



Housing Repairs and Rents Act 1954

1954 CHAPTER 53

An Act to make further provision for the clearance and redevelopment of areas of unfit housing accommodation, and for securing or promoting the reconditioning and maintenance of houses ; and otherwise to amend the enactments relating to housing, the exercise of certain powers relating to land, and rent control. [30th July, 1954]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

FURTHER PROVISIONS AS TO CLEARANCE AND REDEVELOPMENT, RECONDITIONING OF UNFIT HOUSES, AND OTHER AMENDMENTS OF HOUSING ACTS

Additional powers in respect of clearance areas and other houses liable to demolition

1 Proposals for exercise of functions of local authorities as to clearance areas, etc.

- (1) Subject to the provisions of this section, every local authority shall, within one year after the commencement of this Act, submit to the Minister in such form as the Minister may require proposals for dealing, under Parts II and III of the principal Act or under the following provisions of this Part of this Act, with houses within the district of the authority which appear to the authority to be unfit for human habitation, and with any other houses within that district which are or in the opinion of the authority ought to be included in clearance areas.
- (2) If in the case of any local authority it appears to the Minister that in view of the high proportion of houses within their district which are unfit for human habitation, or of other exceptional circumstances, it is not reasonably practicable for that authority to submit proposals under the foregoing subsection within the period therein mentioned,

he may authorise that authority to submit such proposals within such extended period as he considers appropriate.

- (3) The Minister may approve proposals submitted by a local authority under this section with or without modifications, and thereafter it shall be the duty of the authority in carrying out their functions under the said provisions of the principal Act and this Part of this Act to have regard to the proposals as so approved, subject to any modifications made by subsequent proposals so approved.
- (4) A local authority may at any time, and if directed by the Minister shall within the period specified in the direction, submit further proposals for amplifying or modifying any proposals previously submitted by that authority and approved under this section; and subsection (3) of this section shall apply to any such further proposals.
- (5) A copy of any proposals approved under this section shall be deposited at the offices of the local authority concerned, and shall be open to inspection without charge during ordinary office hours.

2 Power to retain for temporary accommodation certain houses in clearance areas

- (1) Notwithstanding anything in subsection (3) of section twenty-five of the principal Act or in section thirty of that Act, a local authority by whom an area has been declared (whether before or after the commencement of this Act) to be a clearance area under the said section twenty-five may postpone, for such period as may be determined by the authority, the demolition of any houses on land purchased by or belonging to the authority within that area, being houses which in the opinion of the authority are or can be rendered capable of providing accommodation of a standard which is adequate for the time being, and may carry out such works as may from time to time be required for rendering or keeping such houses capable of providing such accommodation as aforesaid pending their demolition.
- (2) Where the demolition of any houses in a clearance area is postponed under the foregoing subsection, the local authority may also postpone the taking of any proceedings under the said subsection (3) in respect of any buildings (other than houses) within that area; and subsection (2) of section twenty-nine of the principal Act (which limits the period within which compulsory purchase orders may be submitted in respect of land comprised in or surrounded by or adjoining a clearance area) shall not apply to the purchase of any land in the area, other than houses, or to the purchase of any land surrounded by or adjoining the area.
- (3) Where a local authority are satisfied, in the case of a house on land purchased by or belonging to them within a clearance area, not being a house retained by them for temporary use for housing purposes, that—
 - (a) it is required for the support of a house which is so retained, or
 - (b) there is some other special reason why it should not be demolished for the time being, and the reason is connected with the exercise of the authority's powers under subsection (1) of this section in relation to the clearance area,
 then, notwithstanding anything in Part III of the principal Act, the authority may retain the house for the time being and shall not be required to demolish it so long as, in the case mentioned in paragraph (a) of this subsection, it is required for the purpose therein referred to, or, in any other case, the said powers are being exercised by the authority in relation to that area; but a house which is retained by virtue of this subsection shall not be included among those referred to in paragraph (a) of subsection (1) of section seven of this Act.

- (4) The power of a local authority under Part III of the principal Act to purchase land within a clearance area may be exercised, for the purpose of acquiring any house within that area which in the opinion of the authority is or can be rendered capable of providing such accommodation as is mentioned in subsection (1) of this section, or in the case of which it appears to them desirable that it should be retained for either of the purposes mentioned in paragraphs (a) and (b) of the last foregoing subsection, notwithstanding that a clearance order has been made in respect of the house before the commencement of this Act or that any proceedings have been taken in pursuance of such an order; and on the completion of the purchase of any such house, the clearance order shall cease to have effect so far as it relates thereto.
- (5) An order under section twenty-nine of the principal Act authorising the compulsory purchase by a local authority of any houses within an area declared as a clearance area before the commencement of this Act may, notwithstanding anything in subsection (2) of that section, be submitted to the Minister at any time not later than six months after the approval under section one of this Act of proposals submitted by that authority under subsection (1) of the said section one.

3 Power to purchase for temporary accommodation in lieu of making demolition orders

- (1) In any case where a local authority would be required, apart from this section, to make a demolition order in respect of a house in pursuance of a notice served under subsection (1) of section eleven of the principal Act (which requires local authorities to order the demolition of certain houses unfit for human habitation in the absence of certain undertakings by the owners, or in default of compliance with such undertakings) the authority may, if it appears to them that the house is or can be rendered capable of providing accommodation of a standard which is adequate for the time being, purchase the house in lieu of making such an order.
- (2) A local authority by whom a house is purchased under this section may carry out such works as may from time to time be required for rendering and keeping it capable of providing such accommodation as aforesaid pending its demolition by the authority.
- (3) Where a local authority determine to purchase a house under this section, they shall serve notice of the determination on every person upon whom they would be required to serve a copy of a demolition order made in respect of the house under section eleven of the principal Act; and section fifteen of that Act (which provides for an appeal against certain notices and orders under Part II of that Act) shall apply in relation to any such notice as if it were a demolition order.
- (4) At any time after a notice served under subsection (3) of this section in respect of a house has become operative under subsection (5) of the said section fifteen, the authority may purchase the house by agreement or may be authorised by the Minister to purchase it compulsorily; and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to a compulsory purchase under this section as if this section had been in force immediately before the commencement of that Act.
- (5) The compensation to be paid for a house purchased compulsorily under this section shall be calculated in accordance with subsection (4) of section sixteen of the principal Act (which regulates the compensation payable for the compulsory purchase under that section of a house unfit for human habitation which cannot be rendered so fit at reasonable expense).

4 Postponement of demolition under clearance order in the case of houses let to local authority

- (1) The following provisions of this section shall have effect, in the case of a house on land in a clearance area which does not belong to the local authority, where the authority are of opinion that the house is or can be rendered capable of providing accommodation of a standard which is adequate for the time being, and that the house ought not to be demolished for the time being but ought to be retained for temporary use for housing purposes.
- (2) Subject to the next following subsection, the local authority may include in any clearance order made by them under Part III of the principal Act and applying to the house a provision that the demolition of the house in pursuance of the order is to be postponed until the authority determine that the house is no longer required for use for housing purposes; and if such a provision is included, the order shall not fix a period for the vacation of the house as required by paragraph 1 of the Third Schedule to the principal Act (which relates to the form and content of clearance orders).
- (3) A local authority shall not include in a clearance order such a provision as is mentioned in the last foregoing subsection unless they have acquired, or are satisfied that by the time the clearance order becomes operative they will have acquired, such rights under a tenancy of the house as will enable them to retain the house for use for housing purposes until they determine that it is no longer required for such use and to deal with it in all respects as if it were a house on land in a clearance area belonging to them.
- (4) In relation to a house to which a clearance order applies with such a provision as is mentioned in subsection (2) of this section—
 - (a) subsection (3) of section twenty-six of the principal Act (which requires a house to be demolished by its owner or owners after a clearance order applying to it has become operative) shall have effect with the substitution for the period therein referred to of such a period not less than six weeks as may, in a notice served by the local authority on the owner or owners of the house as soon as they determine that the house is no longer required for use for housing purposes, be specified as the period within which the authority require the house to be demolished; and
 - (b) section one hundred and fifty-five of the said Act (which contains provisions for the vacation of houses subject to demolition and clearance orders) shall not apply until the local authority determine that the house is no longer required for such use as aforesaid and shall then have effect with the substitution for references to the date by which the order requires the house to be vacated of references to the date of the authority's notice under the foregoing paragraph.

5 Power to permit reconstruction of condemned house

- (1) If an owner of a house in respect of which a demolition order has become operative submits proposals to the local authority for the execution by him of works designed to secure the reconstruction, enlargement or improvement of the house, or of any buildings of which the house is one, and the local authority are satisfied that the result of the works will be the provision of one or more houses fit for human habitation, the authority shall have power to extend for such period as they may specify the time within which the owner or owners of the house are required under subsection (1) of section thirteen of the principal Act to demolish it, in order that the said owner may have an opportunity of carrying out the works.

- (2) The said time may be further extended by the local authority once or more often as occasion may require, if the works have been begun and appear to the authority to be making satisfactory progress or, though they have not been begun, the authority think there has been no unreasonable delay ; and if the works are completed to the satisfaction of the authority they shall revoke the demolition order without prejudice to any subsequent proceedings under Part II of the principal Act.
- (3) Where in relation to a house a local authority determine to extend or further extend the time mentioned in subsection (1) of this section, notice of the determination shall be served by the authority on every person having an interest in the house, whether as freeholder, mortgagee, lessee or otherwise.

6 Licences for temporary occupation of houses subject to existing demolition or clearance orders

- (1) If it appears to a local authority that any house in respect of which a demolition order or clearance order had been made by that authority under Part II or Part I11 of the principal Act before the commencement of this Act is capable of providing accommodation of a standard which is adequate for the time being, they may grant to the person who, but for the said order, would be entitled to authorise the occupation of the house a licence permitting the occupation of the house during such period as may be specified in the licence by such number of persons and on such terms as to the rent, repairs and other conditions on which the house may be occupied as may be so specified.
- (2) While a licence granted under this section is in force in respect of a house, section one hundred and fifty-five of the principal Act (which contains provisions for the vacation of houses subject to demolition and clearance orders) shall not apply thereto.
- (3) Where a licence in force under this section specifies a maximum rent in respect of a house, then, notwithstanding any order or direction for the time being in force under section seven of the Agricultural Wages Act, 1948, the value at which the house may be reckoned for the purposes of a minimum rate of wages fixed under that Act shall not exceed the maximum rent so specified.
- (4) Any licence granted by a local authority under this section may be revoked by that authority at any time, and shall be so revoked if it appears to the authority that the house is no longer capable of providing such accommodation as aforesaid; and every such licence shall, unless previously revoked, cease to have effect at the expiration of the period of three years beginning with the commencement of this Act, or of such extended period as the Minister may in any particular case allow in pursuance of an application made by the local authority within the said period of three years.
- (5) On the revocation or determination of a licence granted under this section in respect of a house subject to a demolition order, the local authority may, if they think fit, revoke the demolition order and purchase the house under section three of this Act as if that order had not been made ; and in relation to such a purchase, the said section three shall apply as if subsection (3), and in subsection (4) the words from the beginning to " section fifteen ", were omitted.
- (6) Subsection (4) of section two of this Act shall not apply to any house subject to a clearance order so long as a licence in respect of the house is in force under this section ; and in calculating the period during which a compulsory purchase order for the purchase of such a house may be submitted under subsection (5) of the said section

two, any time during which such a licence was in force in respect of the house shall be disregarded.

- (7) Regulations 68A and 68AA of the Defence (General) Regulations, 1939, are hereby revoked ; but any licence in force under those regulations in respect of a house immediately before the commencement of this Act shall continue in force and have effect as if granted under this section, and may be revoked thereunder accordingly.

Exchequer contributions, etc.

7 Exchequer contributions towards expenses of local authorities in buying houses for temporary occupation

- (1) The Minister may out of moneys provided by Parliament make such contributions as are authorised by this section towards expenditure incurred by local authorities in respect of houses approved by the Minister for the purposes of this section, being—
- (a) houses of which the demolition is postponed under section two of this Act or in relation to which a clearance order has been made with such a provision as is mentioned in section four of this Act; or
 - (b) houses purchased under section three of this Act or under that section as applied by section six of this Act.
- (2) Subject to the following provisions of this section, the contributions payable by the Minister in respect of any house shall be as follows, that is to say:—
- (a) in the case of a house purchased by the local authority, an annual payment equal to one-half of the annual loan charges referable to the cost of the purchase, payable for each financial year during the whole or part of which the house or any part of the house is used for housing purposes with the approval of the Minister; and
 - (b) in any case an annual payment of three pounds or, in the case of a house containing at the date on which the house is approved for the purposes of this section more than one separate dwelling, of the said sum for each such dwelling, payable for fifteen years from the said date:

Provided that the Minister may from time to time by order direct that paragraph (b) of this subsection shall have effect, in relation to houses approved after the date on which the order comes into force, as if for the sum therein specified there were substituted such higher or lower sum as may be specified in the order.

- (3) If it appears to the Minister that the expenditure incurred as a whole by a local authority in the repair, improvement and maintenance of houses approved by the Minister for the purposes of this section is unduly low having regard to the amount of the contributions for the time being payable in respect of those houses under paragraph (b) of subsection (2) of this section, he may withhold the whole or any part of the contributions payable under that paragraph to that authority.
- (4) An order of the Minister under subsection (2) of this section shall be of no effect until it is approved by a resolution of the Commons House of Parliament.
- (5) For the purposes of the principal Act the expression " Exchequer contribution " shall include any contribution payable by the Minister to a local authority under this section.
- (6) For the purposes of this section the annual loan charges referable to the cost of a purchase shall (whatever may be the manner in which the local authority have provided

or intend to provide the money required for the purchase) be the annual sum which, in the opinion of the Minister, would fall to be provided by the local authority for the payment of interest on, and the repayment of, an amount of borrowed money equal to the said cost, being money the period for the repayment of which is sixty years.

8 Local authorities' contributions

- (1) A local authority to whom contributions are payable by the Minister in respect of a house under section seven of this Act shall make out of the general rate fund for each financial year a contribution of an amount equal to the contributions so payable by the Minister for that year in respect of the house.
- (2) The Minister may from time to time by order direct that the foregoing subsection shall have effect, in relation to houses approved by him for the purposes of the said section seven after the date on which the order comes into force, as if for the reference to an amount equal to the contributions so payable by the Minister as aforesaid there were substituted a reference to an amount bearing such proportion to the said contributions as may be specified in the order.

An order of the Minister under this subsection shall be of no effect until it is approved by a resolution of the Commons House of Parliament.

- (3) Subsection (1) of section one hundred and twenty-nine of the principal Act (which relates to credits and debits in the housing revenue account) and subsection (2) of section one hundred and thirty of that Act (which relates to the disposal of balances in that account) shall have effect as if any reference to the contributions referred to in the Eighth Schedule to that Act included a reference to contributions payable under this section.

Standard of fitness for human habitation, and provisions connected therewith

9 Standard of fitness for human habitation

- (1) In determining for any of the purposes of the principal Act whether a house is unfit for human habitation, regard shall be had to its condition in respect of the following matters, that is to say—
 - (a) repair;
 - (b) stability;
 - (c) freedom from damp ;
 - (d) natural lighting;
 - (e) ventilation;
 - (f) water supply;
 - (g) drainage and sanitary conveniences ; and
 - (h) facilities for storage, preparation and cooking of food and for the disposal of waste water ;

and the house shall be deemed to be unfit as aforesaid if and only if it is so far defective in one or more of the said matters that it is not reasonably suitable for occupation in that condition.

- (2) The provisions of the foregoing subsection shall be without prejudice to section twenty-two of the principal Act (which provides that certain back-to-back houses are to be deemed for the purpose of that Act to be unfit for human habitation).

- (3) The following enactments shall cease to have effect, that is to say:—
- (a) subsection (4) of section one hundred and eighty-eight of the principal Act (which requires account to be taken of local byelaws in determining whether a house is fit for human habitation); and
 - (b) so much of any local enactment as specifies defects by reason of which a house is to be deemed for the purposes of section nine of that Act not to be in all respects fit for human habitation, or regulates the matters to be taken into consideration on an appeal under section fifteen of that Act in respect of a notice requiring the execution of works to remedy any defects so specified.

10 Recovery by lessees of proportion of expenses incurred in rendering houses fit for human habitation

- (1) Where any person who incurs expenditure in complying with a notice under section nine of the principal Act requiring the execution of works for rendering a house fit for human habitation, or in defraying expenses incurred by a local authority under section ten of that Act in carrying out such works, is a lessee of the house or the agent of such a lessee, the lessee may recover from the lessor under the lease such part (if any) of that expenditure as may, in default of agreement between the parties, be determined by the county court to be just having regard—
 - (a) to the obligations of the lessor and the lessee under the lease with respect to the repair of the house,
 - (b) to the length of the unexpired term of the lease,
 - (c) to the rent payable under the lease, and
 - (d) to all other relevant circumstances.
- (2) Where a person from whom any sum is recoverable under the foregoing subsection is himself a lessee of the house, the provisions of that subsection shall apply as if any sum so recoverable from him were expenditure incurred as mentioned in that subsection.
- (3) The foregoing provisions of this section shall not apply in relation to any expenditure in respect of which a charging order is in force under section twenty of the principal Act, or in respect of which an application for such an order is for the time being pending.
- (4) In this section " lease " includes an under-lease and any tenancy or agreement for a lease, under-lease or tenancy, and the expressions " lessee " and " lessor " shall be construed accordingly.

11 Houses let in lodgings : securing fitness for occupation by number of families accommodated

- (1) Where it appears to a local authority, in the case of a house within their district, or of part of such a house, which is let in lodgings or occupied by members of more than one family, that with respect to any such matters as are specified in paragraphs (d) to (h) of subsection (1) of section nine of this Act the premises are so far defective, having regard to the number of individuals or households, or both, accommodated for the time being on the premises, as not to be reasonably suitable for occupation by those individuals or households, the authority may, without prejudice to any other powers exercisable in relation to the house under the principal Act or this Part of this Act, serve on the person having control of the house (as defined for the purposes of Part II of the principal Act) a notice—

- (a) specifying the works which in the opinion of the authority are required for rendering the premises reasonably suitable for such occupation as aforesaid; and
 - (b) requiring that person, in default of the execution of those works within a period specified in the notice, to take such steps as are reasonably open to him (including if necessary the taking of legal proceedings) for securing that the number of individuals accommodated on the premises, or the number of households accommodated there, or both, is limited in any manner so specified.
- (2) Nothing in the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, shall prevent possession being obtained of any house or part of a house possession of which is required for the purpose of complying with a requirement under paragraph (b) of the foregoing subsection.
- (3) A person who fails to comply with any requirement of a notice under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds; and if the failure continues after conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding two pounds for every day on which the failure so continues.
- (4) Section fifteen of the principal Act (which provides for an appeal against certain notices and orders under Part II of that Act) shall apply in relation to a notice under this section as it applies in relation to a notice under the said Part II requiring the execution of works.
- (5) The following enactments shall cease to have effect, that is to say:—
- (a) section six of the principal Act (which enables local authorities to make byelaws with respect to working class houses, including byelaws restricting the letting of such houses for occupation by members of more than one family);
 - (b) section one hundred and fifty-five of the Public Health (London) Act, 1936 (which provides for the making of byelaws for fixing the number of persons who may occupy a house in London which is occupied by members of more than one family, and for other purposes therein mentioned); and
 - (c) so much of any local enactment as amends, extends or applies the said section six or section ninety of the Public Health Act, 1875, section twenty-six of the Housing, Town Planning, &c. Act, 1919, or section six of the Housing Act, 1925, or confers powers to make byelaws for purposes specified in those sections respectively.

12 Houses let in lodgings : prevention of overcrowding

- (1) If it appears to a local authority, in the case of a house within their district, or of part of such a house, which is let in lodgings or occupied by members of more than one family, that excessive numbers of persons are being accommodated on the premises having regard to the rooms available, the authority may serve on the occupier of the premises or on any person having the control and management thereof, or on both, a notice—
- (a) stating, in relation to any room on the premises, what is in the authority's opinion the maximum number of persons by whom it is suitable to be occupied as sleeping accommodation at any one time, or, as the case may be, that it is in their opinion unsuitable to be occupied as aforesaid; and

- (b) informing him of the effect of subsection (3) of this section.
- (2) For the purposes of paragraph (a) of the foregoing subsection a notice may, in relation to any room, prescribe special maxima applicable in any case where some or all of the persons occupying the room are under such age as may be specified in the notice.
- (3) Any person who has been served with a notice under this section shall be guilty of an offence if, after the notice has become operative,—
 - (a) he causes or knowingly permits any room to which the notice relates to be occupied as sleeping accommodation otherwise than in accordance with the notice; or
 - (b) he causes or knowingly permits to be accommodated on the premises such a number of persons that it is not possible, without contravention of the foregoing paragraph or the occupation as sleeping accommodation of some part of the premises for which a maximum is not specified under paragraph (a) of subsection (1) of this section, to avoid persons of opposite sexes and over the age of twelve years (other than persons living together as husband and wife) occupying sleeping accommodation in the same room.
- (4) Any person committing an offence under this section shall be liable on summary conviction to a fine not exceeding five pounds and, where the offence of which he was convicted continues after conviction, to a further fine not exceeding two pounds for every day for which the offence so continues.
- (5) Section fifteen of the principal Act (which provides for an appeal against certain notices and orders under Part II of that Act and determines the date on which a notice or order is to become operative) shall apply in relation to a notice under this section as it applies in relation to a notice under the said Part II requiring the execution of works; and in section one hundred and fifty-seven of that Act (which confers powers of entry for purposes connected with housing) the reference in paragraph (d) to Part IV of the Act shall include a reference to this section.
- (6) Where a local authority has served a notice under this section in respect of any premises, they may at any time withdraw the notice, without prejudice to anything done in pursuance thereof or to the service of another notice, or, if there is any material change of circumstances, they may substitute for the notice a further notice under this section; and, where a notice is withdrawn, subsection (3) of this section shall cease to apply in relation to the premises, without prejudice to its further application if a subsequent notice is served in respect of the same premises.
- (7) The powers exercisable by a local authority under this section shall be without prejudice to those conferred by the last foregoing section, and nothing in this section shall be taken as prejudicing the provisions of Part IV of the principal Act (which relates to overcrowding in separate dwelling-houses).

13 Powers of local authorities for enforcement of notices under s. 9 of principal Act

The power of a local authority under subsection (6) of section ten of the principal Act to appoint a receiver to enforce the payment of expenses incurred under that section by the authority in carrying out works for rendering a house fit for human habitation on the default of the person having control of the house, and interest thereon, shall be exercisable at any time after the expiration of one month from the date of the service under subsection (3) of that section of a demand for those expenses.

*Miscellaneous amendments of Housing Acts***14 Amendments as to clearance orders and compulsory purchase orders under principal Act**

- (1) The provisions of the First Schedule to this Act shall have effect with respect to the procedure for making clearance orders and certain compulsory purchase orders under the principal Act.
- (2) The powers of acquiring land comprised in or surrounded by or adjoining a clearance area conferred by Part III of the principal Act shall not be restricted by the fact that buildings within that area have been demolished since the area was declared to be a clearance area.
- (3) Where a local authority are authorised to purchase compulsorily any house to be used for housing purposes under this Part of this Act or under Part V of the principal Act, and have acquired the right to enter on and take possession of the house by virtue of having served notice under paragraph 3 of the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, or section one hundred and forty-five of the principal Act, as the case may be, the authority may, instead of exercising that right by taking actual possession of the house, proceed by serving notice on any person then in occupation of the house or any part thereof authorising him to continue in occupation upon terms specified in the notice, or on such other terms as may be agreed ; and accordingly, where the authority proceed in the manner authorised by this subsection,
—
 - (a) the like consequences shall then ensue, with respect to the determination of the rights and liabilities of any person arising out of any interest of his in the house or any part thereof, as would have ensued if the authority had taken actual possession on the date of the notice, and the authority may deal with the premises in all respects as if they had done so; and
 - (b) for the purposes of section one hundred and twenty-one of the Lands Clauses Consolidation Act, 1845 (which provides for payment of compensation to persons entitled to possession under short tenancies who are required to give up possession), any person who by virtue of this subsection ceases to be entitled to receive rent in respect of any premises shall be deemed to have been required to give up possession thereof.

15 Provisions relating to Housing Revenue Accounts

- (1) Section one hundred and twenty-eight of the principal Act (which requires local authorities to keep a housing revenue account in respect of certain houses, buildings, land and dwellings therein mentioned) shall have effect as if the houses therein mentioned included any house purchased by a local authority under section sixteen of that Act and any house approved by the Minister for the purposes of section seven of this Act; and any reference in section one hundred and twenty-nine of that Act (which relates to credits and debits in housing revenue accounts) to such houses, buildings, land and dwellings as are mentioned in the said section one hundred and twenty-eight shall be construed accordingly.
- (2) A local authority shall in any financial year debit to their housing revenue account amounts equal to the loan charges which they are liable to pay for that year in respect of moneys borrowed for the purpose of purchasing any houses to which the foregoing

subsection applies, or in respect of moneys borrowed for the purpose of carrying out works on such houses.

16 Amendments of Housing Act, 1949

- (1) Notwithstanding anything in paragraph (a) of subsection (2) of section fifteen of the Housing Act, 1949, or in paragraph (a) of subsection (3) of section twenty of that Act (which preclude the approval by the Minister of improvement proposals, or the approval by a local authority of an application for an improvement grant, unless the period for which the dwellings concerned are likely to provide satisfactory housing accommodation is not less than thirty years), the Minister or a local authority, as the case may be, may approve any such proposals or application if satisfied that the said period is likely to be more than fifteen years and that it is expedient in all the circumstances that the proposals or application should be approved.
- (2) Paragraph (c) of subsection (3) of the said section twenty (which precludes the approval by a local authority of an application for an improvement grant unless the applicant has an absolute interest in the land or a leasehold interest with not less than thirty years to run) shall have effect as if for the reference to a period of not less than thirty years there were substituted a reference to whichever is the shorter of the following two periods, that is to say—
 - (a) thirty years; or
 - (b) a period equal to that for which the dwellings concerned will provide satisfactory housing accommodation.
- (3) Where an application for an improvement grant is approved under the said section twenty in respect of a dwelling which in the opinion of the local authority is not likely to provide satisfactory housing accommodation for a period exceeding twenty years from the completion of the works, the authority may by order direct that in relation to that dwelling subsection (1) of section twenty-three of the said Act (which applies to dwellings in respect of which such grants are made certain conditions specified therein for a period of twenty years) shall have effect as if for the period of twenty years therein mentioned there were substituted such shorter period as may be specified in the order.
- (4) So much of subsection (4) of the said section twenty as prohibits the entertaining of an application for an improvement grant under that section where the estimated expenses of the works, or the relevant proportion of those expenses, exceeds the maximum amount therein specified shall cease to have effect; but without prejudice to subsection (1) of section twenty-one of the said Act (which limits the amount of an improvement grant to a sum not exceeding one-half of the approved expenses of executing the works) the amount which may be paid by way of an improvement grant under the said section twenty in respect of expenses incurred for the purposes of the execution of any improvement works shall not exceed four hundred pounds, or such other amount as may for the time being be prescribed by regulations under Part II of the Housing Act, 1949, for each dwelling provided or improved by the works:

Provided that if the local authority, with the concurrence of the Minister, are satisfied in the case of any particular application that in all the circumstances of the case there is good reason for the payment of a higher amount than the amount authorised under this subsection, the amount of the grant to be made in pursuance of the application may be increased (notwithstanding anything in subsection (1) of the said section twenty-one) by such amount as may be determined by the authority with the consent of the Minister when they approve the application.

- (5) It is hereby declared that estimates under subsection (2) of the said section twenty of expenses to be incurred for the purposes of the execution of improvement works may include the cost of the employment in connection with the works of an architect, engineer, surveyor, land agent or other person in an advisory or supervisory capacity.
- (6) A local authority in fixing under section twenty-two of the said Act the rent for a dwelling in respect of which an improvement grant is to be made under that Act shall have regard to the age of the building, to the character and condition of the dwelling after the carrying out of the proposed improvement works, and to the cost of those works.
- (7) In paragraph (b) of subsection (1) of section twenty-three of the said Act (under which a dwelling, in respect of whose provision or improvement a grant has been made under section twenty of that Act, must for twenty years remain let or available for letting at a maximum rent specified in that subsection except when occupied by the applicant for the grant or his devisee) for the reference to the person to whom the interest of the applicant in the dwelling has been devised by him there shall be substituted a reference to a person who on the death of the applicant with or without having disposed of that interest by will has become beneficially entitled to, or to an interest in, that interest or the proceeds of sale thereof.

This subsection shall have effect in relation to any dwelling, whether the improvement grant in respect of it was made before or after the commencement of this Act.

- (8) Sub-paragraph (ii) of paragraph (c) of subsection (1) of section twenty-three of the said Act (under which the maximum rent payable for a dwelling in respect of which an improvement grant has been made under that Act is in certain cases determined by reference to a percentage of so much of the cost of improvement as is not set off by the grant) shall have effect, in relation to improvement works completed after the eleventh day of November, nineteen hundred and fifty-three, as if for the words " six per cent." there were substituted the words " eight per cent. ".

17 Powers of local authorities in connection with lending money for housing purposes

A local authority by whom money has been advanced (whether before or after the commencement of this Act) on the mortgage of a house in pursuance of any enactment shall have power, and shall be deemed always to have had power, to accept the deposit by the mortgagor of sums estimated to be required for the maintenance or repair of the mortgaged premises, and to pay interest on sums so deposited.

18 Default powers of county councils

- (1) An order made under subsection (1) of section one hundred and sixty-nine of the principal Act (which enables the council of a county in certain circumstances to make an order declaring the council of a rural district within the county to be in default and transferring to themselves powers of such a council) shall not come into force—
- in any case, until the expiration of a period of twenty eight days beginning with the date on which the order is made;
 - in a case where an appeal is brought under this section, unless and until the order is confirmed on the appeal.

- (2) The council of a rural district may, at any time within the period mentioned in paragraph (a) of the foregoing subsection, by notice in writing appeal to the Minister against any order made with respect to that council under the said section one hundred and sixty-nine ; and in any such case the Minister shall give to the councils of the rural district and of the county, and to any other authority or person appearing to him to be interested, an opportunity to appear before and be heard by a person appointed by the Minister for the purpose, and may either confirm the order with or without modification or quash the order.

19 Extension of period for use of open spaces for temporary housing accommodation

- (1) Subject to the provisions of this section, an authorisation in force at the commencement of this Act under section one of the Housing (Temporary Accommodation) Act, 1945 ; (which enables the Minister to authorise the use of open spaces during a limited period for temporary housing accommodation), may, notwithstanding anything in subsection (3) of that section, be extended by order of the Minister so as to determine (unless previously revoked) on any date not later than the end of the year nineteen hundred and sixty-five.
- (2) Not more than one order shall be made under this section in respect of any one authorisation; and before making an order under this section for extending any authorisation for a period exceeding five years, the Minister shall cause a local enquiry to be held.
- (3) Every local authority who at the commencement of this Act are using land for providing housing accommodation in pursuance of such an authorisation as aforesaid shall within six months after the commencement of this Act submit to the Minister in such form as the Minister may require proposals for the exercise of the functions of the authority under Part V of the principal Act with a view to the re-housing elsewhere of persons occupying housing accommodation on that land.
- (4) The Minister may approve the proposals submitted by a local authority under subsection (3) of this section with or without modifications, and thereafter it shall be the duty of the authority to exercise their said functions in accordance with the proposals as so approved.

Supplemental

20 Management of houses retained by local authorities for temporary occupation

- (1) In respect of any houses purchased or retained by a local authority under section two, section three or section four of this Act for temporary use for housing purposes, the authority shall have the like powers as they have in respect of houses provided under Part V of the principal Act.
- (2) Section two of the principal Act (which implies in certain contracts for the letting of houses for human habitation a condition that the house is and will be kept by the landlord reasonably fit for human habitation) shall not apply to a contract for the letting by a local authority of any house purchased or retained by the authority as mentioned in subsection (1) of this section.

21 Application of Part I to London

- (1) The proposals to be submitted under section one of this Act in respect of any metropolitan borough shall be submitted jointly by the London County Council and the council of the borough.
- (2) Paragraph (a) of the proviso to section thirty-three of the principal Act (which restricts the power of the council of a metropolitan borough to declare an area a clearance area pending the decision of the London County Council) shall cease to have effect.
- (3) In the application of section eight of this Act to the London County Council, the reference in subsection (1) of that section to the general rate fund shall be construed as a reference to the county fund.

22 Interpretation and construction of Part I

- (1) In this Part of this Act (including the First Schedule thereto) the expression " the principal Act" means the Housing Act, 1936.
- (2) Any reference in this Part of this Act (except in section five) to a demolition order under Part II of the principal Act shall be construed as including a reference to a closing order made in lieu of or in substitution for a demolition order by virtue of section ten or section eleven of the Local Government (Miscellaneous Provisions) Act, 1953.
- (3) This Part of this Act shall be construed as one with the principal Act; and without prejudice to the foregoing provision—
 - (a) any reference in the principal Act to an enactment contained in that Act shall be construed as a reference to that enactment as amended by this Part of this Act;
 - (b) any reference in that Act to Part II or Part III of that Act shall be construed as including a reference to section three of this Act, or to section two of this Act, as the case may be.

PART II

REPAIRS INCREASE IN RESPECT OF CONTROLLED DWELLING-HOUSES AND OTHER AMENDMENTS OF THE RENT ACTS, ETC.

Repairs Increase

23 Repairs increase for dwelling-house in good repair

- (1) Where a dwelling-house is let under a controlled tenancy or occupied by a statutory tenant, and the landlord is responsible, wholly or in part, for the repair of the dwelling-house, then, subject to the provisions of this Part of this Act.—
 - (a) if and so long as the following conditions (hereinafter referred to as " the conditions justifying an increase of rent ") are fulfilled, that is to say—
 - (i) that the dwelling-house is in good repair; and
 - (ii) that it is reasonably suitable for occupation having regard to the matters specified in paragraphs (b) to (h) of subsection (1) of section nine of this Act; and

- (b) if in accordance with the Second Schedule to this Act the landlord has produced satisfactory evidence that work of repair to the value specified in that Schedule has been carried out on the dwelling-house during the period so specified,

the rent recoverable from the tenant shall be increased by virtue of this subsection so as to exceed by the amount hereinafter mentioned the rent which apart from this subsection would be recoverable from the tenant under the terms of the tenancy or statutory tenancy and having regard to the provisions of any enactment.

- (2) The amount of any increase payable by virtue of the last foregoing subsection (which increase is hereinafter referred to as a "repairs increase") shall be at the annual rate of twice the statutory repairs deduction for the dwelling-house in respect of which the rent is payable:

Provided that where the landlord is responsible in part only for the repair of the dwelling-house, the amount of the repairs increase shall be reduced proportionately.

- (3) The foregoing provisions of this section shall not apply if—
- (a) the standard rent of the dwelling-house is such as is mentioned in paragraph (a) or (b) of subsection (1) of section one of the Act of 1949 (which relates to standard rents fixed by reference to lettings beginning after the first day of September, nineteen hundred and thirty-nine); or
 - (b) the rent for the dwelling-house, or a property comprising the dwelling-house, has at any time been fixed under section twenty-two of the Housing Act, 1949 (which section requires local authorities to fix rents for dwellings provided or improved with the aid of grants made by such authorities under that Act); or
 - (c) on the sale of the dwelling-house or any such property as aforesaid by a local authority a condition was imposed by the authority under section three of the Housing Act, 1952, limiting the rent at which the house might be let during a period from the completion of the sale; or
 - (d) the standard rent of the dwelling-house is a rent determined under section thirty-four of this Act.
- (4) In this Part of this Act the expression "statutory repairs deduction", in relation to a dwelling-house of any gross value specified in the first column of Part I of the Third Schedule to this Act (if the dwelling-house is in the administrative county of London) or of Part II of that Schedule (if the dwelling-house is elsewhere), means the corresponding amount specified in the second column of the said Part I or Part II.
- (5) Any question arising under the foregoing provisions of this section whether the landlord is responsible for repairs or as to the amount of any reduction under the proviso to subsection (2) of this section shall be determined by agreement in writing between the landlord and the tenant or, on the application of either of them, by the county court.

24 Rent not to be increased above twice gross value

- (1) If the rent recoverable in respect of any period, apart from any repairs increase and excluding the amounts mentioned in subsection (3) of this section, equals or exceeds twice the gross value of the dwelling-house, no sum shall be recoverable in respect of that period by way of repairs increase.
- (2) Where apart from this subsection the amount recoverable by way of repairs increase in respect of any period would be such as to bring the rent recoverable in respect of

that period, including the increase but excluding the amounts mentioned in the next following subsection, above twice the gross value of the dwelling-house, the amount recoverable as aforesaid shall be reduced so that the said rent recoverable by the landlord in respect of that period is equal to twice the gross value.

- (3) The amounts to be excluded as aforesaid are the following:—
- (a) any amount payable by the landlord in respect of the period in question for rates (including water rents and charges) chargeable on, or which but for the provisions of any Act would be chargeable on, the occupier;
 - (b) any part of the rent recoverable for the period in question which may have been agreed in writing between the landlord and the tenant or a former tenant of the dwelling-house (whether the agreement was made before or after the beginning of the tenancy or former tenancy), or at any time determined by the tribunal constituted under the Act of 1946 for the district in which the dwelling-house is situated, to represent payment for furniture or services used or provided under the terms of the tenancy or statutory tenancy current during the period in question;
 - (c) any amount recoverable for the period in question by virtue of paragraph (a) of subsection (1) of section two of the Act of 1920 (which allows increases of rent in respect of improvements, structural alterations, and additional or improved fixtures or fittings).
- (4) Subsection (2) of section seven of the Act of 1938 (which relates to the ascertainment of the amount payable by the landlord for rates) shall apply for the purposes of this section as it applies for the purpose of computing the increase of rent permissible under paragraph (b) of subsection (1) of section two of the Act of 1920.
- (5) In this section references to the gross value of a dwelling-house shall be construed, in relation to any period longer or shorter than a year, as references to the gross value thereof increased or reduced, as the case may require, in the proportion which the period bears to a year.

25 Notice and declarations preliminary to recovery of repairs increase

- (1) No sum shall be recoverable by way of repairs increase unless the landlord has served on the tenant or a former tenant of the dwelling-house a notice in the prescribed form of his intention to increase the rent (hereinafter referred to as a "notice of increase"), accompanied by—
- (a) a declaration in the prescribed form that at the date of service of the notice the conditions justifying an increase of rent were fulfilled; and
 - (b) a declaration in the prescribed form such as is mentioned in the Second Schedule to this Act;
- and no such sum shall be recoverable before, or in respect of any period before, such date as may be specified in the notice.
- (2) The date specified in a notice of increase shall not be earlier than six clear weeks after the service of the notice.
- (3) The forms prescribed for the purposes of this section shall be such as, taken together, to contain such information as appears to the Minister expedient for informing the tenant of the effect of this Act and in particular of the circumstances in which the repairs increase is recoverable from or may be withheld by the tenant, and of the way in which the amount of the increase is calculated.

- (4) The county court, if satisfied that any error or omission in a notice of increase or a declaration accompanying such a notice is due to a bona fide mistake on the part of the landlord, shall have power to amend the notice or declaration by correcting any errors or supplying any omissions therein which, if not corrected or supplied, would render the notice or declaration invalid, and may exercise the said power on such terms and conditions as respects arrears of rent or otherwise as appear to the court to be just and reasonable ; and a notice or declaration amended by virtue of this subsection shall have effect as a valid notice or declaration served on such date, not earlier than the date on which the original notice was served nor later than the date of amendment, as the court may direct.

26 Determination whether conditions fulfilled to justify increase of rent

- (1) On the service of a notice of increase under the last foregoing section or at any subsequent time, the tenant of the dwelling-house to which the notice relates may apply to the local authority for a certificate that either or both of the conditions justifying an increase of rent are not fulfilled; and the local authority, if satisfied that the dwelling-house fails to fulfil either or both of the conditions, shall certify accordingly in the prescribed form and the certificate shall be deemed to have been in force as from the application therefor.
- (2) Where the local authority have granted a certificate under the last foregoing subsection and the tenant has served a copy of the certificate on the landlord, then during or in respect of any period during which the certificate is in force no sum shall be recoverable by way of repairs increase in respect of the dwelling-house ; but if the landlord, in proceedings for the recovery of such a sum, satisfies the court that at the time when the certificate was given the conditions justifying an increase of rent were fulfilled, the court shall order that the certificate shall cease to be in force.
- (3) Where an order is made under the last foregoing subsection as respects a certificate, it shall be deemed never to have been in force:
- Provided that the court may, if it appears just so to do by reason of undue delay by the landlord in bringing the proceedings, order that it shall be deemed to have been in force until such date as may be specified in the order.
- (4) Where after the giving of a certificate under subsection (1) of this section the landlord has executed to the satisfaction of the local authority such work as requires to be executed in order that the dwelling-house shall fulfil both the conditions justifying an increase of rent, the local authority shall on the application of the landlord revoke the certificate.
- (5) Where on an application under the last foregoing subsection the local authority have refused to revoke a certificate, then if in proceedings for the recovery of any sum by way of repairs increase the landlord satisfies the court that at the time of the application both the conditions justifying an increase of rent were fulfilled the court shall order that the certificate shall cease to be in force and may order that it shall be deemed not to have been in force after such date, not earlier than the date of the application, as the court may specify.
- (6) On any application under subsection (1) or subsection (4) of this section there shall be paid to the local authority such fee not exceeding one shilling as the local authority may determine ; but where on an application under the said subsection (1) the local

authority grant a certificate the applicant shall be entitled to deduct the fee from any subsequent payment of rent to the landlord.

27 Application of last foregoing section to certain increases under Rent Acts

- (1) The provisions of the last foregoing section shall apply to increases of rent permitted by paragraph (c) or (d) of subsection (1) of section two of the Act of 1920 (which allow additions of fifteen and twenty-five per cent. respectively of the net rent) and, as so applied, shall have effect in substitution for the provisions of the Rent Acts preventing the recovery of such increases, but subject to the modifications that—
 - (a) for the reference to a repairs increase there shall be substituted a reference to any such increase as aforesaid ; and
 - (b) for the reference to the service of a notice of increase under section twenty-five of this Act there shall be substituted a reference to the service of a notice of increase in accordance with the provisions in that behalf of the Rent Acts.
- (2) Notwithstanding the repeals effected by this Act—
 - (a) any certificate of a sanitary authority under the Rent Acts that a dwelling-house is not in a reasonable state of repair shall, if in force immediately before the commencement of this Act, continue in force and have effect as if it were a certificate of the local authority given under this Part of this Act that the dwelling-house fails to fulfil both the conditions justifying an increase of rent; and
 - (b) any order of the court under the Rent Acts suspending an increase under paragraph (c) or paragraph (d) of subsection (1) of section two of the Act of 1920 until the court is satisfied that the necessary repairs have been executed shall, if in force immediately before the commencement of this Act, continue in force.

28 Passing on of repairs increase to sub-tenant

- (1) Where—
 - (a) the landlord of a dwelling-house is entitled to recover from the tenant of the dwelling-house in respect of any period any sum by way of repairs increase or under the following provisions of this section, and
 - (b) the tenant had or will have during that period a subtenant of premises (hereinafter referred to as " the subtenant's dwelling-house ") being or comprised in the dwelling-house mentioned in paragraph (a) of this subsection, and the sub-tenant is either sub-tenant under a controlled tenancy or a statutory tenant,the rent recoverable from the sub-tenant in respect of that period shall be increased by virtue of this section so as to exceed by the amount set out in the next following subsection the rent which apart from this section would be recoverable from the sub-tenant under the terms of his tenancy or statutory tenancy and having regard to the provisions of any enactment.
- (2) The said amount is—
 - (a) where the sub-tenant's dwelling-house is the whole of the dwelling-house mentioned in paragraph (a) of the last foregoing subsection, an amount equal to the sum mentioned in the said paragraph (a);

- (b) where the sub-tenant's dwelling-house is part only of the dwelling-house mentioned in the said paragraph (a), an amount equal to the just proportion of the said sum;

and for the purposes of this subsection the just proportion of any sum shall be determined by agreement in writing between the tenant and the sub-tenant or, on the application of either of them, by the county court.

- (3) The foregoing provisions of this section shall be without prejudice to any right of the tenant to recover from the sub-tenant any sum by way of repairs increase under section twenty-three of this Act; but—
- (a) any sum recoverable from the sub-tenant under this section shall be limited so as to secure that the annual amount thereof, together with the annual amount of any sum recoverable from the sub-tenant by way of repairs increase under section twenty-three of this Act, shall not exceed twice the statutory repairs deduction for the sub-tenant's dwelling-house ;
- (b) section twenty-four of this Act shall apply as between the tenant and the sub-tenant as if the references in that section to any repairs increase or amount recoverable by way of repairs increase included respectively references to any increase under this section and any sum recoverable from the sub-tenant under this section.
- (4) Section twenty-six of this Act shall with the necessary modifications apply to sums recoverable under this section as it applies to sums recoverable by way of repairs increase.
- (5) Where, at the time at which a notice was served on the tenant under subsection (1) of section twenty-five of this Act, the tenant had a sub-tenant of the sub-tenant's dwelling-house, no sum shall be recoverable from the sub-tenant under this section unless the tenant has served on the sub-tenant or a former subtenant of that dwelling-house a notice in the prescribed form of the tenant's intention to increase the rent.

Any form prescribed for the purposes of this subsection shall contain such information as appears to the Minister expedient for informing the sub-tenant of the effect of the notice ; and subsection (4) of the said section twenty-five shall apply to the form of any such notice.

- (6) Any notice under the last foregoing subsection shall specify a date, not earlier than two clear weeks after the service of the notice, and not earlier than the beginning of the earliest period in respect of which the repairs increase is recoverable from the tenant, as the date on which the increase under this section is to begin; and no sum shall be recoverable on account of the increase under this section before, or in respect of any period before, that date.

29 Repairs increase not to be payable twice over

Where apart from this section a tenant would by virtue of any covenant or agreement (however expressed) affecting a controlled tenancy be under an obligation to pay any increase of rent in consequence of the foregoing provisions of this Part of this Act, then without prejudice to the recovery from him of any increase under this Act he shall be relieved from that obligation.

30 Responsibility of landlord for repairs

- (1) For the purposes of this Part of this Act and the Second Schedule thereto and of paragraph (d) of subsection (1) of section two of the Act of 1920 the landlord shall be deemed, as between himself and the tenant, to be wholly responsible for the repair of a dwelling-house in any case where the tenant is under no express liability to carry out any repairs.
- (2) Subject to the provisions of the last foregoing subsection,—
 - (a) the landlord shall be deemed for the purposes aforesaid to be responsible, as between himself and the tenant, for any repairs which he is under an express liability to carry out, and for any other repairs (whether of the dwelling-house or of other premises) from time to time required for securing that the dwelling-house is in good repair, not being repairs which the tenant is under an express liability to carry out; and
 - (b) the extent to which the landlord is to be deemed responsible as aforesaid for the repair of the dwelling-house shall be determined by the proportion which the burden of carrying out the repairs for which the landlord is deemed to be responsible bears to the burden of carrying out all the repairs required for securing that the dwelling-house is in good repair, together with any other repairs which either the landlord or the tenant is under an express liability to carry out.
- (3) Where neither the landlord nor the tenant is under an express liability to carry out internal decorative repairs, then if not later than the service as respects the dwelling-house of a notice of increase under section twenty-five of this Act the landlord serves on the tenant a notice in the prescribed form electing that this subsection shall apply to the dwelling-house—
 - (a) the amount of any repairs increase recoverable by the landlord in respect of the dwelling-house shall be reduced by one-third;
 - (b) the value of work required by the Second Schedule to this Act shall be reduced in like manner;
 - (c) in determining for the purposes of this Part of this Act whether the dwelling-house is or was at any time in good repair, the state of internal decorative repair of the dwelling-house and any other premises shall be disregarded unless it is or was at the time in question such as to make the dwelling-house not reasonably suitable for occupation.
- (4) Any form prescribed for the purposes of the last foregoing subsection may contain such information as appears to the Minister expedient for informing the tenant of the effect of the notice.

31 Supplementary provisions as to repair

- (1) For the purposes of this Part of this Act there shall be disregarded, in determining whether a dwelling-house is in good repair, any defect due to any act, neglect or default by the tenant or any person claiming under him or to any breach by the tenant or such a person of an express agreement:

Provided that this subsection shall not have effect in determining under subsection (1) or (4) of section twenty-six of this Act whether a certificate should be granted or revoked.

- (2) Subject to subsection (3) of the last foregoing section and to the last foregoing subsection, for the purposes aforesaid a dwelling-house which is a part only of a building shall not be treated as in good repair unless any entrance, staircase or other part of the building which a tenant of the dwelling-house requires to use in connection with his occupation of the dwelling-house is also in good repair.

32 Apportionments by county court to be conclusive

A determination of the county court under subsection (5) of section twenty-three of this Act, under subsection (2) of section twenty-eight thereof or under subsection (3) of section forty-nine thereof shall be final and conclusive.

Other amendments of Rent Acts

33 Exclusion from Rent Acts of lettings by local authorities, development corporations, and housing associations and trusts

- (1) A tenancy where—
- (a) the interest of the landlord belongs to the council of a county, county borough, county district or metropolitan borough or the Common Council of the City of London ; or
 - (b) the said interest belongs to a development corporation established under the New Towns Act, 1946; or
 - (c) the said interest belongs to any housing association (as defined by the Housing Act, 1936) and the condition specified in the next following subsection is fulfilled; or
 - (d) the said interest belongs to any housing trust which is subject to the jurisdiction of the Charity Commissioners,

shall not be a controlled tenancy, and shall not for the purposes of subsection (3) of section fifteen of the Act of 1920 (which protects a sub-tenant where an interest of a mesne tenant comes to an end) be deemed to be the interest of a tenant of a dwelling-house to which the Act of 1920 applies:

Provided that where a tenancy was a controlled tenancy immediately before the commencement of this Act, and the interest of the landlord then belonged to such a council, corporation, association or trust as aforesaid, the foregoing provisions of this subsection shall not have effect as respects that tenancy before the expiration of six months from the commencement of this Act.

- (2) The condition mentioned in paragraph (c) of the last foregoing subsection is that either—
- (a) the premises comprised in the tenancy were provided by the housing association in pursuance of an arrangement under section ninety-four of the Housing Act, 1936, section twenty-seven of the Housing Act, 1935, or section twenty-nine of the Housing Act, 1930, or with the assistance of a local authority under section two of the Housing, &c. Act, 1923 ; or
 - (b) the housing association is registered under the Industrial and Provident Societies Act, 1893, and the provision of the premises comprised in the tenancy forms part of the purposes for which its business is mainly conducted.

- (3) Without prejudice to the provisions of subsection (1) of this section, after the expiration of six months from the commencement of this Act a person shall not by virtue of the Rent Acts be entitled, against any such council, corporation or trust as aforesaid or, if the condition specified in the last foregoing subsection is fulfilled, any such association as aforesaid, to retain possession as a statutory tenant.
- (4) Section sixteen of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951 (which confers on a service man during his period of service with the armed forces security of tenure in respect of a rented family residence in respect of which he would otherwise have no statutory protection) shall have effect with the substitution, for paragraph (b) of subsection (2) thereof, of the following paragraph:—
- “(b) that the reversion immediately expectant on the tenancy qualifying for protection belongs to such a council, corporation, association or trust as is mentioned in subsection (1) of section thirty-three of the Housing Repairs and Rents Act, 1954, and, where it belongs to such an association, that the condition specified in subsection (2) of that section is fulfilled”.
- (5) Where, at a time when the application of the Act of 1920 to a tenancy (hereinafter referred to as " the superior tenancy ") of any premises is excluded by reason only of subsection (1) of this section, a sub-tenancy is created of those premises or any part thereof, then in ascertaining, in relation to the sub-tenancy, what rent is recoverable from the sub-tenant, the Rent Acts and the Act of 1949 shall apply as if the superior tenancy were a controlled tenancy and neither the premises nor any part thereof had ever been let before the beginning of the superior tenancy.
- (6) Paragraph (c) of subsection (2) of section three of the Act of 1939 (which excludes from the Rent Acts certain dwelling-houses belonging to local authorities) shall cease to have effect; and—
- (a) where any order or judgment has been made or given by a court before the commencement of this Act, but has not been executed, and in the opinion of the court the order or judgment would not have been made or given if this section had been in operation at the time when the order or judgment was made or given, the court may upon application by the tenant rescind or vary the order or judgment in such manner as the court thinks fit for the purposes of giving effect to this section;
- (b) in relation to a tenancy not falling within subsection (1) of this section, being a tenancy to which the Act of 1920 applies as from the commencement of this Act by virtue of the repeal of the said paragraph (c), the Rent Acts shall apply subject to the modifications set out in the Fourth Schedule to this Act.
- (7) Subsection (3) of section three of the Housing Act, 1952 (which provides for the imposition by local authorities of conditions as to rent and other matters on the sale by them of houses) shall not apply to the sale of a house to any such council, corporation, association or trust as is mentioned in subsection (1) of this section.
- (8) Where it appears to the Minister that the terms of any arrangements entered into before the commencement of this Act under section ninety-four of the Housing Act, 1936, or entered into under section twenty-seven of the Housing Act, 1935, or section twenty-nine of the Housing Act, 1930, should be varied in consequence of the foregoing provisions of this section, the Minister may approve any variation of those terms agreed between the local authority and housing association who are parties to the arrangements or, if no agreement has been reached between the parties at the expiration

of three months after the commencement of this Act, may on the application of either party determine that the arrangements shall have effect subject to such variation as he may specify.

- (9) In this section the expression " housing trust" means a housing trust as defined by the Housing Act, 1936, or a corporation or body of persons which, being required by the terms of its constituent instrument to devote the whole or substantially the whole of its funds to charitable purposes, would be a housing trust as so defined if the purposes to which it is so required to devote its funds were restricted to those to which it in fact devotes the whole or substantially the whole thereof.

34 Provisions taking effect on cesser of exemption under foregoing section

- (1) The following provisions of this section shall apply to cases where—
- (a) by virtue of the provisions of subsection (1) of the last foregoing section the operation of the Rent Acts is excluded as respects a tenancy of any premises as respects which the interest in reversion immediately expectant on the termination of the tenancy belongs to an exempted authority ;
 - (b) that interest ceases to belong to an exempted authority otherwise than on such a sale as is mentioned in subsection (3) of section three of the Housing Act, 1952; and
 - (c) at the time when it ceases to belong to such an authority there is no controlled tenancy or statutory tenancy subsisting in the whole of the premises.
- (2) If an application is made to the local authority (whether before or after the interest ceases to belong to an exempted authority) to fix the standard rent for the said premises, —
- (a) the local authority shall determine what rent is reasonable for the premises on a letting thereof on such terms and conditions, if any, other than terms and conditions fixing the amount of rent, as may be specified in the application ; and
 - (b) as from the date of the application or the date on which the said interest ceases to belong to an exempted authority, whichever is the later, the Rent Acts shall apply to the premises as if the standard rent thereof had been fixed by a letting from the date of the application at the rent so determined and on any terms or conditions specified as aforesaid, but on no other terms or conditions.
- (3) An application under this section may be made by any person having an interest in the premises to which the application relates or any part of those premises, or any person who satisfies the local authority that he proposes to acquire such an interest:

Provided that where an application under this section is made by a person who has not acquired such an interest at the time of the application, then notwithstanding anything in paragraph (b) of the last foregoing subsection any determination of the local authority made on the application shall not have effect unless and until the said person acquires such an interest.

- (4) As from the time at which the interest mentioned in subsection (1) of this section ceases to belong to an exempted authority, the Rent Acts shall, subject to the foregoing provisions of this section, have effect in relation to the premises as they have effect in relation to a dwelling-house to which they were applied by the Act of 1939.
- (5) Nothing in paragraph (b) of subsection (2) of this section, or in the last foregoing subsection, shall affect any sub-tenancy of a part of the premises which was subsisting

before the said interest ceased to belong to an exempted authority, or any statutory tenancy arising on the coming to an end of any such sub-tenancy.

- (6) In this section the expression " exempted authority " means any such council, corporation, association or trust as is mentioned in subsection (1) of the last foregoing section.

35 Exclusion from Rent Acts of houses converted or erected after commencement of Act

- (1) The Act of 1920 shall not apply to a dwelling-house which consists, and consists only, of premises falling within either of the following paragraphs, that is to say,—
- (a) separate and self-contained premises produced by conversion, after the commencement of this Act, of other premises, with or without the addition of premises erected after the commencement of this Act;
 - (b) premises erected after the commencement of this Act:

Provided that this subsection shall not have effect where the premises consist of a dwelling provided by works in respect of which a grant has become payable under the Housing Act, 1949.

- (2) For the purposes of this section premises shall be treated as converted or erected after the commencement of this Act if the conversion or erection was completed thereafter, notwithstanding that it may have been begun before the commencement of this Act.
- (3) Section sixteen of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, shall have effect with the addition, after paragraph (b) of subsection (2) thereof, of the following paragraph:—
- “(bb) that those premises are excluded from the operation of the Rent Act of 1920 by section thirty-five of the Housing Repairs and Rents Act, 1954.”

36 Amendments of s. 1 of Act of 1949

- (1) In section one of the Act of 1949 (which empowers the tribunal to determine the reasonable rent of a dwelling-house on the application of the landlord or the tenant, and provides that if the reasonable rent, or the reasonable rent less permitted increases, is less than the standard rent it shall become the standard rent) for the words " is less than " in subsection (2) and in subsection (3) there shall be substituted the words " differs from ".
- (2) The last foregoing subsection shall apply in relation to a determination whether it was made before or after the commencement of this Act:

Provided that notwithstanding anything in subsections (2) and (3) of the said section one—

- (a) an increase of standard rent effected by a determination made before the commencement of this Act shall not come into operation until a date specified in a notice of increase in the prescribed form served by the landlord on the tenant; and
- (b) that date shall not be earlier than four clear weeks after the service of the notice.

- (3) Without prejudice to the provisions of section four of the Act of 1949 (which among other things provides for the variation of apportionments made before the making of a determination under section one of that Act) where a determination made as respects any dwelling-house before the commencement of this Act has effect by virtue of the foregoing provisions of this section, any apportionment which is necessary for determining the standard rent of a dwelling-house comprised in the first-mentioned dwelling-house, being an apportionment made before the coming into operation of the increase of rent effected by the determination, may be varied so as to accord with the determination:

Provided that nothing in this subsection shall affect rent in respect of any period before the said increase comes into operation.

- (4) Paragraph (a) of subsection (7) of section one of the Act of 1949 (which excludes from the jurisdiction of the tribunal under that section cases where the dwelling-house is under the management of a housing association or development corporation) shall cease to have effect.
- (5) No application shall be made to the tribunal under section one of the Act of 1949 as respects any dwelling-house—
- (a) for which (whether before or after the commencement of this Act) a maximum rent has been fixed under section twenty-two of the Housing Act, 1949, or
 - (b) as respects which under section three of the Housing Act, 1952, a condition has been imposed (whether before or after the commencement of this Act) limiting the rent at which it may be let, or
 - (c) an interest in which has ceased to belong to an exempted authority as mentioned in paragraph (b) of subsection (1) of section thirty-four of this Act, and has so ceased in the circumstances mentioned in paragraph (c) of that subsection,

and paragraph (b) of subsection (7) of the said section one (which excludes from the jurisdiction of the said tribunal cases where a limitation of rent is in force under any enactment) is hereby repealed.

37 Application of Rent Acts to dwellings provided or improved with assistance under Part II of Housing Act, 1949

- (1) Subject to the provisions of this section the duty of the local authority, under section twenty-two of the Housing Act, 1949, where application is made for a grant under that Act to fix a maximum rent for dwellings provided or improved by works in respect of which such a grant will be payable shall as respects applications approved after the commencement of this Act extend to every dwelling so provided or improved which is, or on a letting thereof would become, a dwelling-house to which the Act of 1920 applies.
- (2) Where on an application approved after the commencement of this Act the local authority fix a maximum rent under the said section twenty-two as respects any such dwelling as aforesaid, then as from the date specified in the next following subsection or the date on which the Rent Acts become applicable to the dwelling in question, whichever is the later,—
- (a) those Acts shall apply to the dwelling as if the standard rent thereof had been fixed by a letting from the date specified in the next following subsection at a

rent equal to the maximum so fixed and on any terms or conditions specified in the application, but on no other terms or conditions; and

- (b) without prejudice to the generality of the last foregoing paragraph paragraphs (c) and (d) of subsection (1) of section two of the Act of 1920 (which permit increases of fifteen and twenty-five per cent. respectively of the net rent) shall not apply.

- (3) The date hereinbefore referred to is the date on which the local authority certify that the improvement works to which the application in question related have been completed to their satisfaction:

Provided that no increase of rent shall be recoverable by virtue of the last foregoing subsection until, or in respect of any period prior to, the expiry of one clear week after the landlord has served on the tenant a notice in the prescribed form stating the amount of the standard rent fixed by the local authority and that the local authority have certified as aforesaid, but subject as aforesaid any such increase shall be recoverable notwithstanding anything in the terms of the tenancy or statutory tenancy or any enactment.

- (4) The said section twenty-two shall not apply where before the approval of the application for a grant the tribunal under section one of the Act of 1949 has determined what is a reasonable rent for the dwelling.
- (5) Paragraph (c) of subsection (1) of section twenty-three of the Housing Act, 1949 (which contains provisions for limiting rents) shall not apply to a controlled tenancy ; and the condition required to be observed by paragraph (b) of that subsection (which makes it a condition of any letting that the dwelling shall, subject to certain exceptions, be let or kept available for letting at a rent not exceeding the maximum rent payable under the said paragraph (c)) shall be deemed to be observed so long as the dwelling is let on a controlled tenancy or kept available for being so let.
- (6) Where the standard rent of a dwelling is ascertained in accordance with subsection (2) of this section, and the standard rent of any part thereof falls to be ascertained by apportionment, it shall be ascertained by apportionment of the standard rent of the dwelling notwithstanding that the dwelling forms part of other premises which have previously been let.
- (7) The proviso to paragraph (a) of subsection (1) of section two of the Act of 1920 (under which a permitted increase of rent in respect of an improvement may be suspended or reduced on the ground of unnecessary expenditure) shall not apply to any increase authorised by that paragraph in respect of so much of the approved expense of executing works in respect of which an improvement grant is made under section twenty of the Housing Act, 1949 (or, as the case may be, of the approved proportion of that expense) as falls to be borne by the applicant for the improvement grant.

38 Exemption from s. 2 (2) of Act of 1949 for long leases

- (1) Subsection (2) of section two of the Act of 1949 shall not prevent the requiring of a premium as a condition of the assignment of a tenancy granted for a term of years certain exceeding twenty-one years.
- (2) Where on the coming to an end of a tenancy the person who was tenant thereunder immediately before the coming to an end thereof becomes (whether by grant or by implication of law) tenant of the whole or any part of the property comprised therein under another tenancy, then if the first tenancy was, or is deemed by virtue of this

subsection to have been, granted for a term of years certain exceeding twenty-one years the second tenancy shall be deemed for the purposes of this section to be a tenancy granted for such a term.

39 Payments for outgoings, improvements or goodwill on grant or assignment of controlled tenancies

- (1) Where a premium was paid on the grant, continuance, renewal or assignment of a tenancy, then—
- (a) if the premium consisted only of any such outgoings, sum or amount as are specified in subsection (4) of section two of the Act of 1949 (which allows an assignor to charge an assignee the outgoings properly payable by the assignee, the cost of reasonable expenditure on alterations and improvements, or a reasonable amount for goodwill), it shall be treated for the purposes of Part II of the First Schedule to the Act of 1949 as not having been paid ;
 - (b) if the premium included any such outgoings, sum or amount as aforesaid, it shall be treated for the said purposes as if only the residue thereof had been paid.
- (2) A person shall not be guilty of an offence under section two of the Act of 1949 by reason only of the foregoing provisions of this section, or by reason only that—
- (a) any payment of outgoings required by him on an assignment was a payment of outgoings referable to a period before the assignment took effect; or
 - (b) any expenditure incurred by him in carrying out structural alterations of a dwelling-house, or in providing or improving fixtures therein, being expenditure in respect of which he required the payment of any sum on the assignment of a tenancy of the dwelling-house, was not reasonably incurred; or
 - (c) any amount paid by him as mentioned in paragraph (c) of subsection (4) of section two of the Act of 1949 was not a reasonable amount; or
 - (d) any amount required by him to be paid on an assignment in respect of goodwill was not a reasonable amount,
- but nothing in this subsection shall prejudice any right of recovery under subsection (5) of the said section two.

40 Increase for rise in cost of services provided under pre-1939 lettings

- (1) The following provisions of this section shall have effect where a dwelling-house is let under a controlled tenancy or is occupied by a statutory tenant, and—
- (a) the standard rent of the dwelling-house is the rent at which it was let on a letting beginning on or before the first day of September, nineteen hundred and thirty-nine, or an amount ascertainable by apportionment of a rent at which a property comprising the dwelling-house was let on such a letting as aforesaid (whether such an apportionment has been made or not), and
 - (b) services for the tenant are under the terms and conditions of the letting to be provided, or are provided, by the landlord.
- (2) If—
- (a) by an agreement in writing relating to the services mentioned in paragraph (b) of the last foregoing subsection and made after the commencement of this Act between the landlord and the tenant or a former tenant of the dwelling-house

it has been agreed that the landlord shall be entitled to an increase of rent, of an amount specified in the agreement, in respect of any rise, over the period beginning with the third day of September, nineteen hundred and thirty-nine and ending with the commencement of this Act, in the cost of the provision of the services, or

- (b) on an application by the landlord the tribunal constituted under the Act of 1946 for the district in which the dwelling-house is situated has at any time after the commencement of this Act determined as respects the said services that in all the circumstances it is just that the landlord should be entitled to an increase of rent, of an amount specified in the determination, in respect of any such rise as aforesaid,

the landlord shall be entitled to recover the amount of the increase agreed or determined as aforesaid notwithstanding anything in the terms of the tenancy or statutory tenancy or any enactment, subject, however, to the provisions of the next following subsection.

- (3) Where any such agreement or determination as is mentioned in the last foregoing subsection has been made in respect of services which the landlord is not under the terms and conditions of the letting liable to provide, any withholding or restoration of those services (whether in whole or in part) shall be treated for the purposes of subsection (3) of section two of the Act of 1920 (which relates to the effect on recoverable rent of the transfer of burdens and liabilities between landlord and tenant) as a transfer from the landlord or the tenant, as the case may be, of a burden previously borne by him.
- (4) Any increase under this section recoverable by virtue of an agreement shall run from such date as may be specified in the agreement; and any increase thereunder recoverable by virtue of a determination of the tribunal shall run from the date of the determination.
- (5) Before determining any application under paragraph (b) of subsection (2) of this section the tribunal shall make such inquiries (if any) as they think fit and shall give the landlord and the tenant an opportunity of being heard or, at the option of the party, of submitting representations in writing.

41 Protection of sub-tenants of parts of premises

Where a dwelling-house to which the Act of 1920 applies (hereinafter referred to as "the sub-let part") forms part of premises, not being such a dwelling-house, which have been let as a whole on a superior letting, then from the coming to an end of the superior letting the operation of the Rent Acts in relation to the sub-let part shall be the same as if in lieu of the superior letting there had been separate lettings of the sub-let part and the remainder of the premises, for the like purposes as under the superior letting, and at rents equal to the just proportion of the rent under the superior letting.

42 Amendment of meaning of expression "tenant" in Act of 1920

- (1) The rights conferred on a member of a deceased tenant's family by, and in the circumstances stated in, paragraph (g) of subsection (1) of section twelve of the Act of 1920 shall extend to such a member, if the tenant left a widow not residing with him at the time of his death.

- (2) In accordance with the last foregoing subsection, the said paragraph (g) (which declares the expression "tenant" to include in certain circumstances the widow of a tenant or a member of the tenant's family) shall be amended by inserting after the word "no" the word "such."

43 Possession without alternative accommodation not to be ordered on production of agricultural certificate

Sub-paragraph (ii) of paragraph (g) of the First Schedule to the Act of 1933 (under which the court has power to give the landlord possession of a dwelling-house, without alternative accommodation being provided, where the landlord requires the house for an agricultural worker) shall cease to have effect.

44 Date for permitted increases for increases in rates

- (1) Subsection (2) of section three of the Act of 1920 (which relates to the time as from which permitted increases of rent are recoverable from a tenant) shall have effect, in relation to increases permitted by paragraph (b) of subsection (1) of section two of the Act of 1920 (which provides for increases of rent in respect of increases in the amounts payable by the landlord for rates), subject to the following provisions:—
- (a) any such permitted increase shall be recoverable from, and in respect of the period beginning with, the day specified in the next following subsection ;
 - (b) where at the time when the notice of increase is served he tenant is a statutory tenant, the amount of any such permitted increase may include an amount in respect of a period immediately preceding that mentioned in the last foregoing paragraph and beginning not earlier than six weeks before the date of service of the notice of increase nor earlier than the beginning of the statutory tenancy, and any amount so included shall be deemed to be rent due on the day specified in the next following subsection.
- (2) The day referred to in the last foregoing subsection—
- (a) where at the time of service of the notice of increase the tenant is a statutory tenant, is the next day after the service of the notice on which an instalment of rent is payable under the terms of the statutory tenancy,
 - (b) in any other case, is the day after the date on which by virtue of subsection (1) of section one of the Rent Restrictions (Notices of Increase) Act, 1923, the notice of increase operates to terminate the tenancy.
- (3) Where under any tenancy the amount of any such permitted increase for rates as is mentioned in subsection (1) of this section is recoverable without a notice to terminate the tenancy being necessary in order to make the increase effective, the foregoing provisions of this section shall apply as they apply where at the time when the notice of increase is served the tenant is a statutory tenant, but with the substitution of references to the tenancy for references to the statutory tenancy.
- (4) In this section the expression "notice of increase" means the notice of intention to increase rent served in conformity with subsection (2) of section three of the Act of 1920.
- (5) In accordance with the foregoing provisions of this section the said subsection (2) shall be amended as follows:—

- (a) after the words " no such increase shall " there shall be inserted the words " save as provided by section forty-four of the Housing Repairs and Rents Act, 1954 ";
 - (b) the words " or, where such increase is on account of an increase in rates, one clear week " shall cease to have effect.
- (6) Where for any period for which a rate is demanded (hereinafter referred to as " the rating period ") the amount of the rate is increased, and by virtue of paragraph (b) of subsection (1) of this section the amount of any consequent permitted increase for rates includes an amount in respect of a period preceding that mentioned in paragraph (a) of that subsection, paragraph (d) of subsection (1) of section twelve of the Act of 1920 (which provides that any increase in rates payable by a landlord shall be deemed to be payable by him until the rate is next demanded) shall not so extend the period for which the increase is recoverable as to make it longer than the rating period.

45 Modification of Rent Acts and Act of 1946 as to accommodation registered under Defence Regulation 68 CB

- (1) In determining for the purposes of the Rent Acts the standard rent of any dwelling-house, no account shall be taken of any letting of accommodation which at the material time was registered for the purposes of Regulation 68CB of the Defence (General) Regulations, 1939, and was let in accordance with terms and conditions so registered; and if that regulation is revoked, any such accommodation which is let as aforesaid immediately before the revocation shall not, as respects that letting, be treated as a dwelling-house to which those Acts apply,
- (2) For the purposes of subsection (4) of section twelve of the Act of 1946 (which provides that that Act shall not apply to accommodation registered for the purposes of the said regulation 68CB which is let in accordance with the terms and conditions so registered) accommodation shall be treated as let as aforesaid, notwithstanding the revocation of that regulation, so long as any letting continues under which the accommodation was let as aforesaid immediately before the revocation.

46 Service of notices on prospective tenants

- (1) Any notice of increase for the purposes of this Part of this Act and any notice under subsection (3) of section thirty of this Act, being a notice which apart from this section would be required to be served on a tenant of any premises, may be served on a prospective tenant of the premises, and references in this Part of this Act and the Second Schedule thereto to the landlord or the tenant shall be construed accordingly:
- Provided that if the prospective tenant does not become tenant of the premises the notice shall have no effect.
- (2) Subsection (2) of section twenty-five of this Act and paragraph (b) of the proviso to subsection (2) of section thirty-six thereof shall not have effect in the case of notices of increase served by virtue of this section.
- (3) The power conferred by this Part of this Act to prescribe the form of notices shall include power to prescribe different forms according as a notice is to be served on a tenant or a prospective tenant.

47 General provisions as to service of notices

- (1) Any notice for the purposes of this Part of this Act, and any copy of a certificate of the local authority under section twenty-six thereof, may be served by post.
- (2) So much of subsection (5) of section seven of the Act of 1938 as enables documents to be served on agents or persons receiving rent shall apply for the purposes of this Part of this Act as if references therein to the principal Acts included references to this Part of this Act.

48 Procedure of county court and tribunal

- (1) Subsection (1) of section seventeen of the Act of 1920 (which empowers the Lord Chancellor to make rules and give directions for the purpose of giving effect to that Act) shall apply in relation to this Part of this Act as it applies in relation to that Act.
- (2) The power of the Minister under section eight of the Act of 1946 to make regulations with regard to proceedings before tribunals under that Act shall include power to make regulations with regard to such proceedings under this Act.

49 Interpretation of Part II

- (1) In this Part of this Act (including the Second and Fourth Schedules thereto) the following expressions have the meanings hereby assigned to them respectively, that is to say:—
 - " Act of 1920 " means the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920;
 - " Act of 1923 " means the Rent and Mortgage Interest Restrictions Act, 1923 ;
 - " Act of 1933 " means the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933 ;
 - " Act of 1938 " means the Increase of Rent and Mortgage Interest (Restrictions) Act, 1938 ;
 - " Act of 1939 " means the Rent and Mortgage Interest Restrictions Act, 1939;
 - " Act of 1946 " means the Furnished Houses (Rent Control) Act, 1946;
 - " Act of 1949 " means the Landlord and Tenant (Rent Control) Act, 1949;
 - " controlled tenancy " means a tenancy to which the Act of 1920 applies ;
 - " dwelling-house " means the aggregate of the land comprised in a controlled tenancy or prospective controlled tenancy, or the aggregate of the land of which a tenant retains possession as statutory tenant;
 - " good repair ", in relation to any premises, means that having regard to the age, character and locality of the premises they are in good repair both as respects structure and as respects decoration ;
 - " landlord ", " tenant " and " tenancy " have the same meanings respectively as in the Act of 1920 ;
 - " local authority ", in relation to any premises, means the council of the county borough, county district or metropolitan borough in which the premises are situated or, if the premises are situated in the City of London, the Common Council of the City of London ;

" mortgage " includes any lien or charge, and the expression " mortgagee " shall be construed accordingly ;

" premium " includes any fine or like sum or any other pecuniary consideration in addition to rent;

" prescribed " means prescribed by regulations made by the Minister;

" the Rent Acts " means the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939 ;

" repair " includes maintenance, but does not include improvement or structural alteration or the provision of additional or improved fixtures or fittings, and " repairs " shall be construed accordingly ;

" repairs increase " has the meaning assigned to it by subsection (2) of section twenty-three of this Act;

" statutory repairs deduction " has the meaning assigned to it by subsection (4) of section twenty-three of this Act;

" statutory tenant " means a tenant (as defined in paragraph (g) of subsection (1) of section twelve of the Act of 1920) who retains possession by virtue of the Rent Acts and not as being entitled to a tenancy, and " statutory tenancy " shall be construed accordingly ;

" tenant ", in relation to a landlord, and " sub-tenant ", in relation to a tenant, mean respectively immediate tenant and immediate sub-tenant.

- (2) In the application of this Part of this Act to the Isles of Scilly, for the references to the council of a county district there shall be substituted references to the Council of the said Isles.
- (3) References in this Part of this Act to the gross value of a dwelling-house shall be construed as follows:—
- (a) where on the appropriate day a value was shown with respect to that dwelling-house in the valuation list then in force, the gross value shall be taken to be the value shown on that day in that list as the gross value of the dwelling-house;
 - (b) where on the appropriate day the value of any hereditament comprising the dwelling-house was shown in the valuation list then in force, the gross value of the dwelling-house shall be taken to be the just proportion of the value shown on that day in that list as the gross value of the said hereditament;

and for the purposes of this subsection the just proportion of any value shall be determined by agreement in writing between the landlord and the tenant or, on the application of either of them, by the county court in like manner as that court apportions rateable values under subsection (3) of section twelve of the Act of 1920.

In this subsection the expression " the appropriate day " means—

- (i) the day of the commencement of this Act, if on that day a value was shown in the valuation list then in force as the gross value of the dwelling-house or of any hereditament comprising the dwelling-house;
- (ii) in any other case, the first day after the commencement of this Act on which a value was shown in the valuation list in force on that day as the gross value of the dwelling-house or any such hereditament as aforesaid.

PART III

MISCELLANEOUS AND GENERAL PROVISIONS

50 Exclusion of statutory tenants from receipt of certain notices

- (1) For the purposes of head (b) of sub-paragraph (1) of paragraph 3 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946 (which provides for the service of notice of a compulsory purchase order on every owner, lessee or occupier of the land except tenants for a month or less) and of any corresponding enactment regulating the service of notices in connection with the compulsory purchase of land (including any such enactment contained in a local Act), an occupier being a statutory tenant within the meaning of Part II of this Act shall be deemed to be a tenant for a period less than a month.
- (2) The foregoing subsection shall apply in relation to the following enactments, that is to say:—
 - (a) paragraph (b) of subsection (3) of section thirty-five of the Housing Act, 1936 (which relates to redevelopment plans);
 - (b) sub-paragraph (b) of paragraph 3 of the Third Schedule to that Act (which relates to clearance orders);
 - (c) sub-paragraph (b) of paragraph 3 of the First Schedule to the National Parks and Access to the Countryside Act, 1949 (which relates to orders designating national parks and other orders under that Act);
 - (d) any local enactment regulating the service of notices in respect of the proposed exercise of any powers in relation to land,as it applies in relation to the enactments therein referred to.

51 Application of Statutory Instruments Act

Any power of the Minister to make regulations or orders under this Act shall be exercisable by statutory instrument.

52 Interpretation

- (1) In this Act " the Minister " means the Minister of Housing and Local Government.
- (2) Any reference in this Act to any enactment is a reference thereto as amended, extended or applied by any subsequent enactment including any local enactment and including, unless the context otherwise requires, this Act.

53 Financial provisions

There shall be defrayed out of moneys provided by Parliament any increase attributable to this Act in the sums payable out of such moneys under section one hundred and seventy-three of the Housing Act, 1936, paragraph 5 of the Schedule to the Furnished Houses (Rent Control) Act, 1946, section fifteen, nineteen or twenty-five of the Housing Act, 1949, or Part I of the Local Government Act, 1948.

54 Short title, commencement, extent and repeals

- (1) This Act may be cited as the Housing Repairs and Rents Act, 1954.

Status: This is the original version (as it was originally enacted).

- (2) This Act shall come into operation on the expiration of the period of one month beginning with the date on which it is passed.
- (3) This Act shall not extend to Scotland or Northern Ireland.
- (4) The enactments and regulations mentioned in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that this subsection has effect subject to subsection (7) of section six of this Act and to subsection (2) of section twenty-seven thereof.

SCHEDULES

FIRST SCHEDULE

Sections 14, 22.

MODIFICATIONS OF PROCEDURE FOR OBTAINING CLEARANCE ORDERS AND CERTAIN COMPULSORY PURCHASE ORDERS

- 1 (1) A notice relating to—
- (a) a compulsory purchase of land in or surrounded by or adjoining a clearance area under Part III of the principal Act, or
 - (b) a clearance order under the said Part III, or
 - (c) a compulsory purchase of land under section three of this Act or section sixteen of the principal Act,
- which by sub-paragraph (b) of paragraph 3 of the First Schedule to the principal Act, or sub-paragraph (b) of paragraph 3 of the Third Schedule to that Act, or paragraph (b) of sub-paragraph (1) of paragraph 3 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, is to be served on an owner, lessee or occupier may be served in accordance with sub-paragraph (2) of this paragraph.
- (2) The notice may be served on an owner, lessee or occupier of land by addressing it to him by the description of "owner" or "lessee" or "occupier" of the land (describing it) to which it relates and by delivering it to some person on the premises or, if there is no person on the premises to whom it may be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.
- (3) The provisions of this paragraph shall be without prejudice to the power to serve a notice in accordance with section one hundred and sixty-seven of the principal Act or paragraph 19 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946.
- 2 (1) Where the Minister would apart from this paragraph be required to hold a public local inquiry relating to—
- (a) a compulsory purchase of land in or surrounded by or adjoining a clearance area under Part III of the principal Act, or
 - (b) a clearance order under the said Part III,
- in pursuance of paragraph 4 of the First Schedule or, as the case may be, of paragraph 5 of the Third Schedule to that Act, he may instead afford to any person by whom any objection has been duly made under the said First Schedule or the said Third Schedule, and who has not withdrawn his objection an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose, and shall consider the report of that person before deciding whether to confirm the order to which the objection relates.
- (2) Section forty-one of the principal Act (which affords an objector to such an order as aforesaid the right to certain information) shall apply in relation to a hearing under this paragraph as it applies in relation to a public local inquiry.

- 3 The shortest permissible notice required to be given under section one hundred and forty-five of the principal Act (which enables a local authority to obtain possession of land after notice to treat and before completion of the purchase) shall be fourteen days instead of twenty-eight days.

SECOND SCHEDULE

Sections 23, 25, 30, 46.

PROOF OF PAST REPAIRS BY LANDLORD

- 1 Subject to the provisions of the next following paragraph, the declaration mentioned in paragraph (b) of subsection (1) of section twenty-five of this Act is a declaration that during such period of twelve months as may be specified in the declaration, being a period falling within the fourteen months ending with the date of service of the notice of increase accompanying the declaration (which date is hereinafter referred to as " the relevant date "), work of repair of a general description specified in the declaration has been carried out on the dwelling-house to a value not less than three times the amount of the statutory repairs deduction for the dwelling-house.
- 2 Where the relevant date falls within four months of the commencement of this Act, the declaration required by the said paragraph (b) to accompany a notice of increase may, in lieu of being such a declaration as is specified in the foregoing paragraph, be a declaration that during such period of three years as may be specified in the declaration, being a period falling within the four years ending with the relevant date, work of repair of a general description specified in the declaration has been carried out on the dwelling-house to a value not less than six times the amount of the statutory repairs deduction.
- 3 Where—
- (a) under the terms of the tenancy, if the dwelling-house was let at the relevant date, or,
 - (b) under the terms of the last subsisting tenancy, if the dwelling-house had been let before the relevant date but was not let at that date,
- the landlord is or was responsible in part only for the repair of the dwelling-house, the two foregoing paragraphs shall have effect respectively with the substitution for the values therein mentioned of those values proportionately reduced.
- 4 (1) Within twenty-eight days after the relevant date the tenant may apply to the county court to determine whether work of repair has been carried out on the dwelling-house during the period specified in the declaration to a value not less than that so specified and whether that value is at least the value required by the foregoing provisions of this Schedule ; and if on such an application the court is not satisfied that work of repair has been carried out as aforesaid and that the value specified in the declaration is at least the value required as aforesaid, the court shall certify accordingly and thereupon the notice of increase shall be, and be deemed always to have been, of no effect.
- (2) Where, on such an application as aforesaid, it is necessary for the court to determine the extent to which the landlord is or was responsible for the repair of the dwelling-house,—
- (a) section thirty-two of this Act shall apply to that determination, and
 - (b) notwithstanding anything in subsection (5) of section twenty-three of this Act, the determination shall have effect (so far as relevant) for the purposes of that section.

Status: This is the original version (as it was originally enacted).

- 5 Subject to the provisions of the last foregoing paragraph, the service with a notice of increase of such a declaration as is required by this Schedule shall be treated for the purposes of subsection (1) of section twenty-three of this Act as the production of satisfactory evidence that work has been carried out as mentioned in paragraph (b) of that subsection ; and subject as aforesaid the validity of a declaration shall not be questioned on the ground that the value of the work of repair stated in the declaration to have been carried out on the dwelling-house is less than that required by the foregoing provisions of this Schedule.
- 6 If in such a declaration any person makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular he shall be liable on summary conviction to a fine not exceeding thirty pounds.
- 7 (1) For the purposes of this Schedule work which enured solely for the benefit of the dwelling-house shall be treated as having been carried out on the dwelling-house notwithstanding that the site of the work was not comprised in the dwelling-house.
- (2) For the purposes of this Schedule work which enured for the benefit of the dwelling-house and also of other premises shall, whether the work was carried out on a site comprised in the dwelling-house or elsewhere, be treated as having been carried out on the dwelling-house to a value equal to such proportion of the value of the work as ought to be apportioned to the dwelling-house.
- (3) In the case of a building containing two or more dwelling-houses the landlord may elect that for the purposes of this Schedule the value of the work carried out on each of the dwelling-houses during any period shall be determined as follows:—
- (a) there shall be ascertained the aggregate value of all work of repair carried out during that period either on the building or so as to enure solely for the benefit of premises comprised in the building;
- (b) the value of the work of repair carried out during that period on any of the dwelling-houses comprised in the building shall be taken to be an amount which bears to the amount of the statutory repairs deduction for that dwelling-house the same proportion as the aggregate value mentioned in the last foregoing sub-paragraph bears to the aggregate of the amounts of the statutory repairs deductions for all the dwelling-houses comprised in the building.
- 8 For the purposes of this Schedule work shall be disregarded—
- (a) if or in so far as it was carried out by and at the cost of the tenant or any predecessor in title of his, or by and at the cost of any person claiming under the tenant or any predecessor in title of his ;
- (b) if or in so far as the cost thereof has been or will be reimbursed under Part I of the War Damage Act, 1943.

Status: This is the original version (as it was originally enacted).

THIRD SCHEDULE

Section 23.

GROSS VALUES AND STATUTORY REPAIRS DEDUCTIONS

PART I

DWELLING-HOUSES IN COUNTY OF LONDON

First column		Second column
Gross value		Statutory repairs deduction
Exceeding	Not exceeding	
£	£	£
1	3	1
3	6	2
6	8	3
8	11	4
11	13	5
13	16	6
16	21	7
21	25	8
25	29	9
29	33	10
33	37	11
37	42	12
42	47	13
47	52	14
52	57	15
57	62	16
62	67	17
67	72	18
72	77	19
77	82	20
82	87	21
87	92	22
92	97	23
97	—	24

Status: This is the original version (as it was originally enacted).

PART II

DWELLING-HOUSES OUTSIDE COUNTY OF LONDON

	First column Gross value		Second column Statutory repairs deduction
	Exceeding	Not exceeding	
£	£		£
1	3		1
3	6		2
6	8		3
8	11		4
11	13		5
13	16		6
16	29		7
29	33		8
33	37		9
37	52		10
52	57		11
57	62		12
62	67		13
67	72		14
72	77		15
77	82		16
82	87		17
87	92		18
92	97		19
97	102		20
102	108		21
108	114		22
114	120		23
120	—		24

FOURTH SCHEDULE

Section 33.

MODIFICATIONS OF RENT ACTS IN APPLICATION TO TENANCIES
PREVIOUSLY EXEMPTED UNDER S. 3 (2) (C) OF ACT OF 1939

- 1 In the provisions specified in the following Table there shall be substituted, for the references to the passing or the commencement of the Act of 1939, references to the following date, that is to say—
- (a) if on the eleventh day of November, nineteen hundred and fifty-three, the dwelling-house was let under such a tenancy as is mentioned in paragraph (b) of subsection (6) of section thirty-three of this Act, that date ;
 - (b) in any other case, the date before the commencement of this Act on which it was first so let.

TABLE

Act of 1920	Section 1. Section 2 (1) (a). Section 2 (1) (b). Section 7, proviso (i). Section 9 (1). Section 10. Section 12 (1) (a). Section 12 (1) (b).
Act of 1933.	Schedule 1, paragraph (h).

- 2 In the Act of 1920 the proviso to section one shall be omitted.
- 3 In subsection (4) of section four of the Act of 1933 for the reference to the commencement of the Act of 1939 there shall be substituted a reference to the commencement of this Act.
- 4 In section six of the Act of 1933 for the words from " at which the dwelling-house was let" to " the rent at which it was first let" there shall be substituted the words " at which the dwelling-house was let on the date specified in paragraph 1 of the Fourth Schedule to the Housing Repairs and Rents Act, 1954. "

FIFTH SCHEDULE

Section 54.

REPEALS

Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 5. c. 17.	The Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	In section two, subsections (2), (4) and (5); in section three, in subsection (2), the words from " or where such" to " one clear week ".

Status: This is the original version (as it was originally enacted).

Session and Chapter	Short Title	Extent of Repeal
13 & 14 Geo. 5. c. 32.	The Rent and Mortgage Interest Restrictions Act, 1923.	Section five: in section eighteen, subsection (1), in subsection (3) the words " of a sanitary authority or " and the words " authority or " (in each place in which the last-mentioned words occur), and subsections (4) and (5)
23 & 24 Geo. 5. c. 32.	The Rent and Mortgage Interest Restrictions (Amendment) Act, 1933.	Section twelve; in the First Schedule, in paragraph (g), the word " either ", the word " or " in the fourth place in Which it occurs, and sub-paragraph (ii).
26 Geo. 5. & 1 Edw. 8. c. 51.	The Housing Act, 1936.	<p>In section two, in subsection (1), the words "in all respects reasonably ".</p> <p>Sections six to eight.</p> <p>In section nine, in subsection (1), the words " in any respect".</p> <p>In section twenty-four, the words " subject to the provisions of section eight of this Act ".</p> <p>In section twenty-five, in paragraph (a) of subsection (1), the words " by reason of disrepair or sanitary defects ".</p> <p>In section thirty-three, paragraph (a) of the proviso.</p> <p>In section forty, in subsection (2), the words " by reason of disrepair or sanitary defects ".</p> <p>In section forty-two, in subsection (1), the words " notwithstanding its sanitary defects ".</p> <p>In section fifty-one, in subsection (1), the words " in all respects ".</p>

Status: This is the original version (as it was originally enacted).

Session and Chapter	Short Title	Extent of Repeal
		In section ninety-one, in subsection (2), the words "in all respects ".
		In section one hundred and seventy-five, paragraph (a) of subsection (1).
		In section one hundred and eighty-eight, in subsection (1), the definition of " sanitary defects ", and subsection (4).
		In the Third Schedule, in paragraph 2, the words " by reason of disrepair or sanitary defects ".
26 Geo. 5. & 1 Edw. 8. c. 50.	The Public Health (London) Act, 1936.	Section one hundred and fifty-five.
2 & 3 Geo. 6. c. 71.	The Rent and Mortgage Interest Restrictions Act, 1939.	In section three, paragraph (c) of subsection (2).
12, 13 & 14 Geo. 6. c. 40.	The Landlord and Tenant (Rent Control) Act. 1949.	In section one, subsection (7).
12, 13 & 14 Geo. 6. c. 60.	The Housing Act, 1949	Section ten. In section twenty, in subsection (4), the words from " nor more than six hundred pounds" to the end of the subsection. In section twenty-one, the proviso to subsection (1). In section twenty-three, in paragraph (d) of subsection (1), the words " in all respects ".
—	The Defence (General) Regulations, 1939.	Regulations 68A and 68AA.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Lands Clauses Consolidation Act, 1845	8 & 9 Vict. c. 18.
Public Health Act, 1875	38 & 39 Vict. c. 55.
Industrial and Provident Societies Act, 1893	56 & 57 Vict. c. 39.

Status: This is the original version (as it was originally enacted).

Short Title	Session and Chapter
Housing, Town Planning, &c. Act, 1919	9 & 10 Geo. 5. c. 35.
Increase of Rent and Mortgage Interest (Restrictions) Act, 1920	10 & 11 Geo. 5. c. 17.
Rent Restrictions (Notices of Increase) Act, 1923	13 & 14 Geo. 5. c. 13.
Housing &c. Act, 1923	13 & 14 Geo. 5. c. 24.
Rent and Mortgage Interest Restrictions Act, 1923	13 & 14 Geo. 5. c. 32.
Housing Act, 1925	15 & 16 Geo. 5. c. 14.
Housing Act, 1930	20 & 21 Geo. 5. c. 39.
Rent and Mortgage Interest Restrictions (Amendment) Act, 1933	23 & 24 Geo. 5. c. 32.
Housing Act, 1935	25 & 26 Geo. 5. c. 40.
Public Health (London) Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 50.
Housing Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 51.
Increase of Rent and Mortgage Interest (Restrictions) Act, 1938	1 & 2 Geo. 6. c. 26.
Rent and Mortgage Interest Restrictions Act, 1939	2 & 3 Geo. 6. c. 71.
War Damage Act, 1943	6 & 7 Geo. 6. c. 21.
Housing (Temporary Accommodation) Act, 1945	8 & 9 Geo. 6. c. 39.
Furnished Houses (Rent Control) Act, 1946	9 & 10 Geo. 6. c. 34.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6. c. 49.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Agricultural Wages Act, 1948	11 & 12 Geo. 6. c. 47.
Landlord and Tenant (Rent Control) Act, 1949	12, 13 & 14 Geo. 6. c. 40.
Housing Act, 1949	12, 13 & 14 Geo. 6. c. 60.
National Parks and Access to the Countryside Act, 1949	12, 13 & 14 Geo. 6. c. 97.
Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951	14 & 15 Geo. 6. c. 65.
Housing Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 53.
Local Government (Miscellaneous Provisions) Act, 1953	1 & 2 Eliz. 2. c. 26.