to be suitable for the purposes of section 98(1)(a) of this Act if it consists of either—

- (a) premises which are to be let as a separate dwelling such that they will then be let on a protected tenancy, or
- (b) premises to be let as a separate dwelling on terms which will, in the opinion of the court, afford to the tenant security of tenure reasonably equivalent to the security afforded by Part VII of this Act in the case of a protected tenancy,

and, in the opinion of the court, the accommodation fulfils the relevant conditions as defined in paragraph 5 below.

5.—(1) For the purposes of paragraph 4 above, the relevant conditions are that the accommodation is reasonably suitable to the needs of the tenant and his family as regards proximity to place of work, and either—

- (a) similar as regards rental and extent to the accommodation afforded by dwelling-houses provided in the neighbourhood by any housing authority for persons whose needs as regards extent are, in the opinion of the court, similar to those of the tenant and of his family; or
- (b) reasonably suitable to the means of the tenant and to the needs of the tenant and his family as regards extent and character; and

that if any furniture was provided for use under the protected or statutory tenancy in question, furniture is provided for use in the accommodation which is either similar to that so provided or is reasonably suitable to the needs of the tenant and his family.

(2) For the purposes of sub-paragraph (1)(a) above, a certificate of a housing authority stating—

- (a) the extent of the accommodation afforded by dwelling-houses provided by the authority to meet the needs of tenants with families of such number as may be specified in the certificate, and
- (b) the amount of the rent charged by the authority for dwelling-houses affording accommodation of that extent,

shall be conclusive evidence of the facts so stated.

6. Accommodation shall not be deemed to be suitable to the needs of the tenant and his family if the result of their occupation of the accommodation would be that it would be an overcrowded dwelling-house for the purposes of the Housing Act 1957.

1957 c. 56.

7. Any document purporting to be a certificate of a housing authority named therein issued for the purposes of this Schedule and to be signed by the proper officer of that authority shall be received in evidence and, unless the contrary is shown, shall be deemed to be such a certificate without further proof.

8. In this Schedule "housing authority" means a council which is a local authority for the purpose of Part V of the Housing Act 1957, and "district", in relation to such an authority, means the district for supplying the needs of which the authority has power under that Part of that Act. SCH. 15
1957 c. 56.

SCHEDULE 16

Section 99.

FURTHER GROUNDS FOR POSSESSION OF DWELLING-HOUSES LET ON OR SUBJECT TO TENANCIES TO WHICH SECTION 99 APPLIES

CASE I

Alternative accommodation not provided or arranged by housing authority

1. The court is satisfied that suitable alternative accommodation is available for the tenant, or will be available for him when the order for possession takes effect.

2. Accommodation shall be deemed suitable in this Case if it consists of—

- (a) premises which are to be let as a separate dwelling such that they will then be let on a protected tenancy, or
- (b) premises which are to be let as a separate dwelling on terms which will, in the opinion of the court, afford to the tenant security of tenure reasonably equivalent to the security afforded by Part VII of this Act in the case of a protected tenancy,

and, in the opinion of the court, the accommodation fulfils the conditions in paragraph 3 below.

3.—(1) The accommodation must be reasonably suitable to the needs of the tenant and his family as regards proximity to place of work and either—

- (a) similar as regards rental and extent to the accommodation afforded by dwelling-houses provided in the neighbourhood by the housing authority concerned for persons whose needs as regards extent are similar to those of the tenant and his family, or
- (b) reasonably suitable to the means of the tenant, and to the needs of the tenant and his family as regards extent and character.

(2) For the purposes of sub-paragraph (1)(a) above, a certificate of the housing authority concerned stating—

- (a) the extent of the accommodation afforded by dwelling-houses provided by the authority to meet the needs of tenants with families of each number as may be specified in the certificate, and

SCH. 16

- (b) the amount of the rent charged by the housing authority concerned for dwelling-houses affording accommodation of that extent,

shall be conclusive evidence of the facts so stated.

(3) If any furniture was provided by the landlord for use under the tenancy, furniture must be provided for use in the alternative accommodation which is either similar, or is reasonably suitable to the needs of the tenant and his family.

1957 c. 56.

4. Accommodation shall not be deemed to be suitable to the needs of the tenant and his family if the result of their occupation of the accommodation would be that it would be an overcrowded dwelling-house for the purposes of the Housing Act 1957.

5. Any document purporting to be a certificate of the housing authority concerned issued for the purposes of this Case and to be signed by the proper officer of the authority shall be received in evidence and, unless the contrary is shown, shall be deemed to be such a certificate without further proof.

6. In this Case no account shall be taken of accommodation as respects which an offer has been made, or notice has been given, as mentioned in paragraph 1 of Case II below.

7. In this Case and in Case II below "the housing authority concerned" means—

1976 c. 80.

(a) where the dwelling-house of which vacant possession is required is in a London borough, the council of that borough or the Greater London Council if they have agreed with them to discharge their functions under the Rent (Agriculture) Act 1976 ;

(b) in the Isles of Scilly, the Council of those Isles ;

(c) in any other area, the local authority having functions under Part V of the Housing Act 1957 in relation to that area.

CASE II

Alternative accommodation provided or arranged by housing authority

1. The housing authority concerned have made an offer in writing to the tenant of alternative accommodation which appears to them to be suitable, specifying the date when the accommodation will be available and the date (not being less than 14 days from the date of offer, by which the offer must be accepted.

OR

The housing authority concerned have given notice in writing to the tenant that they have received from a person specified in the notice an offer in writing to rehouse the tenant in alternative accommodation which appears to the housing authority concerned to be suitable, and the notice specifies both the date when the accommodation will be available and the date (not being less than 14 days from the date when the notice was given to the tenant) by which the offer must be accepted.

2. The landlord shows that the tenant accepted the offer (by the housing authority or other person) within the time duly specified in the offer.

SCH. 16

OR

The landlord shows that the tenant did not so accept the offer, and the tenant does not satisfy the court that he acted reasonably in failing to accept the offer.

3.—(1) The accommodation offered must in the opinion of the court fulfil the conditions of this paragraph.

(2) The accommodation must be reasonably suitable to the needs of the tenant and his family as regards proximity to place of work.

(3) The accommodation must be reasonably suitable to the means of the tenant, and to the needs of the tenant and his family as regards extent.

4. If the accommodation offered is available for a limited period only, the housing authority's offer or notice under paragraph 1 of this Case must contain an assurance that other accommodation—

- (a) the availability of which is not so limited,
- (b) which appears to them to be suitable, and
- (c) which fulfils the conditions in paragraph 3 above,

will be offered to the tenant as soon as practicable.

SCHEDULE 17

Sections 18(5).
115.

CONVERTED TENANCIES: MODIFICATION OF ACT

1. In this Schedule—

“converted tenancy” means a tenancy which has become a regulated tenancy by virtue of—

(a) section 18(3) of this Act or paragraph 5 of Schedule 2 to the Rent Act 1968; or 1968 c. 23.

(b) Part VIII of this Act or Part III of the Housing Finance Act 1972. 1972 c. 47.

“the conversion” means the time when the tenancy became a regulated tenancy.

2. In relation to any rental period beginning after the conversion, sections 45 to 47 of this Act shall have effect as if references therein to the last contractual period were references to the last rental period beginning before the conversion.

3. Section 48(1) of this Act shall not apply to any improvement completed before the conversion, but if the rent recoverable for

SCH. 17
1968 c. 23. the last rental period beginning before the conversion was less than it would have been if all notices of increase authorised by virtue of section 32 of this Act (or, as the case may be, section 56 of the Rent Act 1968) had been served, the rent recoverable under section 45(1) of this Act, as modified by paragraph 2 above, shall be increased by the amount of that difference.

4.—(1) The increase provided for by paragraph 3 above shall not take effect except in pursuance of a notice of increase served by the landlord on the tenant and specifying the date, which may be any date after the service of the notice, from which it is to take effect.

(2) Section 49 of this Act shall apply to a notice of increase under this paragraph as it applies to a notice of increase described in that section.

5. Section 5(1) of this Act shall not apply to the converted tenancy after the conversion.

6. Section 70 of this Act shall apply in relation to the converted tenancy as if the references in subsection (3) of that section to the tenant under the regulated tenancy included references to the tenant under the tenancy before the conversion.

7. The enactments mentioned in paragraph 1 above shall not be taken as affecting any court proceedings, instituted under this Act (or, as the case may be, the Rent Act 1968) before the conversion, which may affect the recoverable rent before the conversion, or the rent under the regulated tenancy after the conversion so far as that depends on the previous rent.

8. Any court order in any proceedings to which paragraph 7 above applies which is made after the conversion may exclude from the effect of the order rent for any rental period beginning before the conversion, or for any later rental period beginning before the making of the order.

9. Any right conferred on a tenant by section 38 of, or paragraph 6(4) of Schedule 6 to, this Act to recover any amount by deducting it from rent shall be exercisable by deducting it from rent for any rental period beginning after the conversion to the same extent as the right would have been exercisable if the conversion had not taken place.

10. No certificate of disrepair shall be issued or cancelled by the local authority after the time of the conversion.

11. Subject to paragraph 8 above, where the court is satisfied that a local authority have failed to issue a certificate of disrepair and make an order under paragraph 4(5) of Schedule 6 to this Act after the conversion, the order shall be that a certificate of disrepair shall be deemed to have been issued immediately before the conversion.

SCHEDULE 18

Sections 120 (5),
121, 127 (1).

ALLOWABLE PREMIUMS

PART I

PREMIUM ALLOWED ON ASSIGNMENT OF TENANCY WHERE
PREMIUM LAWFULLY PAID ON GRANT

1.—(1) This Part of this Schedule applies where—

- (a) a premium was lawfully required and paid, or lawfully received, in respect of the grant, renewal or continuance of a protected tenancy of a dwelling-house which is a regulated tenancy ; and
- (b) since that grant, renewal or continuance the landlord has not granted a tenancy of the dwelling-house under which, as against the landlord, a person became entitled to possession, other than the person who was so entitled to possession of the dwelling-house immediately before that tenancy began ; and
- (c) a rent for the dwelling-house is registered under Part IV of this Act and the rent so registered is higher than the rent payable under the tenancy.

(2) Any reference in this Part of this Schedule to a premium does not include a premium which consisted only of any such outgoings, sum or amount as fall within section 120(3) of this Act and, in the case of a premium which included any such outgoings, sum or amount, so much only of the premium as does not consist of those outgoings, sum or amount shall be treated as the premium for the purposes of this Part of this Schedule.

2. In a case where this Part of this Schedule applies, nothing in section 120 of this Act shall prevent any person from requiring or receiving, on an assignment of the protected tenancy referred to in paragraph 1(1)(a) above or any subsequent protected tenancy of the same dwelling-house, a premium which does not exceed an amount calculated (subject to paragraph 4 below) in accordance with the formula—

$$\frac{P \times A}{G}$$

where

P is the premium referred to in paragraph 1(1)(a) above ;

A is the length of the period beginning on the date on which the assignment in question takes effect and ending on the relevant date ; and

G is the length of the period beginning on the date of the grant, renewal or continuance in respect of which the premium was paid and ending on the relevant date.

3.—(1) If, although the registered rent is higher than the rent payable under the tenancy, the lump sum equivalent of the difference is less than the premium, paragraph 2 above shall have effect as if P were the lump sum equivalent.

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(2) For the purposes of this Part of this Schedule, the lump sum equivalent of the difference between the two rents referred to in subparagraph (1) above shall be taken to be that difference multiplied by the number of complete rental periods falling within the period beginning with the grant, renewal or continuance in respect of which the premium was paid and ending on the relevant date.

4. Where any rates in respect of the dwelling-house are borne by the landlord or a superior landlord, the amount of the registered rent shall be taken, for the purposes of this Part of this Schedule, to be increased by the amount of the rates so borne in respect of the rental period comprising the date from which the registration took effect.

5.—(1) Any reference in this Part of this Schedule to the relevant date shall be construed in accordance with this paragraph.

(2) Where the tenancy referred to in paragraph 1(1)(a) above was granted, renewed or continued for a term of years certain exceeding 7 years and that term has not expired when the assignment takes effect, the relevant date is the date of the expiry of that term.

(3) In any other case, the relevant date is the date of the expiry of 7 years from the commencement of the term, or, as the case may be, the renewal or continuance of the term in respect of which the premium was paid.

(4) For the purposes of this paragraph—

(a) a term of years shall be treated as 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; and

(b) a term of years determinable by the landlord giving notice to determine it shall be treated as a term of years certain expiring on the earliest date on which such a notice given after the date of the assignment would be capable of taking effect.

PART II

PREMIUM ALLOWED UNDER SECTIONS 121 AND 127

6. Where this Part of this Schedule applies to any tenancy and a premium was lawfully required and paid on the grant or an assignment of the tenancy, nothing in section 120 of this Act shall prevent any person from requiring or receiving, on an assignment of the tenancy, the fraction of the premium specified below (without prejudice, however, to his requiring or receiving a greater sum in a case where he may lawfully do so under Part I of this Schedule).

(2) If there was more than one premium, subparagraph (1) above shall apply to the last of them.

7.—(1) The fraction is $\frac{X}{Y}$ where—

X is the residue of the term of the tenancy at the date of the assignment, and

Y is the term for which the tenancy was granted.

(2) Sub-paragraph (1) above shall apply where a tenancy has been assigned as it applies where a tenancy has been granted and then Y in the fraction shall be the residue, at the date of that assignment, of the term for which the tenancy was granted.

8. Where the tenancy was granted on the surrender of a previous tenancy, and a premium had been lawfully required and paid on the grant or an assignment of the previous tenancy, the surrender value of the previous tenancy shall be treated, for the purposes of this Part of this Schedule, as a premium or, as the case may be, as part of the premium, paid on the grant of the tenancy.

9. For the purposes of paragraph 8 above, the surrender value of the previous tenancy shall be taken to be the amount which, had the previous tenancy been assigned instead of being surrendered and had this Part of this Schedule applied to it, would have been the amount that could have been required and received on the assignment in pursuance of this Part of this Schedule.

10. In determining for the purposes of this Part of this Schedule the amount which may or could have been required and received on the assignment of a tenancy terminable, before the end of the term for which it was granted, by notice to the tenant, that term shall be taken to be a term expiring at the earliest date on which such a notice given after the date of the assignment would have been capable of taking effect.

11. In this Part of this Schedule "grant" includes continuance and renewal.

SCHEDULE 19

Section 133.

CONTROLLED MORTGAGES

PART I

RESTRICTIONS RELATING TO INTEREST RATES

1.—(1) This paragraph applies to a controlled mortgage which was created before 2nd July 1920 and to which paragraph 1 of Schedule 12 to the Rent Act 1968 applied immediately before the 1968 c. 23. commencement of this Act.

(2) If the rate of interest on a mortgage to which this paragraph applies has been, at any time since 25th March 1920, or is, after the commencement of this Act, increased beyond the limit permitted under this paragraph, the amount of the excess over that limit is irrecoverable from the mortgagor, notwithstanding any agreement to the contrary.

(3) The limit to which the rate of interest payable in respect of a mortgage to which this paragraph applies may be increased is 6½ per cent. per annum or 1 per cent. per annum above the standard rate of interest, whichever is the less.

(4) In this paragraph "the standard rate of interest" means—

- (a) in the case of a mortgage which was in force on 3rd August 1914, the rate of interest payable at that date; and
- (b) in the case of any other mortgage to which this paragraph applies, the original rate of interest.

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1968 c. 23.

2.—(1) This paragraph applies to a controlled mortgage to which paragraph 2 of Schedule 12 to the Rent Act 1968 applied immediately before the commencement of this Act.

(2) In so far as the rate of interest on a mortgage to which this paragraph applies has been, at any time since 1st September 1939, or is, after the commencement of this Act, increased beyond the standard rate of interest, the amount of the excess is irrecoverable from the mortgagor, notwithstanding any agreement to the contrary.

(3) In this paragraph “the standard rate of interest” means—

- (a) in the case of a mortgage which was in force on 1st September 1939, the rate of interest payable at that date ; and
- (b) in the case of any other mortgage to which this paragraph applies, the original rate of interest.

(4) Sub-paragraphs (2) and (3) above shall have effect subject to paragraphs 3 and 4 below.

1952 c. 40.

3. In relation to a mortgage to which paragraph 2 above applies but which became a mortgage to which the Rent and Mortgage Interest Restrictions Acts applied by virtue of the Crown Lessees (Protection of Sub-Tenants) Act 1952, for any reference in paragraph 2 above to 1st September 1939 there shall be substituted a reference to 8th February 1952.

1954 c. 53.

4. In relation to a mortgage to which paragraph 2 above applies but which became a mortgage to which the Rent and Mortgage Interest Restrictions Acts applied by virtue of section 33 of the Housing Repairs and Rents Act 1954, for any reference in paragraph 2 above to 1st September 1939 there shall be substituted a reference to the following date :—

- (a) 11th November 1953, if on that date the dwelling-house which is the subject of the mortgage was let under a tenancy to which the Rent and Mortgage Interest Restrictions Acts applied as from the commencement of the said Act of 1954 ; and
- (b) in any other case, the date between 11th November 1953 and the commencement of that Act (30th August 1954) on which it was first so let.

1939 c. 71.

5. In paragraphs 3 and 4 above “the Rent and Mortgage Interest Restrictions Acts” means the Rent and Mortgage Interest Restrictions Acts 1920 to 1933, as modified by Schedule 1 to the Rent and Mortgage Interest Restrictions Act 1939.

PART II

RESTRICTIONS ON ENFORCEMENT OF SECURITY

6.—(1) Subject to this Part of this Schedule, a mortgagee under a controlled mortgage shall not be entitled to call in his mortgage or to take any steps for exercising any right of foreclosure or sale,

or for otherwise enforcing his security or for recovering the principal money thereby secured if and so long as—

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- (a) interest at the rate permitted under this Schedule is paid and is not more than 21 days in arrears ; and
- (b) the mortgagor's covenants are performed and observed (but for this purpose the covenant for the repayment of the principal money secured shall be disregarded) ; and
- (c) the mortgagor keeps the property in a proper state of repair ; and
- (d) the mortgagor pays all interest and instalments of principal recoverable under any prior incumbrance.

(2) Nothing in this paragraph affects any power of sale exercisable by a mortgagee who,—

- (a) in the case of a mortgage falling within paragraph 1 above, was in possession on 25th March 1920 ; or
- (b) in the case of a mortgage falling within paragraph 2 above, was in possession on 1st September 1939 or whichever other date is relevant for the purposes of sub-paragraph (2) of that paragraph, having regard to paragraphs 3 and 4 above.

7.—(1) Paragraph 6 above does not apply to a mortgage where the principal money secured thereby is repayable by means of periodical instalments extending over a term of not less than 10 years from the creation of the mortgage.

(2) Paragraph 6 above does not apply in any case where the mortgagor consents to the exercise by the mortgagee of the powers conferred by the mortgage.

8.—(1) If a controlled mortgage is a mortgage of a leasehold interest and the mortgagee satisfies the county court that his security is seriously diminishing in value or is otherwise in jeopardy, and for that reason it is reasonable that the mortgage should be called in and enforced, the court may by order authorise him to call in and enforce the same, and thereupon paragraph 6 above shall not apply to the mortgage.

(2) Any order under sub-paragraph (1) above may be made subject to a condition that it shall not take effect if the mortgagor, within such time as the court directs, pays to the mortgagee such portion of the principal sum secured as appears to the court to correspond to the diminution of the security.

SCHEDULE 20

Section 140.

MODIFICATION OF ACT IN RELATION TO FIRE PRECAUTIONS

Steps mentioned in certain notices under the Fire Precautions Act 1971 to count as improvements for certain purposes of this Act

1971 c. 40.

1.—(1) This paragraph applies where a dwelling which is the subject of a regulated or controlled tenancy consists of or is comprised in premises with respect to which there has been issued a

SCH. 20 fire certificate covering (in whatever terms) the use of the dwelling as a dwelling.

(2) The amount of any expenditure incurred by the landlord in taking, in relation to the relevant building, a step mentioned in a fire precaution notice served in connection with the premises, shall for the purposes of this Act be treated (whether or not apart from this paragraph it would be so treated) as expenditure incurred by the landlord on an improvement effected in the dwelling.

(3) If from the taking, in relation to the relevant building, of any such step as is referred to in sub-paragraph (2) above, there accrues benefit not only to the dwelling but also to other premises of the landlord comprised in the relevant building, the amount to be treated as mentioned in that sub-paragraph shall be so much only of the expenditure as may be determined, by agreement in writing between the landlord and the tenant or by the county court, to be properly apportionable to the dwelling, having regard to the benefit accruing, from the taking of the step, to the dwelling and the other premises.

(4) Any apportionment made by the county court under sub-paragraph (3) above shall be final.

(5) For the purposes of this paragraph, the amount of any expenditure shall be treated as diminished by the amount of any grant paid in respect of that expenditure under any enactment.

(6) Any such step as is referred to in sub-paragraph (2) above shall, for the purpose of sections 35 and 48(4), (6) of this Act be treated (whether or not apart from this paragraph it would be so treated) as an improvement.

(7) No application shall be made under section 35 or 48(4) of this Act on the ground that an improvement consisting of such a step was unnecessary.

2.—(1) This paragraph applies in relation to a dwelling-house consisting of or comprised in premises—

- (a) with respect to which there has been issued a fire certificate covering (in whatever terms) the use of the dwelling-house as a dwelling; or
- (b) which are the subject of an application for a fire certificate specifying as a use of the premises which it is desired to have covered by the certificate a use such that, if a certificate covering that use were issued, it would cover (in whatever terms) the use of the dwelling-house as a dwelling.

(2) In a case to which this paragraph applies—

- (a) section 69 of, and Schedule 12 to, this Act shall have effect as if in subsection (1)(a) of that section the reference to making improvements in the dwelling-house included a reference to taking, in relation to the relevant building, any step mentioned in a fire precaution notice served in connection with the premises; and

- (b) any step mentioned in such a notice shall for the purposes of section 69 and Schedule 12, in their application to such a dwelling-house, be treated (whether or not apart from this paragraph it would be so treated) as an improvement.

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*Cases where rent is increased by virtue of
section 28(3)(b) of the Act of 1971*

3.—(1) This paragraph applies where, in the case of any premises consisting of a dwelling-house let on a protected tenancy which is a regulated tenancy, the rent payable in respect of the premises is increased by a section 28 order.

(2) If the increase takes effect while a rent for the dwelling-house is registered under Part IV of this Act, and was so registered before the completion of the relevant alterations—

- (a) the contractual rent limit for any contractual period beginning while the registration of that rent continues to have effect shall be what it would be for that period under section 44(1) of this Act if the rent so registered had been simultaneously increased by the same amount (and the reference in section 71(3)(a) of this Act to the limit imposed by section 44(1) shall be construed accordingly);
- (b) if the regulated tenancy of the dwelling-house becomes a statutory tenancy, section 45(2) of this Act shall have effect, in relation to any statutory period of that tenancy beginning while the registration of that rent continues to have effect, as if the rent so registered had been simultaneously increased by the same amount; and
- (c) Schedule 8 or, as the case may be, Schedule 9 to this Act shall have effect, in relation to any period of that tenancy (whether contractual or statutory) beginning while the registration of that rent continues to have effect, as if the amount to which the rent could be increased in accordance with that Schedule for a statutory period had been simultaneously increased by the same amount.

(3) Where the rent payable under a tenancy to which Part VI of this Act applies is increased by a section 28 order, the rent limit for the dwelling-house under Part VI (including the rent limit specified in a direction of the Secretary of State) shall be increased by an amount equal to the increase effected by the order in the rent payable for the rental period in question.

(4) If, at any time after the court order takes effect, a rent is registered for the dwelling-house (whether it is the first or any subsequent registration) sub-paragraph (2) above shall not apply to any rental period beginning after that time.

4.—(1) Where, in the case of any premises consisting of a dwelling let on a protected tenancy which is a controlled tenancy, the rent payable in respect of the premises is increased by a section 28 order—

- (a) the rent limit under any controlled tenancy of the dwelling for any rental period beginning on or after the date on which that increase takes effect shall be increased by an

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amount per annum equal to the amount per annum of the increase effected by the order in the rent payable in respect of the dwelling ; and

- (b) the increase effected by the order in the rent payable in respect of the dwelling for any rental period shall, notwithstanding anything in section 28 of this Act, be recoverable without the service of any notice of increase.

(2) Where, in the case of any premises consisting of a dwelling let on a protected tenancy which is a controlled tenancy, the rent payable in respect of the premises is increased by a section 28 order, the rent limit shall not be increased under section 32 of this Act by reference to any expenditure taken into account by the court in making the order.

Interpretation

5. In this Schedule—

“contractual period” means a rental period of a regulated tenancy which is a period beginning before the expiry or termination of the protected tenancy ;

“contractual rent limit” has the meaning assigned to it by section 44(3) of this Act ;

“dwelling” means, in relation to a controlled tenancy, the aggregate of the premises comprised in the tenancy ;

“fire certificate” has the meaning given in section 1(1) of the Fire Precautions Act 1971 ;

“fire precautions notice” means a notice served under section 5(4), 8(4) or (5) or 12(8)(b) of the Act of 1971 ;

“landlord” includes a superior landlord ;

“notice of increase” means a notice of increase under section 28 of this Act ;

“relevant alterations” means the alterations or other things falling within section 28(3) of the Act of 1971 the expense of which was taken into account by the court in making a section 28 order ;

“rent limit” has the meaning assigned to it by section 27(3) of this Act ;

“section 28 order” means an order made by a court by virtue of section 28(3)(b) of the Act of 1971 ; and

“statutory period” means any rental period of a regulated tenancy which is not a contractual period.

1971 c. 40.

Section 145.

SCHEDULE 21

RENTS OF SUBSIDISED PRIVATE HOUSES NOT SUBJECT TO CONTROLLED TENANCIES

1.—(1) This paragraph applies, subject to sub-paragraph (9) and to paragraph 2 below, where a condition to which section 145 of this Act applies (a “section 145 condition”)—

- (a) was imposed before 8th December 1965, and

(b) limits the rent under a tenancy which is not a controlled tenancy.

(2) Any section 145 condition shall limit, or as the case may be shall have effect as if it limited, the rent to the amount which would be the rent limit if the tenancy were a controlled tenancy.

(3) In ascertaining that amount, in a case where a dwelling-house was produced by the conversion of any premises and the conversion resulted in a change in the valuation list after 7th November 1956, any entry in that list before the change shall be disregarded.

(4) The provisions of Part II of this Act enabling rents to be increased and the provisions of that Part and of section 141(1) of this Act conferring jurisdiction on the county court shall apply in relation to the tenancy as they apply in relation to a controlled tenancy.

(5) In sub-paragraph (2) above "the rent limit" has the same meaning as in Part II of this Act except that if any section 145 condition was imposed before 6th July 1957 and then limited the rent to an amount exceeding what would be the rent limit if ascertained under section 27(1) and (2) of this Act, the rent limit shall be that amount, subject however to section 27(3).

(6) Notwithstanding anything in section 32(3) of this Act, for the purposes of section 32 as applied by sub-paragraph (4) above, a reference to any tenant of the dwelling shall be substituted in section 32(3) for the reference to a tenant under a controlled tenancy and the appropriate percentage shall be $12\frac{1}{2}$ per cent. in relation to the rent under any tenancy created by a lease or agreement coming into operation after the time when the improvement is begun.

(7) For the purposes of sub-paragraph (6) above, where a person to whom a tenancy was granted was, immediately before the granting, the tenant under another tenancy and the premises comprised in one of the tenancies are the same as, or consist of or include part of, the premises comprised in the other, the two tenancies shall be treated as together constituting one tenancy created by the lease or agreement which created the first of the two tenancies.

(8) Nothing in this paragraph shall be construed as applying the provisions of Part II of Schedule 6 to this Act to a tenancy which is not a controlled tenancy.

2.—(1) This paragraph applies where a section 145 condition limits the rent under a tenancy which is neither a regulated nor a controlled tenancy and either—

- (a) the interest of the landlord belongs to a housing trust, as mentioned in section 15(2)(b) of this Act ; or
- (b) that interest belongs to a housing association, as mentioned in section 15(1) of this Act, and one of the conditions specified in section 15(4) is fulfilled.

(2) Where this paragraph applies, sub-paragraphs (2) to (8) of paragraph 1 above shall not have effect in relation to the condition in question.

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(3) In a case where this paragraph applies, the condition shall limit or, as the case may be, shall have effect as if it limited the rent to such amount as may from time to time be or have been agreed between the housing trust or association and the local authority or as may, in default of agreement, be or have been determined by the Secretary of State; but if the condition was imposed before 6th July 1957 it shall, until the said amount has been so agreed or determined, have effect as if this Act had not been passed.

3.—(1) Subject to sub-paragraph (2) below, in paragraph 2 above “local authority”, in relation to any premises, means the council of the county borough, London borough or district in which the premises are situated or, if they are situated in the City of London, the Common Council of the City of London.

1958 c. 42.

(2) In the case of houses the construction of which was promoted either by the London County Council or by the Greater London Council or in respect of which improvement grants were made by either of those councils under the Housing (Financial Provisions) Act 1958, the reference in sub-paragraph (1) above to the local authority shall be construed as a reference to the Greater London Council.

Section 156.

SCHEDULE 22

MODIFICATIONS APPLICABLE TO CERTAIN EXISTING PROTECTED AND STATUTORY TENANCIES

Dwelling-houses controlled before 1939

1957 c. 25.

1. If, in relation to a dwelling-house which immediately before 8th June 1968 was let on or subject to a controlled tenancy within the meaning of the Rent Act 1957, the relevant enactment in force at that time for the purpose of determining whether any land or premises let together with such a dwelling-house was to be treated as part of the dwelling-house was proviso (iii) to section 12(2) of the Act of 1920 (and not section 3(3) of the Act of 1939), then, in relation to that controlled tenancy, for section 26 of this Act there shall be substituted the following section:—

“ 26. For the purposes of this Act, any land or premises let together with a dwelling-house shall, if the original rateable value of the land or premises let separately would be less than one-quarter of the original rateable value of the dwelling-house, be treated as part of the dwelling-house; and for the purpose of this subsection “the original rateable value” means the value which, before 8th June 1968, was the rateable value for the purposes of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920”.

2. If, immediately before 8th June 1968, a dwelling-house was let on or subject to a controlled tenancy within the meaning of the Rent Act 1957 and, for the purpose of determining that the controlled tenancy was not excluded from the Act of 1920 by virtue of section 12(7) of that Act (tenancies at less than two-thirds of rateable value), the expression “rateable value” fell to be construed in accordance

with paragraph (e) of section 12(1) of the Act of 1920 as originally enacted (and not in accordance with the substituted paragraph set out in Schedule 1 to the Act of 1939) then, in relation to that controlled tenancy, for paragraph (a) of section 17(2) of this Act there shall be substituted the following paragraph:—

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“(a) the rent payable under the tenancy is not less than two-thirds of the value which, before the commencement of this Act, was the rateable value of the dwelling-house for the purposes of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920.”

3. In this Schedule “the Act of 1920” means the Increase of 1920 c. 17. Rent and Mortgage Interest (Restrictions) Act 1920 and “the Act of 1939” means the Rent and Mortgage Interest Restrictions Act 1939. 1939 c. 71.

*Controlled tenancies of dwelling-houses over
1965 limits of rateable value*

4. If the rateable value of a dwelling-house on 23rd March 1965 exceeded £400, if it is in Greater London or £200, if it is elsewhere but the rateable value (determined in accordance with paragraph 1 of Schedule 3 to this Act) of that dwelling-house on 7th November 1956 did not exceed £40, if it was in the metropolitan police district or the City of London or £30, if it was elsewhere, then no account shall be taken of section 4 of this Act in determining whether the dwelling-house is let on or subject to a controlled tenancy.

SCHEDULE 23

Section 156.

CONSEQUENTIAL AMENDMENTS

Landlord and Tenant Act 1927 (c. 36)

1. In section 16 of the Landlord and Tenant Act 1927, for “Part V of the Rent Act 1968” substitute “Part II of the Rent Act 1977”.

*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”;

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- (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”.

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) in subsection (4), for “Part V of the Rent Act 1968” and “section 52(1)” substitute respectively “Part II of the Rent Act 1977” and “section 27(1)”;
- (h) in subsection (5), for “sections 54 and 55 of the Rent Act 1968”, “section 56” and “Schedule 9” substitute respectively “sections 29 and 30 of the Rent Act 1977”, “section 32” and “Schedule 6”; and
- (i) in subsections (6) and (7), for “Part V of the Rent Act 1968” substitute, in each case, “Part II of the Rent Act 1977”.

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”. SCH. 23

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”.

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”.

Housing Repairs and Rents Act 1954 (c. 53)

11. In section 50(1) of the Housing Repairs and Rents Act 1954 for “the Rent Act 1968” substitute “the Rent Act 1977”.

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

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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 III 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".

19. In paragraph 17 of Schedule 1, and in paragraph 4 of Schedule 2, to the Landlord and Tenant Act 1954, 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)".

Requisitioned Houses and Housing (Amendment) Act 1955 (c. 24)

21. In subsections (2)(b) and (3) of section 4 of the Requisitioned Houses and Housing (Amendment) Act 1955, for "the Rent Act 1968" substitute, in each case, "the Rent Act 1977".

Housing Act 1957 (c. 56)

22. In sections 16(5), 22(5) and 27(5) of the Housing Act 1957, for "the Rent Act 1968" substitute, in each case, "the Rent Act 1977".

23. In section 68(2) of the Housing Act 1957 for "the Rent Act 1968" substitute, in each case, "the Rent Act 1977" and for "paragraph 1 of Part IV of Schedule 3 to" substitute "paragraph 3 of Schedule 15 to".

24. In section 73(4) of the Housing Act 1957, for "the Rent Act 1968" substitute "the Rent Act 1977".

25. In section 104(3) of the Housing Act 1957, in paragraph (b) (as it applies to conditions imposed before 8th December 1965), for

“ Schedule 13 to the Rent Act 1968 ” substitute “ Schedule 21 to the Rent Act 1977 ”. SCH. 23

26. In section 158 of the Housing Act 1957, for “ the Rent Act 1968 ” substitute “ the Rent Act 1977 ”.

27. In Schedule 2 to the Housing Act 1957, in paragraph 7(2) for “ the Rent Act 1968 ”, in the definition of “ interest ”, substitute “ the Rent Act 1977 ”.

Housing (Financial Provisions) Act 1958 (c. 42)

28. In section 46 of the Housing (Financial Provisions) Act 1958—

- (a) in subsection (1)(b), as it applies to conditions imposed before 8th December 1965, for “ section 110 of or Schedule 13 to the Rent Act 1968 ” substitute “ section 145 of, or Schedule 21 to, the Rent Act 1977 ”; and
- (b) in subsection (2A) for “ section 10A of the Rent Act 1968 ” substitute “ section 99 of the Rent Act 1977 ”.

County Courts Act 1959 (c. 22)

29. In section 94(1)(b) of the County Courts Act 1959, for “ the Rent Act 1968 ” and “ Part VI or Part VII ” substitute respectively “ the Rent Act 1977 ” and “ Part V, sections 103 to 106 or Part IX ”.

30. In section 109(4) of the County Courts Act 1959, for paragraphs (b) and (c) substitute:—

- “ (b) section 98 of the Rent Act 1977 as it applies to Cases 1 to 9 in Schedule 15 to that Act, or that section as extended or applied by any other document;
- (c) section 99 of the Rent Act 1977, as it applies to Cases 1 to 7 and Case 9 in Schedule 15 to that Act; or ”.

Landlord and Tenant Act 1962 (c. 50)

31. In section 2 of the Landlord and Tenant Act 1962—

- (a) in subsection (1)(b), for the words from “ contract to ” to “ 1968 ” substitute “ restricted contract within the meaning of the Rent Act 1977 ”; and
- (b) in subsection (1)(c), for “ the Rent Act 1968 ” substitute “ the Rent Act 1977 ”.

32. In section 5 of the Landlord and Tenant Act 1962, for “ the said section 107 ” substitute “ section 149 of the Rent Act 1977 ”.

Housing Act 1964 (c. 56)

33. In section 34(3) of the Housing Act 1964, for “ the Rent Act 1968 ” substitute “ the Rent Act 1977 ”.

34. In section 74(2) of the Housing Act 1964, for “ the Rent Act 1968 ” substitute “ the Rent Act 1977 ”.

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35. In section 75 of the Housing Act 1964—

- (a) in subsection (3), for “Section 5 of the Rent Act 1968, that section” and “Act of 1968” substitute, respectively, “Sections 14 to 16 of the Rent Act 1977, those sections” and “Act of 1977”; and
- (b) in subsection (3A), for “the Rent Act 1968” and “Act of 1968” substitute respectively “the Rent Act 1977” and “Act of 1977”.

36. In section 81(3) of the Housing Act 1964, for “section 69 of the Rent Act 1968” substitute “section 76 of the Rent Act 1977”.

37. In Schedule 2 to the Housing Act 1964, in paragraph 4, for “section 56(1) of the Rent Act 1968” substitute “section 32(1) of the Rent Act 1977”.

38. In Schedule 4 to the Housing Act 1964, in paragraph 2, for “paragraph 1(d) of Schedule 2 to the Rent Act 1968” substitute “section 17(1)(b) of the Rent Act 1977”.

New Towns Act 1965 (c. 59)

39. In section 22(3) of the New Towns Act 1965, for “the Rent Act 1968” substitute “the Rent Act 1977”.

Matrimonial Homes Act 1967 (c. 75)

40. In section 1(5) of the Matrimonial Homes Act 1967, for “the Rent Act 1968 (other than Pt VI thereof)” substitute “the Rent Act 1977 (other than Part V and sections 103 to 106)”.

41. In section 7 of the Matrimonial Homes Act 1967—

- (a) in subsections (1)(a), (2) and (3), for “the Rent Act 1968” substitute, in each case, “the Rent Act 1977”; and
- (b) in subsection (8), for “Part II of the Rent Act 1968” substitute “Part VII of the Rent Act 1977”.

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

Housing Act 1969 (c. 33)

47. In section 60(7) of the Housing Act 1969, for “the Rent Act 1968” substitute “the Rent Act 1977”.

48. In paragraph 5(2) of Schedule 5 to the Housing Act 1969, in the definition of “interest”, for “the Rent Act 1968” substitute “the Rent Act 1977”.

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 1968” substitute “section 3 of the Rent Act 1977”; and
- (b) in subsection (4), for “the Rent Act 1968” 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”.

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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”.

Housing Finance Act 1972 (c. 47)

52. In section 19 of the Housing Finance Act 1972—

- (a) in subsection (4), for “the Rent Act 1968”, where those words first occur, substitute “the Rent Act 1977” and for the words from “a contract” to the end substitute “a contract which is a restricted contract for the purposes of that Act or would be a restricted contract but for section 19(5)(c) thereof”;
- (b) in subsection (5), for “section 5 of the Rent Act 1968” substitute “section 15 of the Rent Act 1977”;
- (c) in subsection (6), for “section 4 of the Rent Act 1968” substitute “section 13 of the Rent Act 1977” and for the words from “to which” to the end substitute “which would be a restricted contract for the purposes of that Act but for section 19(5)(b) thereof”;
- (d) in subsection (6A), for “section 5(7) of the Rent Act 1968” substitute “section 16 of the Rent Act 1977”;
- (e) in subsection (6B), for “the Rent Act 1968” substitute “the Rent Act 1977”;
- (f) in subsection (7), for paragraph (a) substitute:—
 “(a) section 24(2) of the Rent Act 1977 applies in his case or he occupies a dwelling under a restricted letting, and”;
 and in paragraph (b) for “section 9(3)” substitute “section 24(2)”;
- (g) in subsection (8A), for “Part VI letting” substitute “restricted letting”.

53. In section 25(6) of the Housing Finance Act 1972 for “the Rent Act 1968” substitute “Rent Act 1977”.

54. In section 26(1) of the Housing Finance Act 1972—

- (a) in the definition of “dwelling”, for “Part VI of the Rent Act 1968” substitute “Part V of the Rent Act 1977”;
- (b) in the definition of “landlord” for “the Rent Act 1968” substitute “the Rent Act 1977”;
- (c) omit the definition of “Part VI letting”;
- (d) after the definition of “rebate scheme” insert:—
 “‘restricted letting’ means a contract which is a restricted contract for the purposes of the Rent Act 1977, or would be a restricted contract but for section 19(5)(b) or (c) thereof”;
- (e) in the definition of “sub-let”, for “the Rent Act 1968” substitute “the Rent Act 1977”;
- (f) in the definition of “tenant”, in paragraph (d), for “Part VI letting” substitute “restricted letting”.

55. In section 91A(8) of the Housing Finance Act 1972, for paragraph (b) substitute:—

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“(b) where the tenant is a protected tenant or a statutory tenant within the meaning of the Rent Act 1977 or a lessee within the meaning of Part V of that Act (restricted contracts).”

56. In paragraph 14 of Schedule 4 to the Housing Finance Act 1972—

- (a) in sub-paragraph (1)(a), for “Part V of the Rent Act 1968” substitute “Part II of the Rent Act 1977”;
- (b) in sub-paragraph (1)(b), for “the Rent Act 1968” and “Schedule 6 to this Act” substitute, respectively, “the Rent Act 1977” and “Schedule 9 to that Act”;
- (c) in sub-paragraph (1)(d), for “Part VIII of this Act” substitute “Part VI of the Rent Act 1977”;
- (d) in sub-paragraph (1)(f), for “section 44(5) of the Rent Act 1968” substitute “section 67(6) of the Rent Act 1977”;
- (e) in sub-paragraph (1)(h), for “Part VI letting” and “section 74 of the Rent Act 1968” substitute respectively “restricted letting” and “section 79 of the Rent Act 1977”;
- (f) in sub-paragraph (3), for “section 33 of the Rent Act 1968” substitute “section 57 of the Rent Act 1977”;
- (g) in sub-paragraph (3A) for “section 40 of the Rent Act 1968” substitute “section 63 of the Rent Act 1977”; and
- (h) in sub-paragraph (4) for “the Rent Act 1968” substitute “the Rent Act 1977”.

57. In paragraph 14A of Schedule 4 to the Housing Finance Act 1972—

- (a) in sub-paragraph (1)(a) for “the Rent Act 1968” substitute “the Rent Act 1977”; and
- (b) in sub-paragraph (4), for “section 40 of the Rent Act 1968” substitute “section 63 of the Rent Act 1977”;

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

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

Land Compensation Act 1973 (c. 26)

59. In section 29(1)(d) and 37(1)(d) of the Land Compensation Act 1973, for the words from “or falls” to the end substitute, in each case, “or is specified in an order made by the Secretary of State under section 80 of the Housing Finance Act 1972 or paragraph 23 of Schedule 1 to the Housing Rents and Subsidies Act 1975”.

Housing Act 1974 (c. 44)

60.—(1) In section 31 (1) of the Housing Act 1974, in paragraph (b) after “1972” insert “Part VI of the Rent Act 1977” and in paragraph (c) after “Part VIII” insert “or Part VI”.

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(2) In section 32(1) of the Housing Act 1974, for the words from “falling” to “18(1) above” substitute “which is for the time being specified in an order made by the Secretary of State under section 80 of the Housing Finance Act 1972 or paragraph 23 of Schedule 1 to the Housing Rents and Subsidies Act 1975”.

61. In section 47(6) of the Housing Act 1974 for paragraph (c) substitute:—

“(c) consisting of the grant of a protected tenancy or the entering into of a restricted contract, within the meaning of the Rent Act 1977; or”.

62. In section 74(2) of the Housing Act 1974, in paragraphs (a), (d) and (f) for “Part VI” substitute, in each case, “restricted”.

63. In section 74(4) of the Housing Act 1974—

(a) for the definition of “Part VI contract” substitute “‘restricted contract’ has the same meaning as in section 19 of the Rent Act 1977;”;

(b) for “Part VII”, in the definition of a premium, substitute “Part IX”;

(c) in paragraph (b) of the definition of a registered rent, for “Part VI” and “section 74” substitute respectively “restricted” and “section 79”;

(d) in the definition of the relevant day, for “Part VI” substitute “restricted”.

64. In section 99(2)(f) of the Housing Act 1974, for “section 5(3) of the Rent Act 1968” substitute “section 15(5) of the Rent Act 1977”.

65. In section 104(1) of the Housing Act 1974, in the definition of an occupying tenant, for “the Rent Act 1968”, in paragraph (b), substitute “the Rent Act 1977” and for paragraph (c) substitute:—

“(c) occupies the dwelling as a residence under a restricted contract within the meaning of section 19 of the Rent Act 1977; or”.

66. In section 122(8), and in the definition of a statutory tenant in section 125(2), of the Housing Act 1974, for “the Rent Act 1968” substitute, in each case, “the Rent Act 1977”.

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”.

Housing Rents and Subsidies Act 1975 (c. 6)

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69. In section 17(11) of the Housing Rents and Subsidies Act 1975, for the words from “except” to “4” substitute “except section 11”.

70. In Schedule 1 to the Housing Rents and Subsidies Act 1975, in paragraph 15(4), for “Schedule 5 to the Rent Act 1968” substitute “Schedule 10 to the Rent Act 1977”.

Community Land Act 1975 (c. 77)

71. In paragraph 22 of Schedule 4 to the Community Land Act 1975, for sub-paragraph (a) substitute “(a) the Rent Act 1977, or”.

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”;
- (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 to 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 rent in section 34(1), of the Rent (Agriculture) Act 1976.

SCH. 23 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

(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".

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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".

SCHEDULE 24

Section 155(3).

SAVINGS AND TRANSITIONAL PROVISIONS

General transitional provisions

1.—(1) In so far as anything done, or having effect as if done, under an enactment repealed by this Act could have been done under a corresponding provision in this Act, it shall not be invalidated by the repeal but shall have effect as if done under that provision.

(2) Sub-paragraph (1) above applies, in particular, to any regulation, order, scheme, agreement, dissent, election, application, reference, representation, appointment or apportionment made, notice served, certificate issued, statement supplied, undertaking or direction given or rent registered.

(3) Subject to this Schedule, any document made, served or issued before the passing of this Act or at any time thereafter (whether before or after the commencement of this Act) and containing a reference to an enactment repealed by this Act, or having effect as if containing such a reference, shall, except in so far as a contrary intention appears, be construed as referring, or as the context requires, as including a reference, to the corresponding provision of this Act.

(4) Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.

(5) Nothing in this Act shall affect the enactments repealed thereby in their operation in relation to offences committed before the commencement of this Act.

(6) A conviction for an offence under an enactment repealed by this Act shall be treated for the purposes of this Act as a conviction of an offence under the corresponding provision of this Act.

(7) Subject to the provisions of this Act, any reference in any document or enactment to a dwelling-house which is let on or subject to a protected or statutory tenancy (including any reference which, immediately before the commencement of this Act, was to be construed as such a reference by virtue of paragraph 5 of Schedule 16 to the Rent Act 1968) shall be construed, except in so far as the context otherwise requires, as a reference to a dwelling-house let on or subject to a protected or statutory tenancy within the meaning of this Act. 1968 c. 23.

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1968 c. 23.

(8) Subject to the provisions of this Act, any reference in any document or enactment to a Part VI contract (within the meaning of Part VI of the Rent Act 1968) shall be construed, except in so far as the context otherwise requires, as a reference to a restricted contract.

Existing statutory tenants

2.—(1) If, immediately before the commencement of this Act, a person (the “existing statutory tenant”) was a statutory tenant of a dwelling-house by virtue of any enactment repealed by this Act (a “repealed enactment”) that person shall, on the commencement of this Act, be a statutory tenant of the dwelling-house for the purposes of this Act.

(2) If, immediately before the existing statutory tenant became a statutory tenant, he was a tenant of the dwelling-house under a tenancy then, for the purposes of this Act, he shall be the statutory tenant by virtue of his previous protected tenancy.

1965 c. 75.

(3) If the existing statutory tenant became a statutory tenant on the death of a person who was himself a tenant or statutory tenant of the dwelling-house then, for the purposes of this Act, the existing statutory tenant shall be a statutory tenant by succession; and, unless he became a statutory tenant by virtue of section 13 of the Rent Act 1965, or paragraph 6 or 7 of Schedule 1 to the Rent Act 1968, he shall be deemed to be the first successor within the meaning of Schedule 1 to this Act.

1957 c. 25.

(4) If the existing statutory tenant became a statutory tenant by virtue of an exchange under section 17 of the Rent Act 1957 or section 14 of the Rent Act 1968 then, for the purposes of this Act, he shall be deemed to be the statutory tenant by virtue of his previous protected tenancy or, as the case may be, a statutory tenant by succession, if immediately before the commencement of this Act he was so deemed for the purposes of the Rent Act 1968.

(5) If, by virtue of sub-paragraph (4) above, the existing statutory tenant is for the purposes of this Act a statutory tenant by succession, he shall be deemed to be the first successor, within the meaning of Schedule 1 to this Act if, and only if, the person who was a statutory tenant immediately before the date of exchange was not a statutory tenant by virtue of section 13 of the Rent Act 1965 or paragraph 6 or 7 of Schedule 1 to the Rent Act 1968.

(6) Without prejudice to the case where by virtue of sub-paragraph (4) or (5) above, the existing statutory tenant is deemed to be a statutory tenant by succession but is not deemed to be the first successor, within the meaning of Schedule 1 to this Act, paragraphs 5 to 7 of that Schedule shall not apply where the existing statutory tenant, or the person on whose death he became a statutory tenant, became a statutory tenant by virtue of an exchange under section 17 of the Rent Act 1957 or section 14 of the Rent Act 1968.

3.—(1) A person who, at any time before the commencement of this Act, became a statutory tenant of a dwelling-house by virtue of—

1920 c. 17.

(a) section 12(10) of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 (under which workmen housed in

certain dwelling-houses taken over by the Government during the 1914-18 war were to be treated as tenants of the landlords of those houses); and

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- (b) section 4 of the Requisitioned Houses and Housing (Amendment) Act 1955 (under which certain requisitioned dwelling-houses were returned to their owners on condition that the owners accepted the existing licensees as statutory tenants),

1955 c. 24.

(and not by way of succession to a previous statutory tenancy) shall be treated for the purposes of this Act as having become the statutory tenant of that dwelling-house on the expiry of a protected tenancy thereof.

(2) A person who, on or after the commencement of the Rent Act 1965, retained possession of a dwelling-house by virtue of section 20 of that Act (which made transitional provisions in relation to tenancies which expired before the commencement of that Act) shall be deemed to have done so under a statutory tenancy arising on the termination of a tenancy which was a regulated tenancy, and the terms as to rent and otherwise of that tenancy shall be deemed to have been the same, subject to any variation specified by the court, as those of the tenancy mentioned in subsection (1) of that section (that is to say, the tenancy which ended before the commencement of the Rent Act 1965 but which would have been a regulated tenancy if that Act had then been in force).

1965 c. 75.

4. A statutory tenancy subsisting at the commencement of this Act under section 4 of the Requisitioned Houses and Housing (Amendment) Act 1955 shall be treated, for the purposes of this Act—

- (a) as a regulated tenancy if, by virtue of section 10 of the Rent Act 1965, it fell to be treated as a regulated tenancy after 31st March 1966; and
- (b) in any other case, as a controlled tenancy.

Tenancies which ended before passing of Counter-Inflation Act 1973 (c. 9)

5.—(1) This paragraph applies where the tenancy of a dwelling-house came to an end at a time before 22nd March 1973 and the tenancy would have been a regulated tenancy, for the purposes of the Rent Act 1968, if section 14 of the Counter-Inflation Act 1973 had been in force at that time.

1968 c. 23.

1973 c. 9.

(2) If the tenant under the tenancy which came to an end duly retained possession of the dwelling-house after 22nd March 1973 without any order for possession having been made, or after the rescission of such an order, he shall be deemed to have done so under a statutory tenancy arising on the termination of the tenancy which came to an end and, subject to sub-paragraph (6) below the terms of that tenancy (including the rent) shall be deemed to have been the same as those of the tenancy which came to an end.

(3) Any statutory tenancy arising by virtue of sub-paragraph (2) above, shall be treated as a statutory tenancy arising on the termination of a protected tenancy which was a regulated tenancy.

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S.I. 1972/1851.

(4) Where Article 10 of the Counter-Inflation (Rents) (England and Wales) Order 1972 applied to the rent under the tenancy, the rent under the tenancy imposed by sub-paragraph (2) above shall be the rent as limited by Article 10.

(5) Schedule 7 to this Act shall not apply to a statutory tenancy arising under sub-paragraph (2) above.

(6) The High Court or the county court may by order vary all or any of the terms of the tenancy imposed by sub-paragraph (2) above in any way appearing to the court to be just and equitable (and whether or not in a way authorised by the provisions of sections 46 and 47 of this Act).

1968 c. 23.

(7) If at 22nd March 1973 the dwelling-house was occupied by a person who would, if the tenancy had been a regulated tenancy, have been the "first successor" within the meaning of paragraph 4 of Schedule 1 to the Rent Act 1968 (which is re-enacted in Schedule 1 to this Act), sub-paragraphs (2), (4) and (5) above shall apply where that person retained possession as they apply where the tenant retained possession.

Protected furnished tenancies

6.—(1) In any case where—

(a) before 14th August 1974 a dwelling was subject to a tenancy which was a Part VI contract within the meaning of the Rent Act 1968, and

(b) the dwelling forms part only of a building, and that building is not a purpose-built block of flats within the meaning of section 12 of this Act, and

(c) on that date the interest of the lessor, within the meaning of Part VI of the Rent Act 1968, under the tenancy—

(i) belonged to a person who occupied as his residence another dwelling which also formed part of that building, or

(ii) was vested in trustees as such and was or, if it was held on trust for sale, the proceeds of its sale were held on trust for a person who occupied as his residence another dwelling which also formed part of that building, and

1975 c. 51.

(d) apart from paragraph 1 of Schedule 3 to the Rent Act 1974 the tenancy would, on that date, have become a protected furnished tenancy,

this Act shall apply, subject to sub-paragraph (2) below, as if the tenancy had been granted on that date and as if the condition in section 12(1)(b) of this Act were fulfilled in relation to the grant of the tenancy.

(2) In the application of this Act to a tenancy by virtue of this paragraph—

(a) subsection (2) of section 12 shall be omitted ; and

(b) in section 20 and Part II of Schedule 2 any reference to section 12 of this Act shall be construed as including a reference to this paragraph.

(3) In any case where paragraphs (a), (b) and (d) of sub-paragraph (1) above apply but on 14th August 1974 the interest referred to in paragraph (c) of that sub-paragraph was vested—

(a) in the personal representatives of a deceased person acting in that capacity, or

(b) by virtue of section 9 of the Administration of Estates Act 1925 c. 23. 1925, in the Probate Judge within the meaning of that Act, or

(c) in trustees as such,

then, if the deceased immediately before his death or, as the case may be, the settlor immediately before the creation of the trust occupied as his residence another dwelling which also formed part of the building referred to in paragraph (b) of sub-paragraph (1) above, that sub-paragraph shall apply as if the condition in paragraph (c) thereof were fulfilled.

(4) In the application of paragraph 1(1) of Schedule 2 to this Act in a case falling within sub-paragraph (3) above, any period before 14th August 1974 during which the interest of the landlord vested as mentioned in that subsection shall be disregarded in calculating the period of 12 months specified therein.

7.—(1) This paragraph applies where the tenancy of a dwelling-house came to an end before 14th August 1974 and, if it had come to an end immediately after that date it would then have been a protected furnished tenancy within the meaning of the Rent Act 1974 c. 51. 1974.

(2) If the tenant under the tenancy which came to an end duly retained possession of the dwelling-house on 14th August 1974 without an order for possession having been made or after the rescission of such an order he shall be deemed to have done so as a statutory tenant under a regulated tenancy and, subject to sub-paragraph (5) below, as a person who became a statutory tenant on the termination of a protected tenancy under which he was the tenant; and, subject to sub-paragraphs (4) and (5) below, the tenancy referred to in sub-paragraph (1) above shall be treated, in relation to his statutory tenancy,—

(a) as the original contractual tenancy for the purposes of section 3 of this Act, and

(b) as the previous contractual tenancy for the purposes of paragraph 2 of Part III of Schedule 15 to this Act.

(3) In any case where—

(a) immediately before 14th August 1974 a rent was registered for a dwelling under Part VI of the Rent Act 1968, and 1968 c. 23.

(b) on that date a person became a statutory tenant of that dwelling by virtue of paragraph 3(4) of Schedule 3 to the Rent Act 1974,

the amount which was so registered under Part VI shall be deemed to be registered under Part IV of this Act as the rent for that dwelling, and that registration shall be deemed to have taken effect on 14th August 1974.

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(4) The High Court or the county court may by order vary all or any of the terms of the statutory tenancy imposed by sub-paragraph (2) above in any way appearing to the court to be just and equitable (and whether or not in a way authorised by the provisions of sections 46 and 47 of this Act).

1968 c. 23.

(5) If on 14th August 1974 the dwelling-house was occupied by a person who would, if the tenancy had been a protected tenancy for the purposes of the Rent Act 1968, have been "the first successor" as defined in paragraph 4 of Schedule 1 to that Act, sub-paragraph (2) above shall apply where that person retained possession as it applies where the tenant retained possession, except that he shall be the first successor as so defined.

1974 c. 51.

8.—(1) Where, immediately before the commencement of this Act, a rent was deemed (by virtue of section 5 of the Rent Act 1974) to have been registered under Part IV of the Rent Act 1968 with effect from 14th August 1974, it shall for the purposes of this Act be deemed to be registered under Part IV of this Act with effect from that date.

(2) Section 67(3) of this Act shall not apply to an application for the registration under Part IV of this Act of a rent different from that which is deemed to be registered as mentioned in sub-paragraph (1) above.

(3) The reference in section 69(1)(b) to a rent being registered for a dwelling-house shall not include a rent which is deemed to be so registered.

(4) A statutory furnished tenancy which arose on 15th August 1974, by virtue of section 5(4) of the Rent Act 1974, shall be treated as a statutory furnished tenancy for the purposes of this Act and as having arisen on that date.

Regulated tenancies of formerly requisitioned houses

1955 c. 24.

9.—(1) This paragraph applies in relation to a regulated tenancy of a dwelling-house which is a statutory tenancy subsisting under section 4 of the Requisitioned Houses and Housing (Amendment) Act 1955 (under which licensees of previously requisitioned property became statutory tenants of the owners) and which, by virtue of section 10(1) of the Rent Act 1965, fell to be treated as a regulated tenancy after 31st March 1966.

1965 c. 75.

(2) In relation to any rental period of a regulated tenancy to which this paragraph applies, sections 45 to 48 of this Act shall have effect as if—

(a) references therein to the last contractual period were references to the last rental period beginning before 31st March 1966, and

(b) the rent recoverable for that last rental period has included any sum payable for that period by the local authority to the landlord under section 4(4) of the said Act of 1955 (which provided for payments to make up the difference between the rent actually paid and the amount which would normally have been recoverable).

Miscellaneous

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10. Any registration of a rent under Part IV of the Rent Act 1968 1968 c. 23. which, by virtue of paragraph 33(2) of Schedule 13 to the Housing 1974 c. 44. Act 1974, fell to be treated as if it had been effected pursuant to an application under section 44 of the Rent Act 1968 shall continue to be so treated for the purposes of this Act.

11. In the case of a registration of a rent before 1st January 1973 which, by virtue of subsection (3) of section 82 of the Housing 1972 c. 47. Finance Act 1972 (provision corresponding to section 87(3) of this Act), was provisional only, the date of registration for the purposes of this Act shall be 1st January 1973.

12. Where, by virtue of section 1(1)(b) of the Rent Act 1974, any 1974 c. 51. reference in an enactment or instrument was, immediately before the coming into force of this Act, to be construed as having the same meaning as in the Rent Act 1968 as amended by section 1 of the Rent Act 1974, that reference shall be construed as having the same meaning as in this Act.

13. If, immediately before the commencement of this Act, a person's statutory tenancy was a regulated tenancy (and not a controlled tenancy), for the purposes of the Rent Act 1968, by virtue of paragraph 5 of Schedule 2 to that Act (second successors) it shall be a regulated tenancy for the purposes of this Act by virtue of that paragraph.

14. If, immediately before the commencement of this Act, a person's statutory tenancy was a regulated tenancy for the purposes of the Rent Act 1968, by virtue of paragraph 10 of Schedule 16 to that Act (statutory tenancies deemed to arise by virtue of section 20 of the Rent Act 1965) it shall be a regulated tenancy for the purposes 1965 c. 75. of this Act

15. In relation to any time before 1st January 1960, paragraph (a) of section 34(1) of this Act shall have effect as if it included a reference to section 150 of the Public Health Act 1875 and to the 1875 c. 55. Private Street Works Act 1892. 1892 c. 57.

16. Sections 44(1), (2), 38 and 72(4) of this Act shall have effect in relation to rent determined or confirmed in pursuance of Schedule 3 to the Housing Rents and Subsidies Act 1975. 1975 c. 6.

17. If, immediately before the revocation of regulation 68CB of the Defence (General) Regulations 1939 accommodation was registered for the purposes of that regulation and was let in accordance with the terms and conditions so registered, any contract for the letting of the accommodation shall be treated, for the purposes of this Act, as not being a restricted contract, so long as any letting continues under which the accommodation was let in accordance with the terms and conditions on which it was let immediately before the revocation.

18. Section 54 of, and paragraph 5 of Schedule 9 to, this Act shall apply in relation to a failure to observe any of the requirements of section 43, 44(5) or 45 of the Housing Finance Act 1972 as they apply in relation to a failure to observe any of the corresponding requirements of section 51, 52(6) or 53 of this Act.

SCH. 24 19.—(1) Until such time as the provisions mentioned in sub-paragraph (2) below come into force, sections 139(3) and 151(4) of this Act shall have effect as if the fines specified in those sections were, respectively, £10 and £5.

1977 c. 45. (2) The provisions are those provisions of the Criminal Law Act 1968 c. 23. 1968 c. 23. (2) The provisions are those provisions of the Criminal Law Act 1977 (increase of fines for certain summary offences) which would, had this act not repealed sections 104(3) and 109(4) of the Rent Act 1968, have had the effect of increasing the fine specified in each of those sections to £25.

1975 c. 6. 20. For the purposes of paragraph 3(3) of Schedule 9 to this Act a case where Schedule 2 to the Housing Rents and Subsidies Act 1975 had effect shall be treated as if it were a case where Schedule 8 to this Act had effect.

21. Subject to the provisions of this Act, any reference in any document or enactment to a Part VI letting (within the meaning of Part II of the Housing Finance Act 1972) shall be construed, except in so far as the context otherwise requires, as a reference to a restricted letting (within the meaning of Part II as amended by this Act).

Transitional provisions from Rent Act 1957

1957 c. 25. 22. If the rent recoverable under a controlled tenancy for any rental period beginning immediately before the commencement of this Act was, by virtue of section 1(4) of the Rent Act 1957 and paragraph 15 of Schedule 16 to the Rent Act 1968, the same as the rent recoverable for the rental period comprising the commencement of the Act of 1957 then, after the commencement of this Act, that rent shall remain the rent recoverable under that tenancy for any rental period for which it is neither increased nor reduced under Part II of this Act (but without prejudice to paragraph 1 of this Schedule).

1954 c. 53. 23. If, immediately before the commencement of this Act, an agreement or determination of a tribunal made or given for the purposes of paragraph (b) of section 24(3) of the Housing Repairs and Rents Act 1954 was deemed, by virtue of paragraph 1 of Schedule 7 to the Rent Act 1957 and paragraph 16 of Schedule 16 to the Rent Act 1968, to be an agreement or determination made under paragraph (c) of section 52(1) of the Act of 1968 then, after the commencement of this Act, that agreement or determination shall, until an agreement or determination is made as is mentioned in paragraph (c) of section 27(1) of this Act, be deemed to be an agreement or determination made as mentioned in paragraph (c) of section 27(1).

24.—(1) If, immediately before the commencement of this Act, the rent limit under a controlled tenancy of a dwelling was increased, by virtue of paragraph 2 of Schedule 7 to the Rent Act 1957 and paragraph 17 of Schedule 16 to the Rent Act 1968, on account of an improvement, or a notice of increase relating to an improvement, completed before the commencement of the Act of 1957, the like increase shall apply after the commencement of this Act to the rent limit under that controlled tenancy.

(2) In sub-paragraph (1) above, "the rent limit", in relation to any time before the commencement of this Act, has the same

meaning as in the Rent Act 1968, and in relation to any time after that commencement, has the same meaning as in Part II of this Act. SCH. 24

25.—(1) If, immediately before the commencement of this Act, a certificate of a local authority under section 26(1) of the Housing Repairs and Rents Act 1954 or a certificate of a sanitary authority having effect as if it were a certificate under Part II of that Act had effect, by virtue of paragraph 3 of Schedule 7 to the Rent Act 1957 and paragraph 18 of Schedule 16 to the Rent Act 1968, as a certificate of disrepair under Schedule 9 to the Act of 1968, then, after the commencement of this Act, the certificate shall have effect, to the like extent as before that commencement, as if it were a certificate of disrepair under Schedule 6 to this Act. 1954 c. 53. 1957 c. 25. 1968 c. 23

(2) Where any such certificate ceases to have effect (whether by virtue of an order of the court or in consequence of being cancelled by the local authority) sections 27 and 28 of this Act shall have effect, in relation to any rental period beginning after the date as from which the certificate ceases to have effect as if it had ceased to have effect immediately before the basic rental period (within the meaning of Part II of this Act).

26. Where any increase in the rent recoverable under a controlled tenancy current on 6th July 1957 took effect before that date but after the beginning of the basic rental period (within the meaning of Part II of this Act), section 27 of this Act shall have effect as if for references to the rent recoverable for the basic rental period there were substituted references to the rent which would have been recoverable for that period if the increase had taken effect before the beginning thereof.

Savings

27.—(1) Notwithstanding the repeal by this Act of the Rent Act 1968 and section 42 of the Housing Finance Act 1972— 1972 c. 47.

(a) sections 20(3) and 21 of the Rent Act 1968 (rent limit where no registered rent) shall continue to apply in relation to a regulated tenancy granted before 1st January 1973 if the rent under the tenancy, as varied by any agreement made before that date, exceeded the rent limit under section 20(3) (with any adjustment under section 21);

(b) sections 30 (certain regulated tenancies to be disregarded in determining contractual rent limit) and 35 (duty of landlord to supply statement of rent under previous tenancy) of the Rent Act 1968 shall continue to apply in any case where section 20(3)(a) applies by virtue of this paragraph.

(2) In any case to which section 21 of the Rent Act 1968 applies by virtue of sub-paragraph (1) above, the reference in subsection (5) of that section to the amount expended on the improvement shall be construed as a reference to that amount diminished by the amount of any grant or repayment of the kind mentioned in section 48(2)(a) or (b) of this Act.

(3) This paragraph shall cease to apply if the landlord and the tenant enter into an agreement which is a rent agreement with a tenant having security of tenure (within the meaning of section 51 of this Act) which complies with the requirements of subsection (4)

SCH. 24 of that section, or if they provide that this paragraph is not to apply by an agreement conforming with those requirements.

1969 c. 33. 28.—(1) Section 47 of the Housing Act 1969 (first registration of a rent after issue of qualification certificate) shall continue to have effect as respects an application for the first registration of a rent where the tenancy became a regulated tenancy before the date of the repeal of Part III of that Act by the Housing Finance Act 1972, but with the substitution, for the references to Part IV of the Rent Act 1968 and Schedule 6 to that Act, of references respectively to Part IV of, and Part II of Schedule 11 to, this Act.

1972 c. 47.
1968 c. 23.

(2) Paragraph 3 of Schedule 17 to this Act shall apply to a conversion under the said Part III as it applies to a conversion under Part VIII of this Act.

(3) Notwithstanding the said repeal, section 51(2)(a) of the Act of 1969 shall continue to have effect.

(4) Sections 45 to 47 of this Act shall have effect in relation to a tenancy which has become a regulated tenancy by virtue of the said Part III as if references therein to the last contractual period were references to the last rental period beginning before the tenancy became a regulated tenancy.

1958 c. 42.

29. Subsections (2) and (5) of section 48 of this Act shall have effect, in relation to any grant paid under section 30 of the Housing (Financial Provisions) Act 1958 (improvement grants) or section 4 of the House Purchase and Housing Act 1959 (standard grants) in pursuance of an application made before 25th August 1969, as they have effect in relation to any of the grants mentioned in those subsections.

1959 c. 33.

30. Notwithstanding the repeal by this Act of the Rent Act 1968, the amendments made in other enactments ("the amended enactments") by that Act shall, to the extent that they had effect immediately before the coming into force of this Act, continue to have effect subject to any amendment of any of the amended enactments by this Act.

31. Any registration of a rent made before the commencement of this Act—

(a) in the part of the register provided for by section 82 of the Housing Finance Act 1972, and

(b) in reliance on subsection (3A) of section 44 of the Rent Act 1968,

shall be as valid, and shall have effect, as if this Act had then been in force.

32. Notwithstanding the repeal by this Act of paragraphs 20 to 26 of Schedule 16 to the Rent Act 1968 (miscellaneous savings) any enactment which, immediately before the commencement of this Act, had effect by virtue of any of those paragraphs shall continue to have effect; and this Act shall have effect in relation to cases falling within any of those paragraphs as the Act of 1968 had effect immediately before the commencement of this Act.

SCHEDULE 25

Section 156.

REPEALS

Chapter	Short title	Extent of repeal
2 & 3 Eliz. 2.	The Landlord and Tenant Act 1954.	In section 22(1), from " Act of 1920 " to " Acts, 1920 to 1938 ".
7 & 8 Eliz. 2. c. 33.	The House Purchase and Housing Act 1959.	In section 29(1), the definition of " controlled tenancy ".
1968 c. 23.	The Rent Act 1968.	The whole Act.
1969 c. 33.	The Housing Act 1969.	In section 40(2)(a) the words " Part III ".
		Section 80.
		Section 81.
		Section 83.
		Schedule 7.
		In Schedule 8, paragraphs 32 and 33.
		In Schedule 9, paragraphs 3 to 5.
1969 c. 62.	The Rent (Control of Increases) Act 1969.	Section 5.
		Section 6.
1970 c. 31.	The Administration of Justice Act 1970.	Section 47.
1970 c. 40.	The Agriculture Act 1970.	Section 100.
1971 c. 40.	The Fire Precautions Act 1971.	In the Schedule, Part I.
1971 c. 62.	The Tribunals and Inquiries Act 1971.	In Schedule 3, the entry relating to the Rent Act 1968.
1972 c. 11.	The Superannuation Act 1972.	In Schedule 6, paragraph 71.
1972 c. 47.	The Housing Finance Act 1972.	Sections 27 to 34.
		Sections 37 to 39.
		Sections 41 to 48.
		Sections 81 to 88.
		In section 103, in subsection (3), paragraphs (a) and (b) and in paragraph (d) the words from " section 7 " to " cost of repairs) ".
		Schedule 5.
		Schedule 6.
		In Schedule 9, paragraphs 10 to 13, 16 and 17.
		In Schedule 10, paragraph 7.
1972 c. 62.	The Agriculture (Miscellaneous Provisions) Act 1972.	In section 24, from the beginning to " 1968 and " and the words " case 14 or as the case may be ".

SCH. 25	Chapter	Short title	Extent of repeal
	1972 c. 70.	The Local Government Act 1972.	Section 205.
	1973 c. 9.	The Counter-Inflation Act 1973.	Section 14. In Schedule 4, paragraph 11(2). Schedule 5.
	1973 c. 26.	The Land Compensation Act 1973.	Section 20(11).
	1974 c. 44.	The Housing Act 1974.	<p>In section 18, in subsection (1), the words from " subsection (5) " to " or in " and from "or paragraph 23" to "1975", in subsection (2), the words from "Part VIII" to "applies, or", the words " the Rent Act 1968 or of " and the words " the Rent Act 1968 or ".</p> <p>In section 49(2), paragraph (c) and the word " or " immediately preceding it.</p> <p>In Schedule 3, in paragraph 1(1)(b), the words from " section 5(5) " to " or of ", in paragraph 1(3)(c) the words " the Rent Act 1968, or to ", in paragraph 3(1) the words " of the Rent Act 1968 or of ", in paragraph 4(3) the words from " section 113 " to " in Scotland ", and Part II.</p> <p>In Schedule 13, paragraphs 16, 17, 25 to 29, 33, 34 and 37.</p> <p>In Schedule 14, paragraph 4.</p> <p>In Schedule 15, in the entry relating to the Rent Act 1968, the words " and Schedule 2 ".</p>
	1974 c. 51.	The Rent Act 1974.	<p>Section 1(4)(c).</p> <p>In section 2, in subsection (3), the words " paragraph 1 or, as the case may require.", and from the beginning of subsection (4) to " this Act and ".</p> <p>In section 3, subsection (1) and from the beginning of subsection (3) to " 1968 and ".</p> <p>Section 4(1) and (2).</p> <p>In section 5, from the beginning of subsection (2) to " may require " and, in subsection (3), the words from " section 45(1)(b) " to " may require ".</p> <p>Sections 6, 7 and 8.</p> <p>In section 13, in subsection (1), the words from " subsection (2) " to " may require " and</p>

Chapter	Short title	Extent of repeal
1974 c. 51. — <i>cont.</i>	The Rent Act 1974— <i>cont.</i>	<p>in subsection (2)(a) the words “18(2) or, as the case may require,”.</p> <p>Section 14(1) and (2).</p> <p>In section 15, in subsection (1), the words from “a Part VI” to “may require” (in the definition of furnished letting), the words from “in relation”, where they first occur, to “to Scotland” (in the definition of the Rent Act) and the words from “Part VI” to “may require” (in the definition of the relevant Part of the Rent Act) and, in subsection (2), the words from “section 113(1)” to “may require”.</p> <p>Section 17(2) and (4).</p> <p>In Schedule 1, paragraph 4(2), in paragraph 5(1) the words from “Case 10” to “case may be”, in paragraph 5(2) the words from “section 79” to “case may be”, and paragraphs 8 to 16.</p> <p>In Schedule 2, paragraphs 1, 3 and 4.</p>
1975 c. 6.	The Housing Rents and Subsidies Act 1975.	<p>Sections 7 to 10.</p> <p>In section 16(1), the definitions of “contractual period”, “notice of increase”, “registered”, “regulated tenancy” and “statutory period”.</p> <p>Schedules 2 to 4.</p> <p>In Schedule 5, paragraphs 1 and 2.</p>
1975 c. 18.	The Social Security (Consequential Provisions) Act 1975.	In Schedule 2, paragraph 34.
1975 c. 60.	The Social Security Pensions Act 1975.	In Schedule 4, paragraph 11.
1975 c. 78.	The Airports Authority Act 1975.	In Schedule 5, in Part II, paragraph 1.
1976 c. 76.	The Development of Rural Wales Act 1976.	In Schedule 7, paragraph 6.
1976 c. 80.	The Rent (Agriculture) Act 1976.	<p>Section 40(4).</p> <p>In Schedule 8, paragraphs 19 to 26, 32 and 33.</p>