

1974 No. 472

LANDLORD AND TENANT

**The Rent Regulation and Furnished Lettings
(Transitional Provisions) Order 1974**

<i>Made</i> - - - -	14th March 1974
<i>Laid before Parliament</i>	19th March 1974
<i>Coming into Operation</i>	1st April 1974

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 section 254(1) of the Local Government Act 1972(a), and of all other powers enabling them in that behalf, hereby make the following order:—

Title, commencement and application

1.—(1) This order may be cited as the Rent Regulation and Furnished Lettings (Transitional Provisions) Order 1974 and shall come into operation on 1st April 1974.

(2) This order shall not apply to Greater London or the Isles of Scilly.

Interpretation

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

“the Rent Act” means the Rent Act 1968(b);

“committee” means a rent assessment committee constituted under Schedule 5 to the Rent Act;

“district” means a district for the purposes of Part VI of the Rent Act;

“existing” means existing immediately before the date of the coming into operation of this order;

“panel area” means an area for which a panel of persons is appointed to act pursuant to paragraph 1 of Schedule 5 to the Rent Act;

“Part VI contract” has the meaning assigned to it by section 70(6) of the Rent Act;

“Part VIII tenancy” means a tenancy to which Part VIII of the Housing Finance Act 1972(c) applies;

“registration area” means a registration area for the purposes of Part IV of the Rent Act;

(a) 1972 c. 70.
(c) 1972 c. 47.

(b) 1968 c. 23.

“rent officer” shall be construed in accordance with section 40(4) of the Rent Act; and

“rent tribunal” has the meaning assigned to it by section 69(1) of the Rent Act.

(2) In articles 3 and 4 below any reference to a provision of the Rent Act includes a reference to that provision as it has effect by virtue of section 82(2) of the Housing Finance Act 1972 (application of certain of the provisions of the Rent Act to Part VIII tenancies).

(3) The Interpretation Act 1889(a) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Applications to rent officer

3.—(1) The provisions of this article apply in any case where an application has been made to the rent officer for an existing registration area under—

- (a) section 44 of the Rent Act (applications for registration of rents), or
- (b) section 44A of the Rent Act (inserted by section 39 of the Housing Finance Act 1972) (applications to rent officers by local authorities), or
- (c) section 45 of the Rent Act (certificates of fair rent), or
- (d) section 48A of the Rent Act (inserted by section 41 of the Housing Finance Act 1972) (cancellations of registration of rents), or
- (e) section 30 of the Housing Finance Act 1972 (certificates of fair rent under tenancies to be converted from control),

and that application has not been disposed of by that rent officer before the coming into operation of this order.

(2) Where the provisions of this article apply, the proceedings consequent upon that application shall be continued and completed by the rent officer for the new registration area in which is, or is to be, situated, the dwelling-house, or the proposed dwelling-house (intended to be provided as mentioned in section 45(1)(a) of the Rent Act), to which that application relates, as if that application had been made to him.

(3) For the purpose of paragraph (1) above, an application to a rent officer shall not be treated as having been disposed of if any duty remains to be performed by him under—

- (a) Schedule 6 to the Rent Act (applications for registration of rents), or
- (b) Schedule 7 to the Rent Act (certificates of fair rent under regulated tenancies), or
- (c) Schedule 5 to the Housing Finance Act 1972 (certificates of fair rent and registration of rents for tenancies converted from control), or
- (d) the Rent Regulation (Local Authority Applications) Regulations 1972(b) (applications to rent officers by local authorities).

(a) 1889 c. 63.

(b) S.I. 1972/1307 (1972 II, p. 3954).

Directions of, and matters referred to, rent assessment committee

4.—(1) The provisions of this article apply in any case where directions have been sought of or, as the case may be, a matter has been referred to, a committee for an existing panel area under—

- (a) paragraph 6 of Part I of Schedule 6 to the Rent Act (applications for registration of rents unsupported by certificate of fair rent), or
- (b) paragraph 11 of Part II of the said Schedule 6 (applications for registration of rents supported by certificate of fair rent), or
- (c) paragraph 6 of Schedule 7 to the Rent Act (certificates of fair rent), or
- (d) paragraph 8 of Part II of Schedule 5 to the Housing Finance Act 1972 (certificates of fair rent and registration of rents for tenancies converted from control), or
- (e) regulation 6(1) of the Rent Regulation (Local Authority Applications) Regulations 1972,

and the committee have not given their directions or, as the case may be, disposed of that matter before the date of the coming into operation of this order.

(2) Where the provisions of this article apply, those directions shall be given or, as the case may be, the proceedings in respect of that matter, shall be continued and completed by a committee for the new panel area in which is, or is to be, situated the dwelling-house, or the proposed dwelling-house (intended to be provided as aforesaid), in relation to which those directions were sought or, as the case may be, that matter relates, as if those directions had been sought of or, as the case may be, that matter had been referred to, a committee for that new panel area.

(3) Where the provisions of this article apply and any directions are given or, as the case may be, a matter is disposed of, by a committee for a new panel area pursuant to sub-paragraph (2) above, then—

- (a) those directions, or
- (b) the notification to the rent officer under paragraph 9(2) of Part I of the said Schedule 6 of the confirmation or determination of a rent by the committee, or
- (c) the directions of the committee to the rent officer under paragraph 12(2) of Part II of the said Schedule 6, or
- (d) the notification to the rent officer under paragraph 8(1) of the said Schedule 7 of the determination of a fair rent by the committee, or
- (e) the notification to the rent officer under paragraph 11(1) of the said Schedule 5 of the confirmation or designation of a rent by the committee, or
- (f) the notification to the rent officer under paragraph 14(2) of the Rent Regulation (Local Authority Applications) Regulations 1972 of the confirmation or determination of a rent by the committee,

shall be given to the rent officer for the new registration area in which is, or is to be, situated the dwelling-house, or, the proposed dwelling-house (intended to be provided as aforesaid), in relation to which those directions were sought, or to which that matter relates.

References and applications to rent tribunal

5.—(1) The provisions of this article apply in any case where—

- (a) a Part VI contract has been referred to the rent tribunal for an existing district under section 72 of the Rent Act (reference of contracts to rent tribunals), or
- (b) a case has been referred to the rent tribunal for an existing district under section 75 of the Rent Act (reconsideration of rent after registration), or
- (c) an application has been made to the rent tribunal for an existing district under section 78 of the Rent Act (application to rent tribunal for security of tenure where notice to quit is served), or
- (d) an application has been made to the rent tribunal for an existing district under section 80 of the Rent Act (reduction of period of security on account of lessee's default),

and that reference, or as the case may be, that application, has not been disposed of by that rent tribunal before the coming into operation of this order.

(2) Where the provisions of this article apply, the proceedings under that reference, or as the case may be, that application, shall be continued and completed by the rent tribunal for the new district in which is situated the dwelling to which that reference, or that application, relates, as if that reference, or that application, had been made to them.

Register of rents

6.—(1) Where in any case an existing registration area is wholly comprised in a new registration area, then the rent officer for that existing registration area shall as soon as may be after the coming into operation of this order deliver to the rent officer of that new registration area the register of rents maintained for that existing area pursuant to section 43 of the Rent Act.

(2) Where in any case an existing registration area is comprised in more than one new registration area, then the rent officer for that existing registration area shall as soon as may be after the coming into operation of this order deliver to the rent officer for each of those new registration areas the entries in the said register which relate to the rents of dwelling-houses situated in that new registration area.

Proceedings

7. Any action or proceeding, or any cause of action or proceeding, pending or existing on 1st April 1974, by or against—

- (a) the rent officer for an existing registration area, or
- (b) a committee for an existing panel area, or
- (c) the rent tribunal for an existing district,

shall not be prejudicially affected by any such area or such district ceasing to exist, and may be continued, prosecuted or enforced—

- (i) in a case falling within paragraph (a) above, by or against the rent officer for the new registration area in which is, or is to be, situated the dwelling-house, or the proposed dwelling-house (intended to be provided as aforesaid), to which that action or proceeding, or that cause of action or proceeding, relates,

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- (ii) in a case falling within paragraph (b) above, by or against a committee for the new panel area in which is, or is to be, situated the dwelling-house, or the proposed dwelling-house (intended to be provided as aforesaid), to which that action or proceeding, or that cause of action or proceeding, relates, and
 - (iii) in a case falling within paragraph (c) above, by or against the rent tribunal for the new district in which is situated the dwelling to which that action or proceeding, or that cause of action or proceeding, relates.

14th March 1974.

Anthony Crosland,
Secretary of State for the Environment.

14th March 1974.

John Morris,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes transitional provisions in respect of outstanding applications to rent officers, and outstanding matters referred to rent assessment committees, of existing registration areas and panel areas under Part IV of the Rent Act 1968, which go out of existence on 1st April 1974 as the result of the creation of new local government areas. It makes also similar provisions in respect of outstanding references and applications to rent tribunals for districts under Part VI of the Rent Act which go out of existence on that date.

The Order further makes provision in respect of actions and proceedings, and causes of action or proceeding, by or against rent officers for existing registration areas, rent assessment committees for existing panel areas, and rent tribunals for existing districts.

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