



# Rent Act 1957

## 1957 CHAPTER 25

### *Revision of rent limits of controlled houses in England and Wales*

#### **1 Rent limit of controlled houses**

- (1) Subject to the following provisions 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 1956 gross value of the dwelling multiplied by two (or, if the responsibility for repairs is such as is specified in Part I of the First Schedule to this Act, by the appropriate factor specified in the said Part D, together with—
  - (a) the annual amount, ascertained in accordance with the Second Schedule to this Act, of any rates for the basic rental period, being rates borne by the landlord or a superior landlord; and
  - (b) such annual amount as 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 any furniture which under the terms of the tenancy the tenant is entitled to use during that period.
- (2) The limit on the rent recoverable under a controlled tenancy for any rental period (hereinafter referred to as "the rent limit") shall be subject to adjustment from time to time under sections three to five of this Act and to reduction as provided by Part II of the First Schedule to this Act in case of disrepair.
- (3) Where under a controlled tenancy current at the commencement of this Act the rent recoverable for the basic rental period exceeds what would be the rent limit for that period if ascertained under subsection (1) of this section, the rent limit shall be the rent recoverable as aforesaid, subject however to the provisions of the foregoing subsection.
- (4) The rent recoverable under a controlled tenancy for the rental period comprising the commencement of this Act shall, notwithstanding the repeals effected by this Act, remain the rent recoverable under that tenancy for any rental period for which it is neither increased nor reduced under this Act

## 2 Procedure for increasing rents

- (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 subject to and in accordance with the following provisions of this section; and this subsection shall have effect notwithstanding anything in any enactment.
- (2) Subject to the provisions of Part II of the First Schedule to this Act, the rent may be increased as aforesaid by the service by the landlord on the tenant of a notice of increase in the prescribed form specifying the amount of the increase; but—
  - (a) the increase shall not have effect as respects rental periods beginning before such date as may be specified in the notice, being a date not earlier (except in the cases authorised by the following provisions of this Act) than three months after the service of the notice;
  - (b) the total of the increases which may be specified in any notice or notices of increase as taking effect less than nine months after the service of the first notice (excluding any increases which under the following provisions of this Act are to be disregarded) shall not exceed seven shillings and sixpence per week, but a notice may specify more than one date and amount;
  - (c) except so far as may be necessary for giving effect to an adjustment under section three or five of this Act, a notice of increase shall be of no effect if given at a time when—
    - (i) the dwelling is within a clearance area under the Housing Act, 1936, or is or forms part of premises with respect to which a demolition order or closing order under that Act or a closing order under section ten or eleven of the Local Government (Miscellaneous Provisions) Act, 1953, has been made and has not ceased to be in force, or
    - (ii) works of repair remain unexecuted which were required to be executed by a notice or order given or made as respects the dwelling to or against the landlord, or any person receiving rent as agent for the landlord, under section nine of the Housing Act, 1936, section ninety-four of the Public Health Act, 1936, or paragraph 7 of the Fifth Schedule to the Public Health (London) Act, 1936, or
    - (iii) an order has been made under paragraph 9 of the Fifth Schedule to the Town and Country Planning Act, 1944, declaring the dwelling or a house of which it forms part unfit for human habitation and not capable at reasonable expense of being rendered so fit, and either the Minister has not yet decided whether to confirm the order or he has confirmed it and less than two years have elapsed since the confirmation,and (except as aforesaid) if the date specified in a notice of increase in accordance with paragraph (a) of this subsection falls at a time when the "condition specified in sub-paragraph (i), (ii) or (iii) of this paragraph is fulfilled, no increase shall be recoverable by virtue of the notice for any rental period beginning at any such time.
- (3) Where the landlord is a body corporate incorporated outside the United Kingdom, the foregoing provisions of this section shall have effect subject to the provisions of Part III of the First Schedule to this Act.
- (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 on summary conviction

to a fine not exceeding fifty pounds unless he proves that the statement was made innocently and without intent to deceive.

### **3 Adjustment as respects rates borne by landlord**

- (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 the Second Schedule 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.
- (2) In so far as a notice of increase relates to an increase of rent authorised by this section, the date specified by the notice may be any date not earlier than six weeks before the service of the notice, and where that date is earlier than the service of the notice any rent underpaid shall become due on the day after the service.
- (3) Any increase of rent authorised by this section shall be disregarded for the purposes of paragraph (b) of subsection (2) of section two of this Act.

### **4 Adjustment as respects services and furniture**

- (1) Where, for any rental period, there is as respects—
  - (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; and where by virtue of this subsection the rent limit is increased for any rental period the rent for that period shall, notwithstanding anything in section two of this Act and without the service of any notice, be increased by the like amount.
- (2) Any question whether, or by what amount, the rent limit is increased or decreased by virtue of the foregoing subsection 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 rental periods; and
  - (b) shall have effect as respects rental periods subsequent to the periods to which it relates until revoked or varied by such an agreement as aforesaid or by the county court.

### **5 Increase for improvements**

- (1) If an improvement has been effected in a dwelling and the improvement was completed after the commencement of this Act, the rent limit under any controlled tenancy of the dwelling for rental periods beginning after the completion of the improvement shall, subject to the following provisions of this section, be increased by eight 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) In so far as a notice of increase relates to an increase of rent authorised by this section, the date specified by the notice may be any date after the service of the notice, and any

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such increase shall be disregarded for the purposes of paragraph (b) of subsection (2) of section two of this Act

- (3) A tenant on whom a notice 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 that the improvement was unnecessary or that a greater amount was expended on it than was reasonable, and the court may make an order accordingly, relating (if it is so provided by the order) not only to future but to past rental periods:

Provided that no application shall be made on the ground that an improvement was unnecessary if an improvement grant has been made in respect of the improvement under section twenty of the Housing Act 1949, or if—

- (a) a tenant under the controlled tenancy consented in writing to the improvement and
  - (b) the consent contained an acknowledgement (however expressed) that the rent could be increased on account of the improvement.
- (4) Where a grant has been made under the said section twenty or a repayment has been made under section twelve of the Clean Air Act 1956 in respect of an improvement, the reference in subsection (1) of this section 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

## **6 Variation of rent under contractual tenancy**

- (1) In this section "contractual period" means a rental period beginning while a tenancy is current
- (2) Neither a notice of increase nor section four of this Act shall operate to increase the rent under a controlled tenancy for any contractual period except in so far as may be consistent with the terms of the tenancy.
- (3) Where a notice of increase is served during the currency of a 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 earliest date specified in the notice of increase, the notice of increase shall operate to convert the tenancy into a statutory tenancy as from that date.
- (4) Where the basic rental period of a controlled tenancy current at the commencement of this Act is a contractual period and the rent recoverable for that period includes an increase agreed or determined under section forty of the Housing Repairs and Rents Act, 1954, in respect of services which the landlord is not under the terms of the tenancy liable to provide, then, if those services are withheld in whole or in part during any contractual period, the rent recoverable for that period shall be decreased by an appropriate amount; and, without prejudice to the operation of section four of this Act in so far as it provides for a variation in the rent limit, subsection (2) of that section shall apply for the purpose of determining any question whether, or by what amount, the recoverable rent is decreased by virtue of this subsection.
- (5) Subject to the last foregoing subsection, nothing in this Act shall affect the operation of any lease or agreement in so far as it provides for a reduction of rent during any contractual period.

### *Increase of rents of controlled houses in Scotland*

#### **7 Increase of controlled rents**

- (1) Where a dwelling-house in Scotland is subject to a controlled tenancy, and the landlord is responsible, wholly or in part, for the repair of the dwelling-house, then, subject to the provisions of this and the next following section, if and so long as the conditions justifying an increase of rent, that is to say the conditions specified in paragraph (a) of subsection (1) of section sixteen of the Housing (Repairs and Rents) (Scotland) Act, 1954 (in this and the three next following sections referred to as " the Act of 1954 "), are fulfilled, the rent recoverable from the tenant shall, notwithstanding anything in the terms of the tenancy or any enactment, be increased by virtue of this subsection so as to exceed by the amount hereinafter mentioned the rent which apart from this subsection would be recoverable from the tenant under the terms of the tenancy and having regard to the provisions of any enactment.
- (2) The amount of any increase payable by virtue of the foregoing subsection (which increase is hereinafter referred to as a " 1957 Act increase ") shall be an amount equal to one-quarter of the rent which was recoverable in respect of the dwelling-house immediately before the commencement of the Act of 1954:

Provided that where the landlord is responsible in part only for the repair of the dwelling-house, the amount of the 1957 Act increase shall be reduced proportionately.

- (3) The foregoing provisions of this section shall not apply in relation to a dwelling-house—
  - (a) if it is one in relation to which, by virtue of subsection (3) of section sixteen of the Act of 1954, that section does not apply; or
  - (b) if it is one in respect of which a repairs increase is recoverable.

In this and the two next following sections the expression " repairs increase " has the same meaning as in the Act of 1954.

- (4) Any question arising under the foregoing provisions of this section whether the landlord is responsible for repairs or as to the amount of any reduction under the proviso to subsection (2) of this section shall be determined by agreement in writing between the landlord and the tenant or, on the application of either of them, by the sheriff.

#### **8 Supplementary provisions as to 1957 Act increases**

- (1) The provisions of sections seventeen to twenty-four and sections thirty-nine to forty-one of, and the Second Schedule to, the Act of 1954 shall apply in relation to a 1957 Act increase as they apply in relation to a repairs increase, and as so applied shall have effect subject to the modification that for any reference (except in section twenty) to Part II of the Act of 1954 and to a repairs increase or an increase under the said Part II there shall be substituted a reference to section seven of this Act and to a 1957 Act increase and subject also to the further modifications set out in the Third Schedule to this Act.
- (2) The rent recoverable from the tenant of a dwelling-house shall be subject to be increased by way of a repairs increase in accordance with the provisions of Part II of the Act of 1954 notwithstanding that that rent has already been increased by way of a 1957 Act increase, but no sum shall be recoverable by way of 1957 Act increase in

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respect of any period in respect of which any sum is recoverable by way of repairs increase.

- (3) Any certificate of a local authority granted under Part II of the Act of 1954 (including the Second Schedule thereto, any notice served by a local authority revoking such a certificate, any certificate of a sanitary authority having effect as such a certificate of a local authority, and any finding or order of the sheriff made under the said Part II or under the Rent Acts, the effect of which is to establish whether either or both of the conditions justifying an increase of rent under that Act are fulfilled, shall have effect for the purpose of establishing whether the conditions justifying an increase of rent by way of a 1957 Act increase are fulfilled as if it were a certificate, notice, finding or order granted, served or made for the purposes of section seven of this Act; and any such certificate, notice, finding or order granted, served or made for the purposes of the said section seven shall have effect for the purpose of establishing whether either or both of the conditions justifying an increase of rent by way of a repairs increase are fulfilled as if it were granted, served or made for the purposes of the said Part II.

## **9 Amendments of Act of 1954 as to amount of repairs increase, etc.**

- (1) Subsection (2) of section sixteen of the Act of 1954 (which provides that the amount of the repairs increase shall be an amount equal to two-fifths of the rent recoverable immediately before the commencement of that Act) and subsection (3) of section twenty-one of that Act (which limits the amount recoverable from a sub-tenant by way of repairs increase) shall have effect with the substitution for the words " two-fifths " of the words " one-half ".
- (2) Where the rent recoverable from the tenant or sub-tenant of a dwelling-house has already been increased by way of a repairs increase of an amount ascertained in accordance with the Act of 1954 as originally enacted, no further increase shall be recoverable by virtue of the foregoing subsection unless the landlord or the tenant has served on the tenant or sub-tenant or a former tenant or sub-tenant a notice in the prescribed form specifying a date, not earlier than eight clear weeks after the service of the notice and (in the case of a notice served on a sub-tenant) not earlier than the date on which the further increase begins to be recoverable from the tenant, as the date on which such further increase is to begin; and no sum shall be recoverable on account of such further increase before, or in respect of any period before, that date.
- (3) Subsection (1) of section nineteen of the Act of 1954 (which subsection provides that the increases of rent permitted by paragraphs (c) and (d) of subsection (1) of section two of the Act of 1920 shall cease to be recoverable in respect of any period during which a certificate granted or having effect as if granted under subsection (1) or subsection (2) of section eighteen of the Act of 1954 is in force or a court is satisfied that either or both of the conditions justifying an increase of rent were not fulfilled) shall cease to have effect:

Provided that nothing in this subsection shall have effect as respects any period before the commencement of this Act or shall affect the operation of subsection (1) of the said section nineteen in relation to any such certificate as aforesaid granted before the commencement of this Act or granted after such commencement in pursuance of an application made before such commencement.

- (4) In this section " prescribed " means prescribed by regulations made by the Minister by statutory instrument, and the provisions of subsection (3) of section seventeen of the

Act of 1954 shall apply to a form prescribed for the purposes of this section as they apply to a form prescribed for the purposes of that section.

- (5) A notice of intention to increase the rent by way of a repairs increase shall not be served under section seventeen of the Act of 1954 in respect of a dwelling-house at any time within a period of four months after a notice of intention to increase the rent thereof by way of a 1957 Act increase has been served in respect of the dwelling-house, and any notice served in contravention of this subsection shall be void.

## **10 Rents of subsidised private houses in Scotland**

- (1) The conditions which are mentioned in any of the enactments specified in the next following subsection or which have effect by virtue of any undertaking or agreement entered into in pursuance of any such enactment shall, in so far as they relate to the rent to be charged in respect of any dwelling-house in Scotland, limit that rent, and if imposed before the commencement of this Act shall have effect as if they limited that rent, to an amount equal to the rent which might properly be charged in respect of that dwelling-house by virtue of those conditions together with any sum recoverable in respect thereof by way of repairs increase under the Act of 1954 or by way of 1957 Act increase.
- (2) The enactments referred to in the foregoing subsection are—
  - (a) section two of the Housing (Financial Provisions) Act, 1924;
  - (b) section three of the Housing (Rural Workers) Act, 1926;
  - (c) section one hundred and one of the Housing (Scotland) Act, 1950;
  - (d) sub-paragraph (ii) of paragraph (c) of subsection (1) of section one hundred and fourteen of the Housing (Scotland) Act, 1950.

### *Release from Rent Acts and Furnished Houses Rent Control*

## **11 Release from control under Rent Acts**

- (1) The Rent Acts shall not apply to any dwelling-house the rateable value of which on the seventh day of November, nineteen hundred and fifty-six, exceeded, in the Metropolitan Police District or the City of London forty pounds, elsewhere in England or Wales thirty pounds, and in Scotland forty pounds.
- (2) The Rent Acts shall not apply to a tenancy created by a lease or agreement coming into operation at or after the commencement of this Act, and the tenant shall not by virtue of those Acts be entitled to retain possession as a statutory tenant on the coming to an end of such a tenancy:

Provided that this subsection shall not apply where the person to whom the tenancy is granted was immediately before the granting the tenant under a controlled 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.

- (3) The Minister may by order provide that the Rent Acts shall not apply, as from such date as may be specified in the order, to dwelling-houses the rateable value of which, ascertained as on such date as may be specified in the order, exceeds such amount as may be so specified; and an order under this subsection may be made so as to relate to the whole of England and Wales, to the whole of Scotland, or to such area or areas in England and Wales or in Scotland as may be specified in the order, and so as to apply

generally, or only to, or except to. such classes or descriptions of dwelling-houses as may be so specified.

The power conferred by this subsection to make orders shall be exercisable by statutory instrument, and no such order shall have effect until it is approved by a resolution of each House of Parliament.

- (4) Nothing in the foregoing provisions of this section shall affect the operation of Part I of the Landlord and Tenant Act, 1954.
- (5) Nothing in the foregoing provisions of this section shall affect the operation of section four of the Requisitioned Houses and Housing (Amendment) Act, 1955, but a person shall not be entitled to retain possession by virtue of this subsection after the thirty-first day of March, nineteen hundred and sixty-five.
- (6) Where a controlled tenancy of a dwelling comes to an end by virtue of section sixty-five of the Housing Act, 1936, section fifty-five of the Housing (Scotland) Act, 1950, or section eleven of the Housing Repairs and Rents Act, 1954 (which relate to overcrowding), subsection (2) of this section shall not apply to the first tenancy created thereafter of the dwelling or any part thereof.
- (7) The transitional provisions contained in the Fourth Schedule to this Act shall have effect in relation to dwelling-houses which cease to be subject to control by virtue of subsection (1) or (3) of this section; and those subsections shall have effect subject to the provisions of paragraph 3 of Part I of the Fifth Schedule to this Act

## **12 Furnished houses**

- (1) Subject to the provisions of this section, the Furnished Houses (Rent Control) Act 1946, shall not apply to a contract (whether registered under that Act or not) relating to a dwelling of any class or description in any area if the rateable value of the dwelling on any date as on which rateable value fell to be ascertained under subsection (1) of the foregoing section, or under an order which has come into force under subsection (3) thereof, was such that the Rent Acts do not apply to dwelling-houses of that class or description in that area and of that rateable value on that date.
- (2) Where the said Act of 1946 ceases to apply to a contract (whether by virtue of the foregoing subsection or otherwise).—
  - (a) a notice to quit given by the landlord before the time at which the said Act of 1946 ceases to apply to the contract shall not take effect earlier than the expiration of three months after that time unless the Tribunal constituted under section one of that Act have determined that the notice shall take effect at the end of a period or extended period expiring before the said three months;
  - (b) a notice to quit given by the landlord within a year after the said time shall not take effect earlier than the expiration of three months after the giving of the notice;
  - (c) so long as the contract continues in force, the rent payable thereunder shall be the same as if the said Act of 1946 had not ceased to apply to the contract
- (3) As respects a notice to quit current during a service man's period of residence protection (within the meaning of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951) and relating to the rented family residence, the operation of section eleven of the Landlord and Tenant (Rent Control) Act 1949, and of section fifteen of the said Act of 1951 (which relate to the suspension of notices to quit) shall



not be affected by subsection (1) of this section whether the notice was given before or after the beginning of the period of residence protection:

Provided that nothing in this subsection shall apply where the rented family residence is excluded by subsection (2) of section fourteen of the said Act of 1951 from the operation of the said section fifteen.

- (4) Where a dwelling is or forms part of a hereditament for which no rateable value was shown in the valuation list on a date referred to in subsection (1) of this section, that subsection shall have effect, in relation to that dwelling, as if for the first reference to that date there were substituted a reference to the first subsequent date on which a rateable value for that hereditament was shown in the valuation list.
- (5) Where a contract referred to a Tribunal under the said Act of 1946 relates to a dwelling consisting of or comprising part only of a hereditament and no apportionment of the rateable or annual value of the hereditament has been duly made, then unless the landlord—
  - (a) in the course of the proceedings requires that an apportionment shall be made by the county court, and
  - (b) within two weeks of making the requirement brings proceedings in the county court for the making of the apportionment,the Tribunal shall have jurisdiction to deal with the reference, notwithstanding that no apportionment has been made, if it appears to them that if an apportionment had been made its result would have been such that they would have had jurisdiction.
- (6) Where rent is payable weekly under any contract to which the Furnished Houses (Rent Control) Act, 1946, applies, it shall be the duty of the landlord to provide a rent book or other similar document for use in respect of the dwelling, containing particulars of the rent and of the other terms and conditions of the contract; and if at any time after the expiration of two months from the commencement of this Act the landlord fails to comply with the requirements of this subsection he, and any person who on his behalf demands or receives rent under the contract, shall in respect of each week in which the failure occurs or continues be guilty of an offence and liable on summary conviction to a fine not exceeding ten pounds.
- (7) This section shall apply to Scotland subject to the following modifications, that is to say—
  - (a) for any reference to the Furnished Houses (Rent Control) Act, 1946, there shall be substituted a reference to the Rent of Furnished Houses Control (Scotland) Act, 1943;
  - (b) for references to a hereditament and to the valuation list there shall be substituted references to lands and heritages and to the valuation roll; and
  - (c) for references to the county court there shall be substituted references to the sheriff.

*Provisions as to premiums, etc.*

### **13 Premiums not to be charged for decontrolled tenancies**

- (1) As respects grant, renewal, continuance or assignment at any time during the period of three years beginning with the commencement of this Act, a tenancy excluded from the application of the Rent Acts by reason only of the provisions of subsection (1) or (2) of section eleven of this Act or of those provisions and of subsection (7) of section twelve

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of the Act of 1920 (which excludes from the Rent Acts tenancies where the rent is less than two-thirds of the rateable value) shall be treated as one to which section two of the Landlord and Tenant (Rent Control) Act, 1949, applies (which section prohibits the requiring of premiums on the grant, renewal, continuance or assignment of tenancies to which the Rent Acts apply):

Provided that this subsection shall not affect the assignment of a tenancy granted before the commencement of this Act and not renewed or continued thereafter, being a tenancy to which subsection (7) of section twelve of the Act of 1920 applies.

- (2) An order under subsection (3) of section eleven of this Act may provide that the foregoing subsection shall apply in relation to the order as it applies in relation to subsection (1) of the said section eleven, but with the substitution for the period mentioned in the foregoing subsection of such period, beginning with the date as from which the order excludes the application of the Rent Acts and ending not later than three years thereafter, as may be specified in the order.

#### **14 Application to loans of provisions of Act of 1949 relating to premiums**

- (1) Subsections (1) and (2) of section two of the Landlord and Tenant (Rent Control) Act, 1949, and subsection (6) of that section so far as it provides for the trial and punishment of persons contravening that section, shall apply to requiring the making of any loan (whether secured or unsecured) as they apply to requiring the payment of a premium in addition to rent
- (2) The foregoing subsection shall not invalidate any agreement for the making of a loan or any security issued in pursuance of such an agreement but any sum lent in circumstances involving a contravention of the said section two shall, notwithstanding anything in the agreement for the loan, be repayable to the lender on demand.

#### **15 Restriction on requiring payment in advance of rent under decontrolled tenancies**

- (1) Where a tenancy is granted, continued or renewed in circumstances in which section thirteen of this Act applies, any requirement that rent shall be payable—
  - (a) before the beginning of the rental period in respect of which it is payable, or
  - (b) earlier than six months before the end of the rental period in respect of which it is payable, if that period is more than six months long,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; and rent for any rental period to which a requirement avoided by this section relates shall be irrecoverable from the tenant
- (2) A person who purports to impose any requirement avoided by the foregoing subsection shall be liable on summary conviction to a fine not exceeding one hundred pounds, and the court by which he is convicted may order any amount of rent paid in compliance with the requirement to be repaid to the person by whom it was paid.

### *Miscellaneous and Supplemental*

#### **16 Minimum length of notice to quit**

No notice by a landlord or a tenant to quit any premises let (whether before or after the commencement of this Act) as a dwelling shall be valid unless it is given not less than four weeks before the date on which it is to take effect.

#### **17 Provisions to facilitate exchange of controlled dwellings**

- (1) Where it is so agreed in writing between the tenant under a statutory tenancy of a dwelling and a person proposing to occupy that dwelling (hereinafter referred to as the "incoming tenant"), the incoming tenant shall subject as hereinafter provided be deemed as from such date as may be specified in the agreement (hereinafter referred to as the "date of exchange ") to be the tenant of the dwelling under that statutory tenancy; and the question whether the provisions of the Rent Acts as to the succession by the widow of a deceased tenant or by a member of his family to the right to retain possession are capable of having effect in the event of the death of the incoming tenant shall be determined according as those provisions have or have not already had effect in relation to the statutory tenancy;
- (2) An agreement under the foregoing subsection 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 tenancy on the coming to an end of which the statutory tenancy arose the agreement shall not have effect unless the superior landlord is a party thereto.
- (3) An agreement under subsection (1) of this section may provide that the provisions of the Rent Acts mentioned in that subsection shall be capable of having effect in the event of the death of the incoming tenant, notwithstanding that they had effect in favour of the tenant to whom he succeeded.
- (4) It shall be unlawful to require the payment of any pecuniary consideration for entering into an agreement under subsection (1) of this section ; and—
  - (a) the amount of any payment made which under this subsection could not lawfully be required 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 deduction from any rent payable by the said person to the landlord;
  - (b) a person requiring the payment of any consideration in contravention of this subsection shall be liable on summary conviction to a fine not exceeding one hundred pounds, and the court by which he is convicted may order the amount of the payment to be repaid by the person to whom it was paid:

Provided that subsection (4) of section two of the Landlord and Tenant (Rent Control) Act, 1949 (which allows an assignor to charge the assignee for apportioned outgoings, improvements, and goodwill) shall apply with the substitution for the reference to subsection (2) of that section of a reference to this subsection, and for references to the assignor, the assignee and the taking effect of the assignment of references to the tenant, the incoming tenant and the date of exchange.

## **18 Private street works to count as improvements**

- (1) The following provisions of this section shall have effect for the purposes of section five of this Act or, in Scotland, for the purposes of paragraph (a) of subsection (1) of section two of the Act of 1920.
- (2) Where works have been carried out on a street under—
  - (a) section one hundred and fifty of the Public Health Act, 1875, or
  - (b) the Private Street Works Act, 1892, or
  - (c) any of the enactments referred to in section one of the Local Government (Street Works) (Scotland) Act, 1956, or
  - (d) the corresponding provisions of any local Act,and any dwelling having access to the street is the subject of a controlled tenancy, the amount of any expenditure incurred after the commencement of this Act by the landlord or a superior landlord in the carrying out of the works, or of any liability so incurred by the landlord or a superior landlord in respect of the works to the authority by whom they were carried out (whether the liability is dischargeable in a lump sum or by instalments, but in the case of instalments exclusive of interest), shall (whether or not apart from this section it would be so treated) be treated as expenditure incurred by the landlord or superior landlord on improvement as mentioned in subsection (1) of section five of this Act or, as the case may be, in paragraph (a) of subsection (1) of section two of the Act of 1920:

Provided that 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 aforesaid 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, or in Scotland the sheriff, 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.
- (3) 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 thereof under any enactment.
- (4) Subsection (3) of section five of this Act and the proviso to paragraph (a) of subsection (1) of section two of the Act of 1920 shall not apply to any increase authorised by virtue of this section.

## **19 Jurisdiction of county court or sheriff, and procedure**

- (1) The 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 as to the application of the Rent Acts, as to the rent limit, or the rent actually recoverable, under a controlled tenancy, as to the application of the Furnished Houses (Rent Control) Act, 1946, to any contract, or as to any matter which is or may become material for determining any such question as aforesaid.
- (2) In Scotland, the sheriff 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 as to the application of the Rent Acts or of the Rent of Furnished Houses Control (Scotland) Act, 1943, or as to any matter which is or may become material for determining any such question.

- (3) Section seventeen of the Act of 1920 (which relates to rules of procedure and the jurisdiction of the county court) shall apply in relation to this Act as it applies in relation to that Act.
- (4) Any apportionment of rates, gross value or rateable value made by the county court or the sheriff for the purposes of this Act, and any apportionment made by the court or sheriff under the proviso to subsection (2) of the foregoing section, shall be final and conclusive.

## **20 Rents of subsidised private houses**

- (1) In so far as the conditions mentioned in any of the following enactments, that is to say.—
  - (a) section two of the Housing (Financial Provisions) Act, 1924;
  - (b) section three of the Housing (Rural Workers) Act, 1926;
  - (c) section three of the Housing (Financial Provisions) Act, 1938;
  - (d) section twenty-three of the Housing Act, 1949;
  - (e) section three of the Housing Act, 1952,relate to the rent to be charged in respect of any dwelling they shall limit that rent, and if imposed before the commencement of this Act shall have effect as if they limited that rent, to the amount of the rent limit; but if the conditions were imposed before the commencement of this Act and then limited the rent to an amount exceeding what would be the rent limit if ascertained under subsection (1) of section one of this Act, the rent limit shall be that amount, subject however to the provisions of subsection (2) of that section.
- (2) Where any such condition as aforesaid has been registered in the register of local land charges the proper officer of the local authority shall record in that register any change in that condition effected by this section.
- (3) Where any such condition as aforesaid limits the rent under a tenancy which is not a controlled tenancy then, subject to the next following subsection.—
  - (a) subsection (1) of this section shall have effect, in relation to that tenancy, as if for the reference to the amount of the rent limit there were substituted a reference to the amount which would be the rent limit if the tenancy were a controlled tenancy; and
  - (b) in ascertaining that amount in a case where a dwelling was produced by the conversion of any premises and the conversion resulted in a change in the valuation list after the seventh day of November, nineteen hundred and fifty-six, any entry in that list before the change shall be disregarded ; and
  - (c) the provisions of this Act enabling rents to be increased and conferring jurisdiction on the county court shall apply in relation to the tenancy as they apply in relation to a controlled tenancy.
- (4) In relation to a tenancy falling within paragraph (c) or (d) of section thirty-three of the Housing Repairs and Rents Act, 1954 (which exclude from the operation of the Rent Acts certain tenancies where the interest of the landlord belongs to a housing association or a housing trust).—
  - (a) paragraphs (a) to (c) of the last foregoing subsection shall not apply; but
  - (b) the condition shall limit the rent, and if imposed before the commencement of this Act shall have effect as if it limited the rent, to such amount as may from

time to time be agreed between the association or trust and the local authority (or the London County Council in the case of houses the construction of which was promoted by them or in respect of which improvement grants were made by them under the Housing Act, 1949) or as may, in default of agreement, be determined by the Minister; but if the condition was imposed before the commencement of this Act it shall, until the said amount has been agreed or determined under this paragraph, have effect as if this Act had not been passed.

## **21 Long tenancies**

- (1) The Rent Acts shall not apply to any long tenancy, without prejudice however to the operation of subsection (3) of section fifteen of the Act of 1920.
- (2) Part I of the Landlord and Tenant Act, 1954, shall apply to long tenancies not at a low rent as it applies to long tenancies at a low rent.

## **22 Statutory tenancies of requisitioned houses**

- (1) The following provisions shall have effect in the case of a statutory tenancy subsisting under section four of the Requisitioned Houses and Housing (Amendment) Act, 1955 (which applies the Rent Acts to occupiers of certain dwellings formerly requisitioned and empowers the local authority to contribute to the rent):—
  - (a) a notice of increase applying to rent for any rental period beginning before the first day of April, nineteen hundred and sixty-five, shall not have effect unless not later than three days after the service of the notice the landlord serves a copy of the notice on the local authority;
  - (b) the local authority shall have such powers of applying to the county court as are conferred by this Act on the tenant;
  - (c) the local authority shall be a necessary party to any agreement, and to any proceedings in any court, affecting the amount of the rent for any such rental period as aforesaid.

In this subsection the expression " the local authority " means the local authority (within the meaning of the said Act of 1955) which gave the invitation by virtue of the acceptance of which the statutory tenancy arose.

- (2) The said section four shall be amended as follows:—
  - (a) in paragraph (b) of subsection (2) the words from " at a rent " to " this section " shall be omitted, and after the words " terms and conditions " there shall be inserted the words " (other than terms as to rent) ";
  - (b) in subsection (3) for the words "The standard rent" there shall be substituted the words " Subject to the provisions of subsection (4) of this section and of the Rent Act, 1957, the rent " , and the words from " and for the purposes " to the end of the subsection shall be omitted.

## **23 Concurrence of superior landlords to agreements as to 1956 gross value and rateable value**

Where the landlord is himself a tenant, then unless he is tenant under a tenancy having a term with more than seven years to run an agreement between him and his tenant relating to the amount of the 1956 gross value or of the rateable value of the dwelling-house shall not have effect, for the purposes of the provisions of this Act

relating to controlled tenancies and to the application of the Rent Acts, except with the concurrence in writing of his immediate landlord.

## **24 Payments out of moneys provided by Parliament**

There shall be paid out of moneys provided by Parliament any increase attributable to this Act in—

- (a) the sums required by the Minister for making payments to local authorities under Part I of the Requisitioned Houses and Housing (Amendment) Act, 1955, and
- (b) the sums payable out of moneys provided by Parliament under Part I of the Local Government Act, 1948, or the Local Government (Financial Provisions) (Scotland) Act, 1954, as amended by the Valuation and Rating (Scotland) Act, 1956.

## **25 Interpretation**

(1) In this Act, except so far as the context otherwise requires:—

" the Rent Acts ", " the Act of 1920 ", " the Act of 1933 ", " landlord ", " tenant ", " tenancy ", " statutory tenancy " and " local authority " have the meanings assigned to them by subsection (1) of section forty-nine of the Housing Repairs and Rents Act, 1954, or as respects Scotland by subsection (1) of section thirty-nine of the Housing (Repairs and Rents) (Scotland) Act, 1954;

" 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 the commencement of this Act or, in the case of a controlled tenancy beginning thereafter, the first rental period of the tenancy;

" controlled tenancy " means a tenancy to which the Rent Acts apply or a statutory tenancy;

" dwelling ", except in section sixteen of this Act, means in relation to a controlled tenancy the aggregate of the premises comprised in the tenancy, and in relation to a contract the aggregate of the premises to which the contract relates;

" 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;

" long tenancy " and " tenancy at a low rent " have the meanings assigned to them by subsections (4) and (5) of section two of the Landlord and Tenant Act, 1954;

" 1956 gross value ", in relation to a dwelling, means, subject to the provisions of the Fifth Schedule to this Act, the gross value thereof as shown in the valuation list on the seventh day of November, nineteen hundred and fifty-six, 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 agreed in writing between the landlord and the tenant or determined by the county court;

" notice of increase " means a notice of increase under section two of this Act;

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

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" prescribed " means prescribed by regulations under section fourteen of the Act of 1933, and references in this Act to a prescribed form include references to a form substantially to the same effect as the prescribed form;

" rateable value " shall be construed as provided in Part I of the Fifth Schedule to this Act;

" rates " includes water rents and charges but does not include an owner's drainage rate within the meaning of paragraph (a) of subsection (2) of section twenty-four of the Land Drainage Act, 1930; and any references in this Act to rates in respect of any 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;

" rental period " means a period in respect of which a payment for rent falls to be made;

" the Minister " means the Minister of Housing and Local Government, or as respects Scotland the Secretary of State;

" the valuation officer " has the same meaning as in Part III of the Local Government Act, 1948.

- (2) Where a controlled tenancy is followed by a statutory tenancy of the same dwelling, the two shall be treated for the purposes of this Act, in its application to England and Wales, as together constituting one controlled tenancy.
- (3) Any reference in this Act, in its application to England and Wales, to rent shall be construed as a reference to rent—
- (a) exclusive of any sums recoverable as rent under section sixteen 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—
    - (i) sums so recoverable in respect of increases in rates, or
    - (ii) sums referable to improvements executed by the tenant before the first day of April, nineteen hundred and fifty-six, or
    - (iii) sums referable to improvements executed by him after that day but affecting the 1956 gross value by reason of a proposal made before the first day of April, nineteen hundred and fifty-seven;
  - (b) exclusive of any sums recoverable as rent under the First Schedule to the Landlord and Tenant Act, 1954;
  - (c) without taking into account any deduction falling to be made under the First Schedule to the Landlord and Tenant (Rent Control) Act, 1949 (which provides for the recovery of premiums by deduction from rent) or under paragraph 1 of the Second Schedule to the Landlord and Tenant Act, 1954 (which empowers the court to order a reduction of rent where the landlord fails to carry out initial repairs).
- (4) References in this Act to any enactment are references to that enactment as amended by any other enactment, including, except where the context otherwise requires, this Act.



**26 Application of enactments, minor amendments, transitional provisions and repeals**

- (1) The provisions of the Sixth Schedule to this Act shall have effect for applying certain enactments for the purposes of this Act and for making certain minor and consequential amendments of enactments.
- (2) The transitional provisions contained in the Seventh Schedule to this Act shall have effect.
- (3) The enactments specified in Part I of the Eighth Schedule to this Act are hereby repealed, in their application to England and Wales, to the extent specified in the third column of that Part of that Schedule; and the enactments specified in Part II of that Schedule are hereby repealed, in their application to Scotland, to the extent specified in the third column of the said Part II.

**27 Short title, commencement and extent**

- (1) This Act may be cited as the Rent Act, 1957.
- (2) This Act shall come into force on the expiration of the period of one month which begins with the date of the passing thereof.
- (3) The following provisions of this Act, that is to say, sections seven to nineteen, sections twenty-three and twenty-five, subsections (1) and (3) of section twenty-six, this section, the Third and Fourth Schedules, Part I of the Fifth Schedule, the Sixth Schedule, and Part II of the Eighth Schedule shall, so far as applicable, and subject to any modification specified therein, extend to Scotland, but the other provisions of this Act shall not extend to Scotland.
- (4) This Act shall not extend to Northern Ireland.