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STATUTORY INSTRUMENTS

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**1995 No. 2451**

**LANDLORD AND TENANT,  
ENGLAND AND WALES**

**The Local Government Changes (Rent Act) Regulations 1995**

*Made* - - - - *18th September 1995*  
*Laid before Parliament* *22nd September*  
*1995*  
*Coming into force* - - *13th October 1995*

The Secretary of State, in exercise of the powers conferred upon him by sections 19 and 26 of the Local Government Act 1992<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Regulations—

**Citation and commencement**

1. These Regulations may be cited as the Local Government Changes (Rent Act) Regulations 1995 and shall come into force on 13th October 1995.

**Amending the Rent Act 1977**

2. The Rent Act 1977<sup>(2)</sup> shall be amended in accordance with regulations 3 to 7.

**Registration areas**

3. In section 62(1)<sup>(3)</sup> at the beginning insert “Except so far as different provision is made by an order under section 17 of the Local Government Act 1992,”.

**Schemes for appointment of rent officers**

4. In section 63, for subsection (9)<sup>(4)</sup> substitute—

“(9) In the case of a registration area in respect of which there is more than one local authority, this section shall apply as if—

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(1) 1992 c. 19.

(2) 1977 c. 42.

(3) Subsection (1) was amended by paragraph 13(1) of Schedule 8 to the Local Government Act 1985 (c. 51).

(4) Subsection (9) was inserted by paragraph 13(3) of Schedule 8 to the Local Government Act 1985.

- (a) the first reference to “the local authority” in subsection (1) were a reference to each of those local authorities which is—
  - (i) the county council for a county in England; or
  - (ii) the council for a district in England which is not in a county having a county council; and
- (b) the second reference to “the local authority” in that subsection, the references to “the local authority” in subsections (2) and (2A)(c), the reference to “a local authority” in subsection (2A)(g) and the reference to “the local authority for whose area the scheme is made” in subsection (3) were references to such one of those authorities as has been designated by the scheme”(5).

### **Local authorities for Part V: rents under restricted contracts**

5. In section 83(1), for paragraph (a) substitute—

- “(a) in a London borough or district, the council of the London borough or district in question or, where the district is in a county in England and does not have a district council, the council of the county in question, and”.

### **Prosecution for illegal charges for furniture**

6. In section 124(8) (definition of local authority) for the words from “the council” to “London borough” substitute “the council of a district (or, in a county in England in which there are no districts having a district council, the council of the county) or the council of a London borough”.

### **Powers of local authorities to give information**

7. In section 149(2), in paragraph (a) for “and” substitute “, councils of counties in England in which there are no districts having district councils and councils”.

### **Schemes for appointment of rent officers: transitional**

8.—(1) Where the Secretary of State—

- (a) has made a local government reorganisation order, and
- (b) proposes in the interim period to make a scheme under section 63 of the Rent Act 1977(6) for an area which falls wholly or partly within a local government area affected by the order,

he shall, in making the scheme, take account of the provisions of the local government reorganisation order and of any supplementary order; and his obligation to consult under subsection (1) of that section shall apply subject to paragraphs (2) and (3) below.

(2) Where the proposed scheme is to take effect before the reorganisation date, the Secretary of State’s obligation to consult on the scheme under subsection (1) of section 63 of the 1977 Act shall include an obligation to consult any local authority—

- (a) which he would be required to consult under that subsection if the scheme were made after the reorganisation date, and
- (b) which will be in existence when the scheme is made.

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(5) Subsection (2A) was inserted by paragraph 3 of Schedule 14 to the Housing Act 1988 (c. 50).

(6) Section 63 was amended by section 121(3) of and Part I of Schedule 14 and Schedule 18 to the Housing Act 1988 (c. 50) and paragraph 13(3) of Schedule 8 to the Local Government Act 1985; and is amended by regulation 4 of these Regulations.

(3) Where the proposed scheme is to take effect on or after the reorganisation date, the Secretary of State's obligation to consult on the scheme under that subsection shall be read as an obligation to consult any local authority which he would be required to consult under that subsection if the scheme were made after the reorganisation date.

(4) In this regulation—

“interim period”, in relation to a local government reorganisation order, means the period beginning with the date on which the order is made and ending with the reorganisation date;

“local government reorganisation order” means an order under section 17 of the Local Government Act 1992 (local government reorganisation orders) which provides for a structural change or a boundary change within the meaning of Part II of that Act;

“reorganisation date”, in relation to a local government reorganisation order, has the meaning given in that order;

“supplementary order” means, in relation to a local government reorganisation order, any order—

(a) which is made under section 17 of the Local Government Act 1992 after the local government reorganisation order; and

(b) which—

(i) makes provision relating to the structural or boundary change effected or to be effected by the local government reorganisation order; or

(ii) makes provision, in connection with the local government reorganisation order (or a later order made under section 17 of the 1992 Act in connection with the local government reorganisation order), which is equivalent to that which may be contained in regulations under section 19 of that Act.

Signed by authority of the Secretary of State

18th September 1995

*James Clappison*  
Parliamentary Under Secretary of State,  
Department of the Environment

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

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Rent Act 1977 to take account of local government reorganisation in England under the Local Government Act 1992. The amendments relate to local authority functions and are to sections 62 (meaning of registration area), 63 (schemes for appointment of rent officers), 83 (powers of local authorities under Part V of the 1977 Act in respect of restricted contracts), 124 (powers of local authorities to prosecute for illegal premiums for furniture) and 149 (powers of local authorities to give information).

Regulation 8 makes transitional provisions in relation to schemes under section 63 where a local government reorganisation order has been made, under section 17 of the 1992 Act, and a scheme is to be made before the reorganisation date specified in the order.