

1974 No. 383 (S.24)

**COUNTER-INFLATION**

**The Counter-Inflation (Residential Rents—Public Sector)  
(Scotland) Order 1974**

<i>Made</i> - - - -	8th March 1974
<i>Laid before Parliament</i>	8th March 1974
<i>Coming into Operation</i>	8th March 1974

In exercise of the powers conferred upon me by section 11 of and paragraphs 1 and 3 of Part I of Schedule 3 to the Counter-Inflation Act 1973(a) and of all other powers enabling me in that behalf, I hereby make the following order:—

*Citation and commencement*

1. This order, which may be cited as the Counter-Inflation (Residential Rents—Public Sector) (Scotland) Order 1974, applies to Scotland, and shall come into operation on 8th March 1974.

*Interpretation*

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

(2) In this order—

“authority” means a local authority or any of the bodies referred to in Article 4(1)(b) of this order;

“the 1972 Act” means the Housing (Financial Provisions) (Scotland) Act 1972(c);

“the 1973 Act” means the Counter-Inflation Act 1973;

“the standstill period” means the period beginning with the date on which this order comes into operation and ending with 31st December 1974;

and any expression used in this order which is also used in the 1972 Act shall have the same meaning in this order as it has in that Act, unless the context otherwise requires.

(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 any other enactment.

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(a) 1973 c. 9.  
(c) 1972 c. 46.

(b) 1889 c. 63.

*Prevention of increases of rent*

3.—(1) Where the effect of the provisions of Part IV of the 1972 Act is to require a local authority to increase standard rents during the standstill period this article shall operate to prevent such an increase.

(2) The 1972 Act shall have effect subject to the following modification namely that section 28(3) shall have effect as if any increase required to be made during the standstill period had been made.

4.—(1) Any rent payable in relation to the standstill period in respect of the tenancy or occupation of any house—

(a) provided by a local authority but to which the housing revenue account does not relate, or

(b) provided by a joint board or joint committee as defined by the Local Government (Scotland) Act 1974(a), or by the common good of a burgh or by any trust under the control of a local authority,

shall not exceed the rent payable for that house on the date on which this order comes into operation.

(2) For the purposes of this article “rent” excludes any sum attributable to rates or the use of furniture or the provision of services.

(3) This article shall not apply to a house occupied in pursuance of a contract of service with an authority the terms of which require that a house shall be provided at a rent specified in the contract or without payment of rent.

5.—(1) In relation to any house to which articles 3 and 4 of this order apply, any notice requisite to effect an increase of rent, whether such notice was served before or after the coming into operation of this order, which specifies, as the date from which any increase is to take effect, a date within the standstill period, shall be of no effect, other than a notice to which paragraph (2) of this article applies.

(2) Nothing in articles 3 and 4 of this order shall prevent the rent of a house to which articles 3 and 4 apply being increased to reflect—

(a) any change in the condition of the house, but disregarding any improvement carried out, otherwise than in pursuance of the terms of the tenancy, by the tenant or any predecessor in the tenancy, or

(b) any change in the terms of the tenancy (other than terms as to rent), or

(c) any other change of circumstances.

*Restriction on rent payable on new tenancies*

6.—(1) This article applies in the case of any new tenancy entered into within the standstill period of a house which was previously let at any time during the period of twelve months immediately preceding the date on which the new tenancy was entered into.

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(a) 1947 c. 43.

(2) The rent payable on a new tenancy to which this article applies shall not exceed the rent under the previous tenancy by any amount other than such amount as reflects—

- (a) any change in the condition of the house, but disregarding any improvement carried out, otherwise than in pursuance of the terms of the tenancy, by the tenant or any predecessor in the tenancy, or
- (b) any difference between the terms (other than terms as to rent) of the new tenancy and the previous tenancy, or
- (c) any other change in circumstances.

*Recovery of excess rent*

7.—(1) Where a tenant has paid on account of rent any amount which by virtue of this order, is not payable by 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.

(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.

*Transitional*

8. Without prejudice to paragraph 4 of Part I of Schedule 3 to the 1973 Act, any right acquired or liability or obligation incurred by virtue of any of the provisions of this order shall not be affected by Part II of the 1973 Act 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 Part II had continued in force.

*William Ross,*  
One of Her Majesty's  
Principal Secretaries of State.

St Andrew's House,  
Edinburgh.

8th March 1974.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order, which applies to Scotland, prohibits during the standstill period beginning on 8th March 1974 and ending on 31st December 1974, increases in rent being made for all houses let by local authorities. The Order also restricts the rent at which new tenancies may be granted during the standstill period. It does not restrict increases on account of improvements or other changes of circumstances nor for furniture and the provision of services.

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