



Rent Act 1977

1977 CHAPTER 42

PART VIII

CONVERSION OF CONTROLLED TENANCIES INTO REGULATED TENANCIES

Dwelling-houses in good repair and provided with standard amenities

108 Conversion of controlled tenancies

- (1) This section shall have effect with respect to a controlled tenancy of a dwelling-house which is certified by the local authority, on the application of the landlord, to satisfy the following conditions:—
 - (a) that it is provided with all the standard amenities for the exclusive use of its occupants ;
 - (b) that it is in good repair, having regard to its age, character and locality and disregarding internal decorative repair; and
 - (c) that it is in all other respects fit for human habitation.
- (2) On the issue of the certificate the tenancy shall cease to be a controlled tenancy and, except in the case mentioned in subsection (3) below, shall become a regulated tenancy.
- (3) If the controlled tenancy is one to which Part II of the Landlord and Tenant Act 1954 would apply, apart from section 24(2) of this Act, or would so apply if the controlled tenancy were a tenancy within the meaning of the Act of 1954, it shall, when it ceases to be a controlled tenancy, be treated as a tenancy continuing by virtue of section 24 of the Act of 1954 after the expiry of a term of years certain.
- (4) The conditions mentioned in subsection (1) above are in this Part of this Act referred to as the " qualifying conditions " and a certificate issued in accordance with this section as a " qualification certificate ".

109 Application for qualification certificate

- (1) An application for a qualification certificate must state the name of the tenant under the controlled tenancy, and may be combined with an application for a grant under Part VII of the Housing Act 1974.
- (2) Before considering an application for a qualification certificate the local authority shall serve on the person named in the application as the tenant a copy of the application and, where subsection (3) below applies, the notice required by that subsection.
- (3) Subject to subsection (4) below and to section 110 of this Act, the local authority shall serve on the person so named a notice in the prescribed form—
 - (a) informing him that he may, within 28 days from the service of the notice or such other period as may be prescribed, make representations to the authority that the dwelling-house does not satisfy the qualifying conditions, and
 - (b) containing such other information or explanation of the effect of this Part of this Act as may be prescribed.
- (4) Subsection (3) above shall not apply where the local authority have approved an application for a grant under section 2(1) or 9(1) of the Housing Act 1969 or section 61(1) or 65(1) of the Housing Act 1974 in respect of a dwelling-house and the work specified in the application for the grant has been carried out.
- (5) Where, after considering any representations made in pursuance of subsection (3) above (where that subsection applies), the local authority are satisfied that the dwelling-house satisfies the qualifying conditions, they shall issue to the applicant a qualification certificate, but if they are not so satisfied they shall give notice to the applicant of their refusal of his application containing a written statement of their reasons for the refusal.
- (6) The local authority shall send a copy of the certificate or of the notice of refusal to the tenant.

110 Certificate of provisional approval

- (1) If an application for a qualification certificate is made at a time when the dwelling-house lacks one or more of the standard amenities, the application must state what works are required for the qualifying conditions to be satisfied, and must be accompanied by plans and specifications of those works.
- (2) Where the application contains such a statement, section 109(3) of this Act shall not apply.
- (3) If it appears to the local authority that the dwelling-house will satisfy the qualifying conditions when the works specified in the application have been carried out, the local authority shall approve the application provisionally and shall issue to the applicant a certificate of provisional approval, and send a copy thereof to the tenant.
- (4) Where the local authority decide not to issue a certificate of provisional approval, they shall give the applicant a written statement of their reasons for the refusal, and the application for a qualification certificate shall be dismissed,
- (5) When it is shown to the satisfaction of the local authority, after issue of a certificate of provisional approval—
 - (a) that the works specified in the relevant application have been carried out, and

(b) that the dwelling-house is then in the state in which it would be expected to be after the carrying out of the works,
they shall issue the qualification certificate applied for (but without prejudice to their power of issuing a qualification certificate where the qualifying conditions are satisfied although the specified works have not been carried out in whole or in part).

111 Certificate of fair rent

- (1) Where an application for a qualification certificate is, or is to be, made in respect of a dwelling-house which lacks one or more of the standard amenities, the applicant may apply for a certificate of fair rent. Schedule 12 to this Act shall have effect with respect to such an application.
- (2) The application shall be accompanied by plans and specifications of the works required for the qualifying conditions to be satisfied.
- (3) A certificate of fair rent issued on the application shall specify the rent which would be a fair rent under the regulated tenancy that might arise by virtue of section 108 of this Act if the works shown in the plans and specifications were carried out.
- (4) If the applicant for a qualification certificate has obtained a certificate of fair rent on an application under this section, and supplies to the local authority a copy of the certificate of fair rent, and—
 - (a) certifies to the local authority that the plans and specifications accompanying the application for the certificate of fair rent were the same as those which accompanied his application for a qualification certificate, or
 - (b) supplies to the local authority copies of the plans and specifications which accompanied his application for the certificate of fair rent,

the local authority shall, if they issue a qualification certificate, state that the landlord has complied with the provisions of this subsection as respects the certificate of fair rent, and shall also state whether the works specified in the plans and specifications accompanying the application for the certificate of fair rent have been carried out, and give particulars of any respect in which they have not been carried out.

112 Registration of rent

- (1) Where a controlled tenancy of a dwelling-house has become a regulated tenancy on the issue of a qualification certificate, an application for the first registration of a rent for the dwelling-house shall be accompanied by a copy of the qualification certificate.
- (2) Where a certificate of fair rent has been issued under this Part of this Act and an application for the first registration of a rent for the dwelling-house is made not later than 2 years after the issue of the certificate of fair rent, Part III of Schedule 11 to this Act shall have effect with respect to the application instead of Part II.

113 Appeal to county court

- (1) Within 28 days of the service on him under section 109(5) of this Act of a notice of refusal to grant a qualification certificate, or such longer period as the county court may allow, the applicant for a qualification certificate may appeal to the county court on the ground that the certificate ought to be issued; and on such an appeal the court may confirm the refusal, or order the local authority to issue the certificate.

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

- (2) Within 28 days of the service on him under section 109(6) of this Act of a copy of a qualification certificate, or such longer period as the county court may allow, the tenant may appeal to the county court on either or both of the following grounds:—
- (a) that the certificate ought not to have been issued ;
 - (b) that the certificate is invalid by reason of a failure to comply with any requirement of this Part of this Act or of some informality, defect or error ;
- and on any such appeal the court may confirm or quash the certificate.
- (3) If an appeal under subsection (2) above is on the ground mentioned in paragraph (b), the court shall confirm the certificate unless satisfied that the interests of the appellant have been substantially prejudiced by the facts relied on by him.
- (4) On an appeal under this section, the court—
- (a) shall have regard to the state of the dwelling-house at the time of the hearing as well as at the time of the issue or refusal of the certificate, and
 - (b) shall make no order for costs unless it appears to the court, having regard to the conduct of the parties and all other circumstances, that it would be equitable to do so.
- (5) Any certificate issued in pursuance of an order made under subsection (1) above shall be deemed to be issued on the date of the order.
- (6) Where a qualification certificate with respect to any dwelling-house is quashed by an order under this section after a rent for the dwelling-house has been registered in pursuance of this Part of this Act, the registration shall be deemed never to have had effect and the rent officer shall delete it on being informed of the order.

Phasing of rent increases

114 Phasing of rent increases after conversion

Schedule 9 to this Act shall have effect for securing that, on first registration of a rent after the conversion of a controlled tenancy into a regulated tenancy, an increase in rent may, in certain circumstances, be recovered only in stages.

Miscellaneous

115 Converted tenancies: modification of Act

Schedule 17 to this Act shall apply for the purpose of modifying the provisions of this Act in relation to a tenancy which has become a regulated tenancy by virtue of—

- (a) this Part of this Act, or
- (b) Part III of the Housing Finance Act 1972 (which is superseded by this Part).

116 Consent of tenant

- (1) This section shall apply where a dwelling-house which is subject to a statutory tenancy (whether a controlled or regulated tenancy) does not satisfy the qualifying conditions and the works required for those conditions to be satisfied cannot be carried out without the consent of the tenant.

- (2) If the tenant is unwilling to give his consent, then, if the condition specified in paragraph (a), or the condition specified in paragraph (b), of subsection (3) below is satisfied, the county court may, on the application of the landlord, make an order empowering him to enter and carry out the works.
- (3) The condition is—
- (a) that the works were specified in the application for a grant under Part I of the Housing Act 1969 or Part VII of the Housing Act 1974 and the application has been approved, or
 - (b) that the works are specified in a certificate issued by a local authority (which may be a certificate of provisional approval under this Part of this Act) and stating that the dwelling-house will satisfy the qualifying conditions when the works have been carried out.
- (4) An order under subsection (2) above may be made subject to such conditions as to the time at which the works are to be carried out and as to any provision to be made for the accommodation of the tenant and his household while they are carried out as the court may think fit.
- (5) Where such an order is made subject to any condition as to time, compliance with that condition shall be deemed to be also compliance with any condition imposed by the local authority under sections 4(4) or 10 of the Housing Act 1969 or section 82(1) of the Housing Act 1974.
- (6) In determining whether to make such an order and, if it is made, what (if any) conditions it should be subject to, the court shall have regard to all the circumstances and in particular to—
- (a) any disadvantage to the tenant that might be expected to result from the works, and
 - (b) the accommodation that might be available for him whilst the works are carried out, and
 - (c) the age and health of the tenant,
- but the court shall not take into account the means or resources of the tenant.

117 Regulations

- (1) The Secretary of State may make regulations for the purposes of this Part of this Act—
- (a) prescribing the form of any notice, application, register or other document to be given, made or used in pursuance of this Part;
 - (b) regulating the procedure to be followed by rent officers and rent assessment committees ; and
 - (c) prescribing anything required or authorised to be prescribed by this Part.
- (2) Regulations under subsection (1)(b) above may contain provisions modifying Part III of Schedule 11 to this Act, but no regulations containing such provisions shall have effect unless approved by a resolution of each House of Parliament.
- (3) Regulations made under this section shall be made by statutory instrument which, except in a case falling within subsection (2) above, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

118 Interpretation of Part VIII

- (1) In this Part of this Act, except where the context otherwise requires—
- " local authority "—
 - (a) in relation to any dwelling-house in an area which the Greater London Council have declared—
 - (i) a general improvement area (in accordance with section 28(1) of the Housing Act 1969); or
 - (ii) a housing action area (in accordance with section 49(2) of the Housing Act 1974); means the Greater London Council, to the exclusion of any other authority; and
 - (b) in any other case means—
 - (i) the council of a district or of a London borough;
 - (ii) the Common Council of the City of London; or
 - (iii) the Council of the Isles of Stilly ;
 - " prescribed " means prescribed by regulations under section 117 of this Act;
 - " qualification certificate " and " qualifying conditions " have the meanings assigned to them by section 108(4) of this Act;
 - " standard amenities " has the meaning assigned to it by section 58 of the Housing Act 1974.
- (2) Section 4 of the Housing Act 1957 (standard of fitness for human habitation) shall apply for the purposes of this Part of this Act.