



# Housing Repairs and Rents Act 1954

## 1954 CHAPTER 53

### 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:

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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

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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.

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## **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

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- (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

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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

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- (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.

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*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



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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

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- 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:

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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.

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- (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.

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- (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 outgoing, 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 outgoing, 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 outgoing 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 ;

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- (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.

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- (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.

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#### **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.



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#### **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.

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- (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;

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" 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.