

1973 No. 269

COUNTER-INFLATION**The Counter-Inflation (Rents) (England and Wales) Order 1973**

Made - - - - - 22nd February 1973
Laid before Parliament 22nd February 1973
Coming into Operation 23rd February 1973

The Secretary of State for the Environment (as respects England, except Monmouthshire) and the Secretary of State for Wales (as respects Wales and Monmouthshire), in exercise of their powers under sections 2(4) and 10(2) of and paragraphs 1, 2 and 4 of the Schedule to the Counter-Inflation (Temporary Provisions) Act 1972(a) and by virtue of the Counter-Inflation (Temporary Provisions) Act 1972 Extension Order 1973(b) and in exercise of all other powers enabling them in that behalf, hereby make the following order:—

Citation and commencement

1. This order may be cited as the Counter-Inflation (Rents) (England and Wales) Order 1973 and shall come into operation on 23rd February 1973.

Interpretation

2.—(1) The Interpretation Act 1889(c) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order, unless the context otherwise requires—

“the Housing Act” means the Housing Finance Act 1972(d);

“the Counter-Inflation Act” means the Counter-Inflation (Temporary Provisions) Act 1972;

“section 2” means section 2 of the Counter-Inflation Act;

“the 1972 order” means the Counter-Inflation (Rents) (England and Wales) Order 1972(e); and

“the standstill period” means the period beginning with the date on which this order comes into operation and ending with 28th April 1973.

(3) In this order, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment.

Further modifications and adaptations of the Housing Act

3. During the standstill period the Housing Act shall have effect subject to the modifications and adaptations specified in this order in addition to those specified in the 1972 order.

(a) 1972 c. 74.

(b) S.I. 1973/73 (1973 I, p. 415).

(c) 1889 c. 63.

(d) 1972 c. 47.

(e) S.I. 1972/1851 (1972 III, p. 5374).

Housing authority dwellings : fair rent increase during the standstill period

4.—(1) This article applies in the case of any dwelling which was a Housing Revenue Account dwelling on 5th November 1972 and where the increase made by a local authority or new town corporation in the rent of any such dwelling takes effect in accordance with section 64 of the Housing Act (increase towards fair rents in 1973-74 and subsequent years) for a rental period beginning during the standstill period.

(2) Nothing in this article shall—

(a) prevent any notice requisite to give effect to the relevant increase being served or taking effect during the standstill period, or

(b) prevent any new tenancy being granted at the increased rent during the standstill period, or

(c) affect any calculation required to be made by virtue of Part VI of the Housing Act in relation to the increase towards fair rents to be made in any year, including in particular, but without prejudice to the generality of the foregoing, the calculation of the relevant date in any year in accordance with the said section 64, or

(d) render invalid any tenancy of any dwelling,

but, notwithstanding any of the provisions of Part VI of the Housing Act, any such notice of increase and anything in any such tenancy or in any agreement, that part of the rent attributable to the relevant increase for any rental period beginning in the standstill period shall be irrecoverable from the tenant.

(3) Where by virtue of the foregoing provisions of this article the recoverable rent for any rental period is less than the rent payable under the tenancy, any calculation required to be made by or under Part II of the Housing Act (Rent Rebates and Rent Allowances) in relation to the rent payable shall instead be made by reference to the recoverable rent.

(4) In this article—

“the relevant increase” means the increase specified in paragraph (1) of this article ;

“the increased rent” means the rent payable under the tenancy taking the relevant increase into account, and

other expressions used in paragraph (1) or (2) of this article which are also used in Part VI of the Housing Act shall, unless the context otherwise requires, have the same meaning in that paragraph as they have in that Part.

Recovery of excess rent

5.—(1) Where a tenant has paid on account of rent any amount which, by virtue of article 4 of this order, is irrecoverable from the tenant, then, subject to paragraph (3) of this article, the tenant who paid it shall be entitled to recover the amount from the authority who received it.

(2) Subject to paragraph (3) of this article, any amount which a tenant is entitled to recover under paragraph (1) of this article may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the authority.

(3) No amount which a tenant is entitled to recover under paragraph (1) of this article shall be recoverable at any time after the expiry of one year from the date of payment.

Further provision concerning early applications for registration of rent

6. Where by virtue of paragraph (1) of article 5 (controlled tenancies) of the 1972 order, the date applicable to a dwelling-house under section 35 of the Housing Act (conversion of controlled tenancies: general decontrol) is 29th April 1973, nothing in the 1972 order shall invalidate an application made before the coming into operation of this order under section 44 or section 44A of the Rent Act 1968(a), pursuant to section 40 of the Housing Act (early application for registration of rent), and which could properly have been made had the date applicable to the dwelling-house been 28th February 1973, and where a rent is registered on an application so made, section 40(5) of the Housing Act shall apply to that registration accordingly.

Transitional

7. Without prejudice to paragraph 3 of the Schedule to the Counter-Inflation Act, any right acquired or liability or obligation incurred by virtue of any of the provisions of this order shall not be affected by section 2 ceasing to be in force, and accordingly any legal proceeding or remedy in respect of any such right, liability or obligation may be instituted, continued or enforced as though the said section 2 had continued in force.

Geoffrey Rippon,

Secretary of State for the Environment.

22nd February 1973.

Peter Thomas,

Secretary of State for Wales.

22nd February 1973.

EXPLANATORY NOTE

(This Note is not part of the Order.)

1. This Order is made under section 2(4) of, and the Schedule to, the Counter-Inflation (Temporary Provisions) Act 1972 and by virtue of the Counter-Inflation (Temporary Provisions) Act 1972 Extension Order 1973, which has extended the standstill imposed under section 2 for a further 60 days.

2. Many housing authorities who made a general rent increase in April 1972 will be required to make an increase towards fair rents under Part VI of the Housing Finance Act 1972 in the rents of their qualifying dwellings during the standstill. This order, which applies to dwellings which were Housing Revenue Account dwellings on 5th November 1972, prevents those authorities from recovering that increase for any rental period beginning

(a) 1968 c. 23.

during the standstill and consequentially provides for the recovery of over-paid rent and for calculations of rebates from rent for any such rental period to be related to the rent recoverable by virtue of the order and not to the rent payable under the tenancy.

3. The order additionally makes provision to save early applications for registration of rent made pursuant to section 40 of the Housing Finance Act 1972, and which because of the extension of the standstill would otherwise be invalidated by virtue of article 5 of the Counter-Inflation (Rents) (England and Wales) Order 1972 (which postpones the conversion of certain controlled tenancies to rent regulation).

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