



# Local Government Act 1948

## 1948 CHAPTER 26

### PART IV

#### VALUATION OF DWELLING-HOUSES.

##### *Other cases.*

#### **82 Gross value of other dwelling-houses.**

- (1) Subject to the provisions of this section, the gross Value of any dwelling-house the gross value of which is not ascertainable under any of the preceding provisions of this Part of this Act shall be estimated by reference to the rents for comparable dwelling-houses in the locality, being dwelling-houses to which this section applies, which were being paid on the thirty-first day of August, nineteen hundred and thirty-nine, under lettings in force at that date, whenever made.
- (2) For the purposes of this section account shall, subject to the provisions of subsection (5) of this section', only be taken of rents charged under lettings where the landlord undertakes to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain the dwelling-house in a state to command the rent.
- (3) Where, under any such letting—
  - (a) the landlord undertakes any further obligation ; or
  - (b) the tenant does not undertake to pay all the usual tenant's rates and taxes,the rent payable on that letting shall be adjusted, before being taken into account under subsection (1) of this section, by deducting therefrom sums representing the cost to the landlord of any services provided by him to fulfil any such obligation (exclusive of profit) and the burden otherwise falling on him by reason of his undertaking any such obligation or by reason of the tenant not undertaking to pay all the usual tenant's rates and taxes :

Provided that the said cost and the said burden shall be estimated by reference to the levels of costs prevailing in the year nineteen hundred and thirty-eight.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (4) Where, under any such letting as is referred to in subsection (2) of this section, the rent charged is less than it might have been expected to be but for the fact that the letting is to a servant of the landlord, the rent payable on that letting shall, in addition to any adjustment under the last preceding subsection, be adjusted, before being taken into account under subsection (1) of this section,' by making such addition thereto as may be reasonable.
- (5) Where, under any letting, the landlord undertakes to bear the cost of insurance and the other expenses, if any, necessary to maintain the dwelling-house in a state to command the rent, other than expenses of repair, and also undertakes to bear the cost of some, but not all, of the repairs necessary to maintain the dwelling-house as aforesaid, the rent payable under that letting shall be adjusted by adding thereto a sum representing the estimated cost of the said repairs so far as not undertaken to be borne by the landlord, and the rent, as so adjusted and, if need be, as further adjusted under subsection (3) of this section or under the last preceding subsection, shall be taken into account for the purposes of this section as if it were rent charged under such a letting as is mentioned in subsection (2) of this section :

Provided that the said cost shall be estimated by reference to the levels of cost prevailing in the year nineteen hundred and thirty-eight.

- (6) In estimating the gross value of any dwelling-house in accordance with the provisions of this section, all necessary allowances shall be made for differences between the dwelling-houses which are taken into consideration.
- (7) If, owing to the lack of comparable dwelling-houses actually the subject of lettings at the end of August, nineteen hundred and thirty-nine, it is not possible to arrive at the gross value of a dwelling-house in accordance with the preceding provisions of this section, or if the dwelling-house is one to which section seventy-two of the Local Government Act, 1929 (which relates to agricultural dwelling-houses) applies, the gross value thereof shall be estimated as if this Part of this Act had not been passed, except that regard shall be had to the levels of values prevailing in the year nineteen hundred and thirty-eight instead of to the levels of values prevailing for the time being :

Provided that where the gross value falls to be ascertained by reference to a rent (whether actual or hypothetical) the amount of which is referable in part to services provided by the landlord, the amount falling to be deducted from that rent, in ascertaining the gross value, as being the amount referable to the provision of those services shall be estimated by reference to the actual, or, as the case may be, the hypothetical, cost to the landlord of providing those services, exclusive of profit.