



Rent Act 1968

CHAPTER 23

LONDON
HER MAJESTY'S STATIONERY OFFICE

Rent Act 1968

CHAPTER 23

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ELIZABETH II



1968 CHAPTER 23

An Act to consolidate the Rent and Mortgage Interest Restrictions Acts 1920 to 1939, the Furnished Houses (Rent Control) Act 1946, the Landlord and Tenant (Rent Control) Act 1949, Part II of the Housing Repairs and Rents Act 1954, the Rent Act 1957 (except section 16 thereof), the Rent Act 1965 (except Part III thereof) and other related enactments.

[8th May 1968]

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

PRELIMINARY

1.—(1) A tenancy under which a dwelling-house (which may be a house or part of a house) is let as a separate dwelling is a protected tenancy for the purposes of this Act unless—

- (a) the dwelling-house has or had on the appropriate day a rateable value exceeding, if it is in Greater London, £400 or, if it is elsewhere, £200 ; or
- (b) the tenancy is one with respect to which section 2 below otherwise provides ; or
- (c) by virtue of section 4 or section 5 below, the tenancy is for the time being precluded from being a protected tenancy by reason of the body in whom the landlord's interest is vested ;

and any reference to a protected tenant shall be construed accordingly.

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1967 c. 9.

(2) For the purposes of this Act, any land or premises let together with a dwelling-house shall, unless it consists of agricultural land exceeding two acres in extent, be treated as part of the dwelling-house; and for this purpose "agricultural land" has the meaning set out in paragraph (a) of section 26(3) of the General Rate Act 1967 (which relates to the exclusion of agricultural land and premises from liability for rating).

(3) If any question arises in any proceedings whether a dwelling-house is within the limits of rateable value in subsection (1)(a) above, it shall be deemed to be within those limits unless the contrary is shown.

Tenancies
excepted from
definition of
"protected
tenancy".

1948 c. 63.

2.—(1) A tenancy is not a protected tenancy if—

- (a) under the tenancy either no rent is payable or, subject to section 7(3) below, the rent payable is less than two-thirds of the rateable value which is or was the rateable value of the dwelling-house on the appropriate day; or
- (b) under the tenancy the dwelling-house is bona fide let at a rent which includes payments in respect of board, attendance or use of furniture; or
- (c) subject to section 1(2) above, the dwelling-house which is subject to the tenancy is let together with land other than the site of the dwelling-house; or
- (d) the dwelling-house is comprised in an agricultural holding (within the meaning of the Agricultural Holdings Act 1948) and is occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the farming of the holding.

(2) In the following provisions of this Act, a tenancy falling within paragraph (a) of subsection (1) above is referred to as a "tenancy at a low rent".

(3) For the purposes of paragraph (b) of subsection (1) above, a dwelling-house shall not be taken to be bona fide let at a rent which includes payments in respect of attendance or the use of furniture unless the amount of rent which is fairly attributable to attendance or use of furniture, having regard to the value of the attendance or the use to the tenant, forms a substantial part of the whole rent.

Statutory
tenants and
tenancies.

3.—(1) Subject to sections 4 and 5 below—

- (a) after the termination of a protected tenancy of a dwelling-house the person who, immediately before that termination, was the protected tenant of the dwelling-house shall, if and so long as he occupies the dwelling-house as his residence, be the statutory tenant of it; and

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(b) the provisions of Schedule 1 to this Act shall have effect for determining what person (if any) is the statutory tenant of a dwelling-house at any time after the death of a person who, immediately before his death, was either a protected tenant of the dwelling-house or the statutory tenant of it by virtue of paragraph (a) above ;

and a dwelling-house is referred to as subject to a statutory tenancy when there is a statutory tenant of it.

(2) In paragraph (a) of subsection (1) above and in Schedule 1 to this Act, the phrase "if and so long as he occupies the dwelling-house as his residence" shall be construed as requiring the fulfilment of the same, and only the same, qualifications (whether as to residence or otherwise) as had to be fulfilled before the commencement of this Act to entitle a tenant, within the meaning of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920, to retain possession, by virtue of that Act and not by virtue of a tenancy, of a dwelling-house to which that Act applied.

(3) A person who becomes a statutory tenant of a dwelling-house as mentioned in paragraph (a) of subsection (1) above is, in this Act, referred to as a statutory tenant by virtue of his previous protected tenancy, and a person who becomes a statutory tenant as mentioned in paragraph (b) of that subsection is, in this Act, referred to as a statutory tenant by succession.

4.—(1) A tenancy shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, or to a Government department, or is held in trust for Her Majesty for the purposes of a Government department. No protected or statutory tenancy where landlord's interest belongs to Crown.

(2) A person shall not at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would at that time, belong or be held as mentioned in subsection (1) above.

5.—(1) A tenancy shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to any of the bodies specified in subsection (2) below, nor shall a person at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would belong at that time to any of those bodies. No protected or statutory tenancy where landlord's interest belongs to local authority, etc.

(2) The bodies referred to in subsection (1) above are—

(a) the council of a county or county borough ;

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- (b) the council of a county district or, in the application of this Act to the Isles of Scilly, the Council of the Isles of Scilly ;
 - (c) the Greater London Council, the council of a London borough or the Common Council of the City of London ;
 - (d) the Commission for the New Towns ;
 - (e) the Housing Corporation ;
 - 1965 c. 59. (f) a development corporation established by an order made, or having effect as if made, under the New Towns Act 1965 ; and
 - 1960 c. 58. (g) a housing trust (as defined in subsection (3) below) which is a charity within the meaning of the Charities Act 1960.
- (3) In subsection (2)(g) above, " housing trust " means a corporation or body of persons which,—
- (a) is required by the terms of its constituent instrument to devote the whole of its funds, including any surplus which may arise from its operations, to the following purposes, that is to say, the provision of houses for persons the majority of whom are in fact members of the working classes, and other purposes incidental thereto ; or
 - (b) is required by the terms of its constituent instrument to devote the whole or substantially the whole of its funds to charitable purposes and in fact devotes the whole or substantially the whole of its funds to the purposes set out in paragraph (a) above.
- (4) In subsection (3) above, " house " includes—
- (a) any yard, garden, outhouses and appurtenances belonging thereto or usually enjoyed therewith ; and
 - (b) any part of a building which is occupied or intended to be occupied as a separate dwelling.
- (5) If any of the conditions specified in subsection (6) below is fulfilled, a tenancy shall not be a protected tenancy at any time when the interest of the landlord under that tenancy belongs to a housing association, nor shall a person at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord would belong at that time to a housing association ; and in this section " housing association " has the same meaning as in the Housing Act 1957.
- 1957 c. 56.
- (6) The conditions referred to in subsection (5) above are as follows,—
- (a) that the dwelling-house was provided by the housing association with assistance under section 2 of the

Housing &c. Act 1923, section 93(3) of the Housing Act 1936 or section 119(3) of the Housing Act 1957 (powers of local authorities to assist housing associations generally);

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1923 c. 24.

1936 c. 51.

1957 c. 56.

- (b) that the dwelling-house was provided by the housing association in pursuance of an arrangement under section 29 of the Housing Act 1930, section 27 of the Housing Act 1935, section 94 of the Housing Act 1936, or section 120 of the Housing Act 1957 (local authority arrangements for provision of housing);
- (c) that the dwelling-house was provided or improved by the housing association in accordance with arrangements under section 31 of the Housing Act 1949 or section 121 of the Housing Act 1957 (local authority arrangements for improvement of housing);
- (d) that the housing association is registered under the Industrial and Provident Societies Act 1965 and the provision of the dwelling-house forms part of the purposes for which its business is mainly conducted.

1930 c. 39.

1935 c. 40.

1949 c. 60.

1965 c. 12.

6.—(1) Except where this Act otherwise provides, the rateable value on any day of a dwelling-house shall be ascertained for the purposes of this Act as follows:—

Rateable value and the appropriate day.

- (a) if the dwelling-house is a hereditament for which a rateable value is then shown in the valuation list, it shall be that rateable value;
- (b) if the dwelling-house forms part only of such a hereditament or consists of or forms part of more than one such hereditament, its rateable value shall be taken to be such value as is found by a proper apportionment or aggregation of the rateable value or values so shown.

(2) Any question arising under this section as to the proper apportionment or aggregation of any value or values shall be determined by the county court, and the decision of the county court shall be final.

(3) In this Act “the appropriate day”,—

- (a) in relation to any dwelling-house which, on 23rd March 1965, was or formed part of a hereditament for which a rateable value was shown in the valuation list then in force, or consisted or formed part of more than one such hereditament, means that date, and
- (b) in relation to any other dwelling-house means the date on which such a value is or was first shown in the valuation list.

(4) Where, after the date which is the appropriate day in relation to any dwelling-house, the valuation list is altered so

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(5) The preceding provisions of this section apply in relation to any other land as they apply in relation to a dwelling-house.

Controlled and regulated tenancies.

7.—(1) Subject to the following provisions of this section, the provisions of Part I of Schedule 2 to this Act shall have effect in determining whether a protected or statutory tenancy is for the purposes of this Act a “controlled tenancy”.

(2) For the purposes of this Act, a “regulated tenancy” is a protected or statutory tenancy which is not (either because it never was or because it has ceased to be) a controlled tenancy.

(3) A tenancy of a dwelling-house shall be a controlled tenancy and not a tenancy at a low rent if, notwithstanding that the rent is less than two-thirds of the rateable value of the dwelling-house on the appropriate day,—

(a) the rent payable under the tenancy is not less than two-thirds of the 1939 rateable value of the dwelling-house, as determined under Part II of Schedule 2 to this Act; and

(b) apart from section 2(1)(a) above, the tenancy would be a controlled tenancy.

(4) Where a regulated tenancy is followed by a statutory tenancy of the same dwelling-house, the two shall be treated for the purposes of this Act as together constituting one regulated tenancy.

(5) Where a controlled tenancy is followed by a statutory tenancy of the same dwelling-house and that statutory tenancy is itself a controlled tenancy, the two shall be treated for the purposes of this Act as together constituting one controlled tenancy.

Power to convert controlled tenancies into regulated tenancies.

8.—(1) The Minister may by order provide, with respect to any area, that where the rateable value on a date specified in the order of a dwelling-house in that area exceeded such amount as may be so specified, and the dwelling-house is let on a protected tenancy or subject to a statutory tenancy which, in either case, is a controlled tenancy, the protected or statutory tenancy shall cease to be a controlled tenancy and, except in the case mentioned in section 9(4) below, shall become a regulated tenancy.

(2) An order under this section may contain such transitional provisions as appear to the Minister to be desirable.

(3) The power to make an order under this section shall be exercisable by statutory instrument and no such order shall have effect unless it is approved by a resolution of each House of Parliament.

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9.—(1) Subject to subsection (2) below, the fact that part of the premises comprised in a dwelling-house is used as a shop or office or for business, trade or professional purposes shall not prevent the dwelling-house from being let on or subject to a controlled tenancy. Premises with a business use.

(2) A tenancy of a dwelling-house which consists of or comprises premises licensed for the sale of intoxicating liquors for consumption on the premises shall not be a protected tenancy, nor shall such a dwelling-house be the subject of a statutory tenancy.

(3) Part II of the Landlord and Tenant Act 1954 (which gives security of tenure to business tenants) shall not apply to a tenancy where the property comprised therein is let under a tenancy which either is a controlled tenancy or would be such a tenancy if it were not a tenancy at a low rent. 1954 c. 56.

(4) If, apart from subsection (3) above, Part II of the Landlord and Tenant Act 1954 would apply—

- (a) to a protected tenancy which is a controlled tenancy, or
- (b) to a statutory tenancy which is a controlled tenancy, if it were a tenancy within the meaning of that Act,

the provision to be made with respect to that controlled tenancy by any order under section 8 above shall be that the tenancy shall cease to be treated as a protected or statutory tenancy and shall, instead, be treated for the purposes of the Landlord and Tenant Act 1954 as a tenancy continuing by virtue of section 24 of that Act after the expiry of a term of years certain.

(5) A tenancy shall not be a regulated tenancy if it is a tenancy to which Part II of the Landlord and Tenant Act 1954 applies (but this provision is without prejudice to the application of any other provision of this Act to a sub-tenancy of any part of the premises comprised in such a tenancy).

PART II

SECURITY OF TENURE

Limitations on recovery of possession of dwelling-houses let on protected tenancies or subject to statutory tenancies

10.—(1) Subject to the following provisions of this Part of this Act, a court shall not make an order for possession of a dwelling-house which is for the time being let on a protected Grounds for possession of certain dwelling-houses.

PART II tenancy or subject to a statutory tenancy unless the court considers it reasonable to make such an order and either—

- (a) the court is satisfied that suitable alternative accommodation is available for the tenant or will be available for him when the order in question takes effect, or
- (b) the circumstances are as specified in any of the Cases in Part I of Schedule 3 to this Act.

(2) If, apart from the provisions of subsection (1) above, the landlord would be entitled to recover possession of a dwelling-house which is for the time being let on or subject to a regulated tenancy, the court shall make an order for possession if the circumstances of the case are as specified in any of the Cases in Part II of Schedule 3 to this Act.

(3) The provisions of Part III of Schedule 3 to this Act shall have effect in relation to Case 8 in that Schedule and for determining the relevant date for the purposes of the Cases in Part II of that Schedule.

(4) The provisions of Part IV of Schedule 3 to this Act shall have effect for determining whether, for the purposes of subsection (1)(a) above, suitable alternative accommodation is or will be available for a tenant.

Extended discretion of court in claims for possession of certain dwelling-houses.

11.—(1) Subject to subsection (5) below, a court may adjourn, for such period or periods as it thinks fit, proceedings for possession of a dwelling-house which is let on a protected tenancy or subject to a statutory tenancy.

(2) On the making of an order for possession of such a dwelling-house, or at any time before the execution of such an order (whether made before or after the commencement of this Act), the court, subject to subsection (5) below, may—

- (a) stay or suspend execution of the order, or
- (b) postpone the date of possession,

for such period or periods as the court thinks fit.

(3) Any such adjournment as is referred to in subsection (1) above and any such stay, suspension or postponement as is referred to in subsection (2) above may be made subject to such conditions with regard to payment by the tenant of arrears of rent, rent or mesne profits and otherwise as the court thinks fit.

(4) If any such conditions as are referred to in subsection (3) above are complied with, the court may, if it thinks fit, discharge or rescind any such order as is referred to in subsection (2) above.

(5) The preceding provisions of this section shall not apply if the circumstances are as specified in any of the Cases in Part II of Schedule 3 to this Act. PART II

Statutory tenancies

12.—(1) So long as he retains possession, a statutory tenant shall observe and be entitled to the benefit of all the terms and conditions of the original contract of tenancy, so far as they are consistent with the provisions of this Act. Terms and conditions of statutory tenancies.

(2) It shall be a condition of a statutory tenancy of a dwelling-house that the statutory tenant shall afford to the landlord access to the dwelling-house and all reasonable facilities for executing therein any repairs which the landlord is entitled to execute.

(3) A statutory tenant of a dwelling-house shall be entitled to give up possession of the dwelling-house if, and only if, he gives such notice as would have been required under the provisions of the original contract of tenancy, or, if no notice would have been so required, on giving not less than three months' notice.

(4) Nothing in subsection (3) above shall be construed as affecting the continued operation of section 16 of the Rent Act 1957 (under which at least four weeks' notice to quit is required in respect of premises used as a dwelling). 1957 c. 25.

(5) Notwithstanding anything in the contract of tenancy, a landlord who obtains an order for possession of a dwelling-house as against a statutory tenant shall not be required to give to the statutory tenant any notice to quit.

13.—(1) A statutory tenant of a dwelling-house who, as a condition of giving up possession of the dwelling-house, asks or receives the payment of any sum, or the giving of any other consideration, by any person other than the landlord, shall be guilty of an offence. Payments demanded by statutory tenants as a condition of giving up possession.

(2) Where a statutory tenant of a dwelling-house requires that furniture or other articles shall be purchased as a condition of his giving up possession of the dwelling-house, the price demanded shall, at the request of the person on whom the demand is made, be stated in writing, and if the price exceeds the reasonable price of the articles the excess shall be treated, for the purposes of subsection (1) above, as a sum asked to be paid as a condition of giving up possession.

(3) A person guilty of an offence under this section shall be liable to a fine not exceeding £100.

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(4) The court by which a person is convicted of an offence under this section may order the payment—

(a) to the person who made any such payment, or gave any such consideration, as is referred to in subsection (1) above, of the amount of that payment or the value of that consideration, or

(b) to the person who paid any such price as is referred to in subsection (2) above, of the amount by which the price paid exceeds the reasonable price.

Change of
statutory
tenant by
agreement.

14.—(1) Where it is so agreed in writing between a statutory tenant (in this section referred to as “the outgoing tenant”) and a person proposing to occupy the dwelling (in this section referred to as “the incoming tenant”), the incoming tenant shall, subject to the following provisions of this section, be deemed to be the statutory tenant of the dwelling as from such date as may be specified in the agreement (in this section referred to as “the transfer date”).

(2) Such an agreement as is referred to in subsection (1) above shall not have effect unless the landlord is a party thereto, and, if the consent of any superior landlord would have been required to an assignment of the previous contractual tenancy, the agreement shall not have effect unless the superior landlord is a party thereto.

(3) If the outgoing tenant is the statutory tenant by virtue of his previous protected tenancy, then, subject to subsection (6) below, the provisions of this Act shall have effect, on and after the transfer date, as if the incoming tenant had been a protected tenant and had become the statutory tenant by virtue of his previous protected tenancy.

(4) Subject to subsections (5) and (6) below, if the outgoing tenant is a statutory tenant by succession, then, on and after the transfer date,—

(a) the provisions of this Act shall have effect as if the incoming tenant were a statutory tenant by succession, and

(b) the incoming tenant shall be deemed to have become a statutory tenant by virtue of that paragraph of Schedule 1 to this Act by virtue of which the outgoing tenant became (or is deemed to have become) a statutory tenant.

(5) If the outgoing tenant is a statutory tenant by succession, the agreement referred to in subsection (1) above may provide that, notwithstanding anything in subsection (4) above, on and after the transfer date, the provisions of this Act shall have

effect, subject to subsection (6) below, as if the incoming tenant had been a protected tenant and had become the statutory tenant by virtue of his previous protected tenancy.

(6) Unless the incoming tenant is deemed, by virtue of subsection (4)(b) above, to have become a statutory tenant by virtue of paragraph 6 or paragraph 7 of Schedule 1 to this Act, paragraphs 5 to 7 of that Schedule shall not apply where a person has become a statutory tenant by virtue of this section.

(7) In this section "the dwelling" means the aggregate of the premises comprised in the statutory tenancy of the outgoing tenant.

15.—(1) Any person who requires the payment of any pecuniary consideration for entering into such an agreement as is referred to in section 14(1) above shall be liable to a fine not exceeding £100.

No pecuniary consideration to be required on change of tenant under s. 14.

(2) The court by which a person is convicted of an offence under subsection (1) above may order the amount of the payment to be repaid by the person to whom it was paid.

(3) Without prejudice to subsection (2) above, the amount of any such payment as is referred to in subsection (1) above shall be recoverable by the person by whom it was made either by proceedings for its recovery or, if it was made to the landlord by a person liable to pay rent to the landlord, by deduction from any rent so payable.

(4) Notwithstanding anything in subsection (1) above, if apart from this section he would be entitled to do so, the outgoing tenant may require the payment by the incoming tenant—

- (a) of so much of any outgoings discharged by the outgoing tenant as is referable to any period after the transfer date ;
 - (b) of a sum not exceeding the amount of any expenditure reasonably incurred by the outgoing tenant in carrying out any structural alteration of the dwelling or in providing or improving fixtures therein, being fixtures which, as against the landlord, the outgoing tenant is not entitled to remove ;
 - (c) where the outgoing tenant became a tenant of the dwelling by virtue of an assignment of the previous protected tenancy, of a sum not exceeding any reasonable amount paid by him to his assignor in respect of expenditure incurred by the assignor, or by any previous assignor of the tenancy, in carrying out any such alteration or in providing or improving any such fixtures as are mentioned in paragraph (b) above ;
- or

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(d) where part of the dwelling is used as a shop or office, or for business, trade or professional purposes, of a reasonable amount in respect of any goodwill of the business, trade or profession, being goodwill transferred to the incoming tenant in connection with his becoming a statutory tenant of the dwelling or accruing to him in consequence thereof.

(5) In this section “outgoing tenant”, “incoming tenant”, “the transfer date” and “the dwelling” have the same meanings as in section 14 above.

Special cases

Tenancies at low rent of dwelling-houses for which improvement grants have been made.

16.—(1) If assistance has been given in respect of the provision or improvement of a dwelling-house by the making of a grant to which this section applies and, at a time when the relevant conditions are required to be observed with respect to the dwelling-house,—

(a) it is let to a person in consequence of his employment by the lessor, and

(b) it is so let under a tenancy at a low rent,

the operation of section 10(1) above shall not be excluded by reason of the letting being a tenancy at a low rent:

Provided that where section 10(1) above applies to a letting by virtue of this section, Case 9 in Schedule 3 to this Act shall nevertheless be excluded.

(2) This section applies—

1958 c. 42.

(a) to an improvement grant under Part II of the Housing (Financial Provisions) Act 1958; and

1959 c. 33.

(b) to a standard grant under Part II of the House Purchase and Housing Act 1959.

(3) The reference in subsection (1) above to improvement of a dwelling-house shall be construed, in relation to an improvement grant, as a reference to the alteration or enlargement thereof and to the execution of works of repair thereto not being works of ordinary repair, and as including also a reference to the execution of works of ordinary repair thereto so far, but so far only, as the execution thereof is incidental to or connected with the execution of work of improvement, alteration or enlargement or of works of repair not being works of ordinary repair.

(4) In subsection (1) above “the relevant conditions” means the conditions specified in Schedule 4 to the Housing (Financial Provisions) Act 1958 (conditions to be observed by owners of dwellings in receipt of improvement grants) or, as the case may

be, those conditions as applied in relation to standard grants PART II
by virtue of section 7 of the House Purchase and Housing Act 1959 c. 33.
1959.

17.—(1) At any time when a dwelling-house to which this Overcrowded
section applies is overcrowded, within the meaning of the dwelling-
Housing Act 1957, in such circumstances as to render the houses.
occupier guilty of an offence, nothing in this Part of this Act 1957 c. 56.
shall prevent the immediate landlord of the occupier from
obtaining possession of the dwelling-house.

(2) This section applies to a dwelling-house which consists
of premises used as a separate dwelling by members of the
working classes or of a type suitable for such use.

Miscellaneous

18.—(1) If a court makes an order for possession of a Effect on
dwelling-house from a tenant, and the order is made by virtue sub-tenancies
of paragraph (a) or paragraph (b) of section 10(1) above, nothing of determina-
in the order shall affect the right of any sub-tenant to whom the tion of
dwelling-house or any part of it has been lawfully sublet before superior
the commencement of the proceedings to retain possession by tenancy.
virtue of this Part of this Act, nor shall the order operate to
give a right to possession as against any such sub-tenant.

(2) Where a protected or statutory tenancy of a dwelling-house
is determined, either as a result of an order for possession or for
any other reason, any sub-tenant to whom the dwelling-house
or any part of it has been lawfully sublet shall, subject to the
provisions of this Act, be deemed to become the tenant of the
landlord on the same terms as he would have held from the
tenant if the tenant's protected or statutory tenancy had
continued.

(3) Subject to subsection (4) below, a long tenancy of a
dwelling-house which is also a tenancy at a low rent but which,
had it not been a tenancy at a low rent, would have been a
protected tenancy, shall be treated for the purposes of sub-
section (2) above as a protected tenancy.

(4) Notwithstanding anything in subsection (3) above, sub-
section (2) above shall not have effect where the sub-tenancy in
question was created (whether immediately or derivatively) out
of a long tenancy falling within subsection (3) above and, at
the time of the creation of the sub-tenancy,—

(a) a notice to terminate the long tenancy had been given
under section 4(1) of the Landlord and Tenant Act 1954 c. 56.
1954 ; or

PART II

(b) the long tenancy was being continued by section 3(1) of that Act ;

1954 c. 56.

unless the sub-tenancy was created with the consent in writing of the person who at the time when it was created was the landlord, within the meaning of Part I of the Landlord and Tenant Act 1954.

(5) Where a dwelling-house—

(a) forms part of premises which have been let as a whole on a superior letting but do not constitute a dwelling-house let on a protected tenancy ; and

(b) is itself let on a protected tenancy, or subject to a statutory tenancy,

then, from the coming to an end of the superior letting, this Act shall apply in relation to the dwelling-house as if, in lieu of the superior letting, there had been separate lettings of the dwelling-house and of 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.

Compensation for misrepresentation or concealment in Cases 7 and 8.

19. Where, in such circumstances as are specified in Case 7 or Case 8 in Schedule 3 to this Act, a landlord obtains an order for possession of a dwelling-house let on a protected tenancy or subject to a statutory tenancy and it is subsequently made to appear to the court that the order was obtained by misrepresentation or concealment of material facts, the court may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by that tenant as a result of the order.

PART III

RENTS UNDER REGULATED TENANCIES

Regulation of rent during contractual periods

Limit of rent during contractual periods.

20.—(1) Where the rent payable for any contractual period of a regulated tenancy of a dwelling-house would exceed the limit specified in the following provisions of this section (in this Part of this Act referred to as “the contractual rent limit”), the amount of the excess shall, notwithstanding anything in any agreement, be irrecoverable from the tenant.

(2) Where a rent for the dwelling-house is registered under Part IV of this Act, then, subject to section 47(3) of this Act, the contractual rent limit is the rent so registered.

(3) Where no rent for the dwelling-house is registered under Part IV of this Act then, subject to any adjustment under

section 21 below, the contractual rent limit shall be determined as follows:— PART III

- (a) if, not more than three years before the regulated tenancy began, the dwelling-house was the subject of another regulated tenancy, the contractual rent limit is the rent payable under that other tenancy (or, if there was more than one, the last of them) for the last rental period thereof;
- (b) in any other case, the contractual rent limit is the rent payable under the terms of the lease or agreement creating the tenancy, as varied, if the tenancy began before 8th December 1965, by any agreement made before that date.

21.—(1) The following provisions of this section shall apply in relation to a contractual period for which the contractual rent limit is that specified in subsection (3) of section 20 above, and in those provisions— Adjustment, before registration, of contractual rent limit.

“the previous tenancy” means the other regulated tenancy referred to in paragraph (a) of that subsection; and

“the previous terms” means the terms referred to in paragraph (b) of that subsection.

(2) Where, under the terms of a regulated tenancy, there is, with respect to—

- (a) the responsibility for any repairs, or
- (b) the provision of services for the tenant by the landlord or a superior landlord, or
- (c) the use of furniture by the tenant,

any difference compared with the terms of the previous tenancy or, as the case may be, the previous terms, such as to affect the amount of the rent which it is reasonable to charge, the contractual rent limit shall be increased or decreased by an appropriate amount.

(3) Where for any contractual period there is a difference between the amount (if any) of the rates borne by the landlord or a superior landlord in respect of the dwelling-house and the amount (if any) so borne during the last rental period of the previous tenancy, or, as the case may be, the first rental period for which the previous terms were agreed, the contractual rent limit shall be increased or decreased by the amount of the difference.

(4) Where for any contractual period there is an increase in the cost of the provision of the services (if any) provided for the tenant by the landlord or a superior landlord compared with that cost at the time the rent for the previous tenancy was agreed, or, as the case may be, the previous terms were agreed, such

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as to affect the amount of the rent which it is reasonable to charge, the contractual rent limit shall be increased by an appropriate amount.

(5) If an improvement has been effected in the dwelling-house and the improvement was completed after 7th December 1965 and after the time as from which the rent for the previous tenancy was agreed or, as the case may be, the previous terms were agreed, then, subject to section 31 below, the contractual rent limit shall be increased by $12\frac{1}{2}$ per cent. per annum of the amount expended on the improvement by the landlord or any superior landlord or any person from whom the landlord or any superior landlord derives title.

(6) Where the previous terms provide for a variation of the rent in any of the circumstances mentioned in the preceding provisions of this section, the contractual rent limit shall not be further varied under this section by reason of the same circumstances.

(7) Any question whether, or by what amount, the contractual rent limit is increased or decreased by virtue of subsection (2) or subsection (4) above shall be determined by the county court; and any such determination—

- (a) may be made so as to relate to past rental periods; and
- (b) shall have effect with respect to rental periods subsequent to the periods to which it relates until revoked or varied by a fresh determination.

Regulation of rent during statutory periods

Limit of rent during statutory periods.

22.—(1) Except as otherwise provided by the following provisions of this Part of this Act, where the rent payable for any statutory period of a regulated tenancy of a dwelling-house would exceed the rent recoverable for the last contractual period thereof, the amount of the excess shall, notwithstanding anything in any agreement, be irrecoverable from the tenant.

(2) Subject to section 47(3) of this Act, where a rent for the dwelling-house is registered under Part IV of this Act, the following provisions shall apply with respect to the rent for any statutory period of a regulated tenancy of the dwelling-house, that is to say—

- (a) if the rent payable for any statutory period would exceed the rent so registered, the amount of the excess shall, notwithstanding anything in any agreement, be irrecoverable from the tenant; and
- (b) if the rent payable for any statutory period would be less than the rent so registered, it may be increased up to the amount of that rent by a notice of increase served by the landlord on the tenant and specifying the date from which the increase is to take effect.

(3) The date specified in a notice of increase under subsection (2)(b) above shall not be earlier than the date on which the rent was registered nor earlier than four weeks before the service of the notice.

(4) Where no rent for the dwelling-house is registered under Part IV of this Act the provisions of sections 23 to 25 below shall have effect with respect to the rent recoverable for any statutory period under a regulated tenancy of the dwelling-house.

23.—(1) Where section 22(4) above applies and any rates in respect of the dwelling-house are, or were during the last contractual period, borne by the landlord or a superior landlord, then, for any statutory period for which the amount of the rates, ascertained in accordance with Schedule 4 to this Act, differs from the amount, so ascertained, of the rates for the last contractual period, the recoverable rent shall, subject to subsection (2) below, be increased or decreased by the amount of the difference.

Adjustment, with respect to rates, of recoverable rent for statutory periods before registration.

(2) Where the amount of the recoverable rent is increased by virtue of this section, the increase shall not take effect except in pursuance of a notice of increase served by the landlord on the tenant and specifying the increase and the date from which it is to take effect.

(3) The date specified in a notice of increase under subsection (2) above shall be not earlier than six weeks before the service of the notice, and if it is earlier than the service of the notice, any rent unpaid shall become due on the day after the service of the notice.

24.—(1) Where section 22(4) above applies and for any statutory period there is with respect to—

- (a) the provision of services for the tenant by the landlord or a superior landlord, or
- (b) the use of furniture by the tenant,

Adjustment, with respect to services and furniture, of recoverable rent for statutory periods before registration.

or any circumstances relating thereto any difference, in comparison with the last contractual period, such as to affect the amount of the rent which it is reasonable to charge, the recoverable rent for the statutory period shall be increased or decreased by an appropriate amount.

(2) Any question whether, or by what amount, the recoverable rent for any period is increased or decreased by virtue of this section shall be determined by agreement in writing between the landlord and the tenant or by the county court; and any such determination—

- (a) may be made so as to relate to past statutory periods; and

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(b) shall have effect with respect to statutory periods subsequent to the periods to which it relates until revoked or varied by any such agreement as is referred to in this subsection or by the county court.

Increase, on account of improvements, of recoverable rent for statutory periods before registration.

25.—(1) If, in a case where section 22(4) above applies, an improvement has been effected in a dwelling-house and the improvement was completed after 7th December 1965 and after the time as from which the rent under the regulated tenancy was agreed, then, subject to section 31 below, the recoverable rent for any statutory period beginning after the completion of the improvement shall be increased by $12\frac{1}{2}$ per cent. per annum of the amount expended on the improvement by the landlord or any superior landlord or any person from whom the landlord or any superior landlord derives title.

(2) Where the amount of the recoverable rent is increased by virtue of this section, the increase shall not take effect except in pursuance of a notice of increase served by the landlord on the tenant and specifying the increase and the date, which may be any date after the service of the notice, from which it is to take effect.

(3) Subject to subsection (4) and section 32(6) below, a tenant on whom a notice of increase specifying an increase authorised by this section is served may, not later than one month after the service of the notice or such longer time as the court may allow, apply to the county court for an order cancelling or reducing the increase on the ground that the improvement was unnecessary or that a greater amount was expended on it than was reasonable, and the court may make an order accordingly which may relate not only to future but also to past statutory periods.

(4) No application may be made under subsection (3) above if—

1958 c. 42.
1959 c. 33.
1965 c. 16.

(a) a grant has been made in respect of the improvement under section 30 of the Housing (Financial Provisions) Act 1958 (improvement grants), section 4 of the House Purchase and Housing Act 1959 (standard grants) or section 15 of the Airports Authority Act 1965 (grants towards cost of sound-proofing) ; or

(b) the tenant in writing consented to the improvement and acknowledged (in whatever terms) that the rent could be increased on account of the improvement.

Notices of increase.

26.—(1) Any reference in the following provisions of this section to a notice of increase is a reference to a notice of increase under section 22(2), section 23(2) or section 25(2) of this Act.

(2) A notice of increase must be in the prescribed form.

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(3) Notwithstanding that a notice of increase relates to statutory periods, it may be served during a contractual period; and where such a notice is served during a contractual period and the protected tenancy could, by a notice to quit served by the landlord at the same time, be brought to an end before the date specified in the notice of increase, the notice of increase shall operate to convert the protected tenancy into a statutory tenancy as from that date.

(4) If the county court is satisfied that any error or omission in a notice of increase is due to a bona fide mistake on the part of the landlord, the court may by order amend the notice by correcting any errors or supplying any omission therein which, if not corrected or supplied, would render the notice invalid and, if the court so directs, the notice as so amended shall have effect and be deemed to have had effect as a valid notice.

(5) Any amendment of a notice of increase under subsection (4) above may be made on such terms and conditions with respect to arrears of rent or otherwise as appear to the court to be just and reasonable.

(6) No increase of rent which becomes payable by reason of an amendment of a notice of increase under subsection (4) above shall be recoverable in respect of any statutory period which ended more than six months before the date of the order making the amendment.

Modifications applicable in special cases

27.—(1) The provisions of this section apply in relation to a protected or statutory tenancy of a dwelling-house which becomes a regulated tenancy by virtue of an order under section 8 of this Act.

Protected and statutory tenancies converted by order into regulated tenancies.

(2) In relation to any rental period of a statutory tenancy to which this section applies beginning after the order comes into operation, sections 22 to 25 above shall have effect as if references therein to the last contractual period were references to the last rental period beginning before the order comes into operation.

(3) A notice of increase under section 22(2) of this Act served in respect of a protected or statutory tenancy to which this section applies shall only be valid if the rent specified in it does not exceed by more than 15 per cent. of the controlled rent the rent payable for the rental period beginning twelve months before the notice takes effect, except so far as the increase relates to such part of the rent registered under Part IV of this Act as may, in pursuance of the order referred to in subsection (1) above, be distinguished in the register as attributable

PART III to the provision of additional or improved services or furniture or the carrying out of an improvement.

(4) In subsection (3) above "the controlled rent" means the rent payable for the last rental period beginning before the order referred to in subsection (1) above comes into operation; and in ascertaining for the purposes of subsection (3) above the amount of the rent payable for any rental period, any amount payable in respect of rates borne by the landlord or a superior landlord shall be disregarded.

(5) A protected or statutory tenancy to which this section applies shall be disregarded for the purposes of section 20(3)(a) above in determining the contractual rent limit under any subsequent regulated tenancy of the dwelling-house in question.

Regulated tenancy following controlled tenancy on death of first successor.

28.—(1) The provisions of this section apply where, by virtue of paragraph 5 of Schedule 2 to this Act, a statutory tenancy which is a controlled tenancy is, on the death of the statutory tenant, followed by a statutory tenancy which is a regulated tenancy.

(2) In relation to any rental period of the statutory tenancy which is a regulated tenancy, sections 22 to 25 above shall have effect as if references therein to the last contractual period were references to the last rental period beginning before the death referred to in subsection (1) above.

(3) The statutory tenancy which is a regulated tenancy shall be disregarded for the purposes of section 20(3)(a) above in determining the contractual rent limit under any subsequent regulated tenancy of the dwelling-house in question.

Regulated tenancies of formerly requisitioned houses.
1955 c. 24.
1965 c. 75.

29.—(1) The provisions of this section apply in relation to a regulated tenancy of a dwelling-house which is a statutory tenancy subsisting under section 4 of the Requisitioned Houses and Housing (Amendment) Act 1955 (under which licensees of previously requisitioned property became statutory tenants of the owners) and which, by virtue of section 10(1) of the Rent Act 1965, fell to be treated as a regulated tenancy after 31st March 1966.

(2) In relation to any rental period of a regulated tenancy to which this section applies, sections 22 to 25 above shall have effect as if—

(a) references therein to the last contractual period were references to the last rental period beginning before 31st March 1966, and

(b) the rent recoverable for that last rental period had included any sum payable for that period by the local authority to the landlord under section 4(4) of the said Act of 1955 (which provided for payments to make

up the difference between the rent actually paid and the amount which would normally have been recoverable). PART III

(3) A regulated tenancy to which this section applies shall be disregarded for the purposes of section 20(3)(a) above in determining the contractual rent limit under any subsequent regulated tenancy of the dwelling-house in question.

30.—(1) A regulated tenancy of a dwelling-house commencing (whether before or after the commencement of this Act) while there is in operation a condition imposed under any of the enactments specified in subsection (2) below (which impose rent limits on tenancies of subsidised private houses) shall be disregarded for the purposes of section 20(3)(a) above in determining the contractual rent limit under any subsequent regulated tenancy of the dwelling-house. Certain regulated tenancies to be disregarded in determining contractual rent limit.

(2) The enactments referred to in subsection (1) above are:—

- (a) section 2 of the Housing (Financial Provisions) Act 1924 c. 35. 1924 ;
- (b) section 3 of the Housing (Rural Workers) Act 1926 ; 1926 c. 56.
- (c) section 3 of the Housing (Financial Provisions) Act 1938 c. 16. 1938 or section 46(1) of the Housing (Financial Provisions) Act 1958 ; 1958 c. 42.
- (d) section 23 of the Housing Act 1949 ; and 1949 c. 60.
- (e) section 3 of the Housing Act 1952 or section 104(3) of the Housing Act 1957. 1952 c. 53. 1957 c. 56.

(3) A statutory tenancy deemed to arise by virtue of section 20(2) of the Rent Act 1965 (transitional provisions applicable to tenancies ending before commencement of that Act) shall be disregarded for the purposes of section 20(3)(a) above in determining the contractual rent limit under any subsequent regulated tenancy of the dwelling-house in question. 1965 c. 75.

Grant-aided improvements and streetworks

31. Where, in respect of an improvement,—

- (a) a grant has been made under section 30 of the Housing (Financial Provisions) Act 1958 (improvement grants), section 4 of the House Purchase and Housing Act 1959 (standard grants) or section 15 of the Airports Authority Act 1965 (grants towards cost of sound-proofing), or Grant-aided improvements.
- (b) a repayment has been made under section 12 of the Clean Air Act 1956 (adaptation of fireplaces in private dwellings), 1956 c. 52.

the reference in section 21(5) or, as the case may be, section 25(1) above to the amount expended on the improvement shall be construed as a reference to that amount diminished by the amount of the grant or repayment.

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Private street
works to
count as
improvements.
1959 c. 25.

32.—(1) The following provisions of this section apply where any dwelling-house which is the subject of a regulated tenancy has access to a street on which works have been carried out under—

- (a) section 174, section 189 or section 190 of the Highways Act 1959 (which provide for certain authorities to execute street works in accordance with the Codes of 1875 and 1892), or
- (b) the corresponding provisions of any local act.

(2) Subject to the following provisions of this section, the amount—

- (a) of any expenditure incurred after 7th December 1965 by the landlord or a superior landlord in the carrying out of the works in question, or
- (b) of any liability incurred after that date by the landlord or a superior landlord in respect of those works to the authority by whom they were carried out,

shall be treated (whether or not apart from this section it would be so treated) as expenditure incurred by the landlord or superior landlord on an improvement effected in the dwelling-house.

(3) Subsection (2)(b) above applies whether the liability mentioned in that subsection is dischargeable in a lump sum or by instalments, but for the purposes of this section interest shall be excluded in determining the amount of any liability which is dischargeable by instalments.

(4) If benefit accrues from the carrying out of the works not only to the dwelling-house but also to other premises of the landlord or superior landlord, then for the purposes of this section the amount to be treated as expenditure on an improvement effected in the dwelling-house shall be so much only of the expenditure or liability as may be determined by agreement in writing between the landlord and the tenant or by the county court.

(5) For the purposes of this section, the amount of any expenditure shall be treated as diminished by the amount of any contribution made in respect of that expenditure under any enactment.

(6) No application may be made under section 25(3) above in relation to an increase authorised by virtue of this section.

Enforcement provisions

Recovery from
landlord of
sums paid in
excess of
recoverable
rent, etc.

33.—(1) Where a tenant has paid on account of rent any amount which, by virtue of this Part of this Act, is irrecoverable by the landlord, then, subject to subsection (3) below, the tenant who paid it shall be entitled to recover that amount from the landlord who received it or his personal representatives.

(2) Subject to subsection (3) below, any amount which a tenant is entitled to recover under subsection (1) above may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the landlord.

(3) No amount which a tenant is entitled to recover under subsection (1) above shall be recoverable at any time after the expiry of two years from the date of payment.

(4) Any person who, in any rent book or similar document, makes an entry showing or purporting to show any tenant as being in arrears in respect of any sum on account of rent which is irrecoverable by virtue of this Part of this Act shall be liable to a fine not exceeding £50, unless he proves that, at the time of the making of the entry, the landlord had a bona fide claim that the sum was recoverable.

(5) If, where any such entry has been made by or on behalf of any landlord, the landlord on being requested by or on behalf of the tenant to do so, refuses or neglects to cause the entry to be deleted within seven days, the landlord shall be liable to a fine not exceeding £50, unless he proves that, at the time of the neglect or refusal to cause the entry to be deleted, he had a bona fide claim that the sum was recoverable.

34. Where, in any proceedings, the recoverable rent of a dwelling-house subject to a regulated tenancy is determined by a court, then, on the application of the tenant (whether in those or in any subsequent proceedings) the court may call for the production of the rent book or any similar document relating to the dwelling-house and may direct the registrar or clerk of the court to correct any entries showing, or purporting to show, the tenant as being in arrears in respect of any sum which the court has determined to be irrecoverable. Rectification of rent books in light of determination of recoverable rent.

35.—(1) Where the rent payable for a contractual period of a regulated tenancy is subject to the contractual rent limit specified in paragraph (a) of section 20(3) of this Act, the landlord shall, on being so requested in writing by the tenant (whether during a contractual or a statutory period of the tenancy) supply him with a statement in writing of the rent which was payable for the last rental period of the other regulated tenancy referred to in that paragraph. Duty of landlord to supply statement of rent under previous tenancy.

(2) If, without reasonable excuse, a landlord who has received such a request as is referred to in subsection (1) above—

- (a) fails to supply the statement referred to in that paragraph within twenty-one days of receiving the request, or
- (b) supplies a statement which is false in any material particular,

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(3) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager or secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

General provisions

Adjustment
for differences
in lengths
of rental
periods.

36. In ascertaining for the purposes of this Part of this Act whether there is any difference with respect to rents or rates between one rental period and another (whether of the same tenancy or not) or the amount of any such difference, any necessary adjustment shall be made to take account of periods of different lengths; and for the purposes of such an adjustment a period of one month shall be treated as equivalent to one-twelfth of a year and a period of a week as equivalent to one-fifty-second of a year.

Regulations.

37.—(1) The Minister may make regulations—

- (a) prescribing the form of any notice or other document to be given or used in pursuance of this Part of this Act; and
- (b) prescribing anything required or authorised to be prescribed by this Part of this Act.

(2) Any such regulations shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation
of Part III.

38.—(1) In this Part of this Act—

- “contractual period” means a rental period of a regulated tenancy which is a period beginning before the expiry or termination of the protected tenancy;
- “contractual rent limit” has the meaning assigned to it by section 20(1) of this Act;
- “improvement” includes structural alteration, extension or addition and the provision of additional fixtures or fittings, but does not include anything done by way of decoration or repair;
- “prescribed” means prescribed by regulations under section 37 above, and references to a prescribed form include references to a form substantially to the same effect as the prescribed form;

- “rates” includes water rates and charges but does not include an owner’s drainage rate as defined in section 24(2)(a) of the Land Drainage Act 1930; PART III
1930 c. 44.
- “recoverable rent” means rent which, under a regulated tenancy, is or was for the time being recoverable, having regard to the provisions of this Part of this Act;
- “rental period” means a period in respect of which a payment of rent falls to be made;
- “statutory period” means any rental period of a regulated tenancy which is not a contractual period.

(2) References in this Part of this Act to rates, in respect of a dwelling-house, include references to such proportion of any rates in respect of a hereditament of which the dwelling-house forms part as may be agreed in writing between the landlord and the tenant or determined by the county court.

PART IV

REGISTRATION OF RENTS UNDER REGULATED TENANCIES

39.—(1) Subject to subsections (2) and (3) below, the registration areas for the purposes of this Part of this Act are the areas of the following local authorities, that is to say, the councils of counties, county boroughs and London Boroughs and the Common Council of the City of London. Registration areas.

(2) For the purposes of this Part of this Act, the area of the Common Council of the City of London shall be deemed to include the Inner Temple and the Middle Temple.

(3) For the purposes of this Part of this Act the Isles of Scilly shall be a registration area and the Council of the Isles of Scilly shall be the local authority for that registration area.

40.—(1) The Minister shall for every registration area make, after consultation with the local authority, a scheme providing for the appointment by the clerk to the local authority of such number of rent officers for the area as may be determined by or in accordance with the scheme and of deputy rent officers to exercise the functions of rent officers when rent officers are absent or incapacitated. Schemes for appointment of rent officers.

(2) A scheme under this section—

- (a) shall provide for the payment by the local authority to rent officers and deputy rent officers of remuneration and allowances in accordance with scales approved by the Minister with the consent of the Treasury;
- (b) shall prohibit the dismissal of a rent officer or deputy rent officer except by the clerk to the local authority on the direction or with the consent of the Minister;

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(c) shall require the local authority to provide for the rent officers office accommodation and clerical and other assistance ;

(d) shall allocate, or confer on the clerk to the local authority the duty of allocating, work as between the rent officers and shall confer on the clerk the duty of supervising the conduct of rent officers and deputy rent officers.

1937 c. 68.

(3) For the purposes of the Local Government Superannuation Act 1937 and any local Act scheme within the meaning of that Act rent officers and deputy rent officers appointed in pursuance of a scheme under this section shall be deemed to be officers in the employment of the local authority for whose area the scheme is made, and for the purposes of the National Insurance Act 1965 and the National Insurance (Industrial Injuries) Act 1965 they shall be deemed to be in that employment under a contract of service.

1965 c. 51.

1965 c. 52.

(4) References in this Part of this Act to the rent officer are references to any rent officer appointed for any area who is authorised to act in accordance with a scheme under this section.

(5) A scheme under this section may be varied or revoked by a subsequent scheme made thereunder.

1965 c. 75.

(6) Where different days were appointed for different parts of a registration area under section 21 of the Rent Act 1965 (which provided for the making of orders bringing into operation Part II of that Act, corresponding to this Part of this Act) a scheme under this section may be a separate scheme for such a part, and the preceding provisions of this section shall have effect, in relation to a scheme made for part of a registration area, as if references therein to the registration area were references to that part.

(7) The Minister shall, in respect of each financial year, make to any local authority incurring expenditure which is attributable to this section a grant equal to that expenditure.

Default
powers of
Minister.

41.—(1) If the Minister is of opinion that a local authority have failed to carry out any function conferred on them by a scheme under section 40 above he may, after such enquiry as he thinks fit, by order revoke the scheme and, without consulting the local authority, make another scheme under that section.

(2) A scheme made by virtue of subsection (1) above may confer functions otherwise exercisable by the local authority or the clerk to the local authority on a person appointed by the Minister and that person may, if another local authority consent,

be that other local authority or, as the case may be, the clerk to that other local authority. PART IV

(3) If the Minister is of opinion that the clerk to the local authority has failed to carry out any functions conferred on the clerk by a scheme under section 40 above he may (after consultation with the local authority) exercise his power under subsection (5) of that section by making a scheme providing for all or any of the functions otherwise exercisable by the clerk to be exercised by some other person.

(4) A scheme made by virtue of this section may contain such incidental and transitional provisions as appear to the Minister to be necessary or expedient.

42. Rent assessment committees shall be constituted in accordance with the provisions of Schedule 5 to this Act. Rent assessment committees.

43.—(1) The rent officer for any area shall prepare and keep up to date a register for the purposes of this Part of this Act and shall make the register available for inspection in such place or places and in such manner as may be provided by the scheme made for the area under section 40 above. Register of rents.

(2) The register shall contain, in addition to the rent payable under a regulated tenancy of a dwelling-house—

- (a) the prescribed particulars with regard to the tenancy ; and
- (b) a specification of the dwelling-house.

(3) A copy of an entry in the register certified under the hand of the rent officer or any person duly authorised by him shall be receivable in evidence in any court and in any proceedings.

(4) A person requiring such a certified copy shall be entitled to obtain it on payment of the prescribed fee.

44.—(1) An application for the registration of a rent for a dwelling-house may be made to the rent officer by the landlord or the tenant, or jointly by the landlord and the tenant, under a regulated tenancy of the dwelling-house. Applications for registration of rents.

(2) Any such application must be in the prescribed form and contain the prescribed particulars in addition to the rent which it is sought to register.

(3) Where a rent for a dwelling-house has been registered under this Act no application by the tenant alone or by the landlord alone for the registration of a different rent for that dwelling-house shall be entertained before the expiry of three

PART IV

years from the relevant date (as defined in subsection (4) below) except on the ground that, since that date, there has been such a change in the condition of the dwelling-house (including the making of any improvement therein), the terms of the tenancy or any other circumstances taken into consideration when the rent was registered or confirmed as to make the registered rent no longer a fair rent.

(4) In this section and the next following section “ the relevant date ”, in relation to a rent which has been registered under this Part of this Act, means the following date, that is to say,—

- (a) where on an application for the registration of a different rent the registered rent has been confirmed, the date of that application or, if there was more than one such application, the date of the last of them ; and
- (b) in any other case, the date on which the registration of rent took effect.

(5) No application for the registration of a rent for a dwelling-house shall be entertained at a time when there is in operation, with respect to that dwelling-house, a condition relating to rent imposed under any of the following enactments, that is to say,—

- 1924 c. 35. (a) section 2 of the Housing (Financial Provisions) Act 1924 ;
- 1926 c. 56. (b) section 3 of the Housing (Rural Workers) Act 1926 ;
- 1938 c. 16. (c) section 3 of the Housing (Financial Provisions) Act 1938 or section 46(1) of the Housing (Financial Provisions) Act 1958 ; or
- 1958 c. 42. (c) section 3 of the Housing (Financial Provisions) Act 1938 or section 46(1) of the Housing (Financial Provisions) Act 1958 ; or
- 1957 c. 56. (d) section 104(3) of the Housing Act 1957.

(6) Subject to sections 45(4) and 49(3) below, the provisions of Part I of Schedule 6 to this Act shall have effect with respect to the procedure to be followed on applications for the registration of rents.

Certificates
of fair rent.

45.—(1) A person intending—

- (a) to provide a dwelling-house by the erection or conversion of any premises or to make any improvements in a dwelling-house, or
- (b) to let on a regulated tenancy a dwelling-house which is not for the time being subject to such a tenancy and which satisfies the condition either that no rent for it is registered under this Part of this Act or that

a rent is so registered but not less than three years have elapsed since the relevant date (as defined in section 44(4) above),

PART IV

may apply to the rent officer for a certificate, to be known as a certificate of fair rent, specifying a rent which, in the opinion of the rent officer, would be a fair rent under a regulated tenancy of the dwelling-house or, as the case may be, of the dwelling-house after the erection or conversion or after the completion of the improvements.

(2) The regulated tenancy to which the application for the certificate of fair rent relates shall be assumed to be a tenancy on such terms as may be specified in the application and, except in so far as other terms are so specified, on the terms that the tenant would be liable for internal decorative repairs, but no others, and that no services or furniture would be provided for him.

(3) The provisions of Schedule 7 to this Act shall have effect with respect to applications for certificates of fair rent.

(4) Subject to section 44(5) above, where a certificate of fair rent has been issued in respect of a dwelling-house, an application for the registration of a rent for the dwelling-house in accordance with the certificate may be made within three years of the date of the certificate either,—

- (a) by the landlord under such a regulated tenancy of the dwelling-house as is specified in the certificate ; or
- (b) by a person intending to grant such a regulated tenancy of the dwelling-house ;

and, in lieu of the provisions of Part I of Schedule 6 to this Act, the provisions of Part II of that Schedule shall have effect with respect to an application so made.

46.—(1) In determining for the purposes of this Part of this Act what rent is or would be a fair rent under a regulated tenancy of a dwelling-house, regard shall be had, subject to the following provisions of this section, to all the circumstances (other than personal circumstances) and in particular to the age, character and locality of the dwelling-house and to its state of repair. Determination of fair rent.

(2) For the purposes of the determination it shall be assumed that the number of persons seeking to become tenants of similar dwelling-houses in the locality on the terms (other than those relating to rent) of the regulated tenancy is not substantially greater than the number of such dwelling-houses in the locality which are available for letting on such terms.

PART IV (3) There shall be disregarded—

- (a) any disrepair or other defect attributable to a failure by the tenant under the regulated tenancy or any predecessor in title of his to comply with any terms thereof, and
- (b) any improvement carried out, otherwise than in pursuance of the terms of the tenancy, by the tenant under the regulated tenancy or any predecessor in title of his.

Amount to be registered as rent.

47.—(1) The amount to be registered as the rent of any dwelling-house shall include any sums payable by the tenant to the landlord for the use of furniture or for services, whether or not those sums are separate from the sums payable for the occupation of the dwelling-house or are payable under separate agreements.

(2) Where any rates in respect of a dwelling-house are borne by the landlord or a superior landlord, the amount to be registered under this Part of this Act as the rent of the dwelling-house shall be the same as if the rates were not so borne; but the fact that they are so borne shall be noted on the register.

(3) Where subsection (2) above applies, the amount of the rates for any rental period, ascertained in accordance with Schedule 4 to this Act,—

- (a) shall be added to the limit imposed by section 20(2) of this Act; and
- (b) if the rental period is a statutory period, as defined in section 38 of this Act, shall be recoverable, without service of any notice of increase, in addition to the sums recoverable from the tenant apart from this subsection.

(4) Where, under a regulated tenancy, the sums payable by the tenant to the landlord include any sums varying according to the cost from time to time of any services provided by the landlord or a superior landlord or of any works of maintenance or repair carried out by the landlord or a superior landlord, the amount to be registered under this Part of this Act as rent may, if the rent officer is satisfied or, as the case may be, the rent assessment committee are satisfied, that the terms as to the variation are reasonable, be entered as an amount variable in accordance with those terms.

Effect of registration of rent.

48.—(1) The registration of any rent for a dwelling-house shall take effect as from the date of the application unless the rent officer or, as the case may be, the rent assessment committee determine that it shall take effect as from a later date.

(2) The date from which the registration takes effect shall be entered in the register and as from that date any previous registration of a rent for the dwelling-house shall cease to have effect.

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(3) Where a valid notice of increase under any provision of Part III of this Act has been served on a tenant and, in consequence of the registration of a rent, part but not the whole of the increase specified in the notice becomes irrecoverable from the tenant, the registration shall not invalidate the notice, but the notice shall, as from the date from which the registration takes effect, have effect as if it specified such part only of the increase as has not become irrecoverable.

49.—(1) The provisions of this section apply where a condition relating to rent has been imposed with respect to a dwelling-house under section 33 of the Housing (Financial Provisions) Act 1958 (conditions appropriate to improvement grants) or under that section as extended by section 7 of the House Purchase and Housing Act 1959 (application of conditions in relation to standard grants). Dwelling-houses improved with local authority assistance. 1958 c. 42. 1959 c. 33.

(2) If no rent for the dwelling-house is registered under this Part of this Act, no application for the registration of such a rent shall be entertained while the condition in question is in operation.

(3) If a rent for the dwelling-house different from the limit imposed by the condition in question is registered under this Part of this Act, Part I of Schedule 6 to this Act shall not apply in relation to an application for the registration of a rent equal to that limit made by the landlord under a regulated tenancy of the dwelling-house, but on an application so made the rent officer shall register that rent.

(4) If the limit imposed by the condition in question includes an amount in respect of any rates borne or to be borne by the landlord or a superior landlord, that limit shall be treated for the purposes of this section as reduced by that amount.

50.—(1) The Minister may make regulations—

Regulations

- (a) prescribing the form of any notice, application, register or other document to be given, made or used in pursuance of this Part of this Act;
- (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 of this Act.

(2) Regulations under subsection (1)(b) above may contain provisions modifying section 44, section 45, section 48, or section

PART IV 49 of this Act or Schedule 6 or Schedule 7 thereto; 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.

Interpretation
of Part IV.

51.—(1) In this Part of this Act—

“improvement” includes structural alteration, extension or addition and the provision of additional fixtures or fittings, but does not include anything done by way of decoration or repair;

“prescribed” means prescribed by regulations under section 50 above, and references to a prescribed form include references to a form substantially to the same effect as the prescribed form;

1930 c. 44.

“rates” includes water rates and charges but does not include an owner’s drainage rate as defined in section 24(2)(a) of the Land Drainage Act 1930; and

“rental period” means a period in respect of which a payment of rent falls to be made.

(2) References in this Part of this Act to rates, in respect of a dwelling-house, include references to such proportion of any rates in respect of a hereditament of which the dwelling-house forms part as may be agreed in writing between the landlord and the tenant or determined by the county court.

PART V

RENTS UNDER CONTROLLED TENANCIES

The rent limit

Rent limit for
controlled
tenancies.

52.—(1) Subject to the following provisions of this Part of this Act, the rent recoverable for any rental period from the tenant under a controlled tenancy shall not exceed the following limit, that is to say, a rent of which the annual rate is equal to the aggregate of—

(a) the 1956 gross value of the dwelling, determined in accordance with Schedule 8 to this Act and multiplied by the appropriate factor;

(b) the annual amount, ascertained in accordance with Schedule 4 to this Act, of any rates for the basic rental period, being rates borne by the landlord or a superior landlord; and

(c) such annual amount as may have been (or may be) agreed in writing between the landlord and the tenant or determined by the county court to be a reasonable charge for any services for the tenant provided by the landlord or a superior landlord during the basic rental period or for any furniture which, under the terms of the tenancy, the tenant was (or is) entitled to use during that period.

PART V

(2) The appropriate factor referred to in subsection (1)(a) above shall be determined as follows,—

(a) in any case where the responsibility for repairs is as specified in Part I of Schedule 9 to this Act, the appropriate factor shall be that specified in that Part of that Schedule, and

(b) in any other case, the appropriate factor shall be two.

(3) The limit on the rent recoverable under a controlled tenancy for any rental period (in the following provisions of this Part of this Act referred to as “the rent limit”) shall be subject to adjustment from time to time under sections 54 to 56 below and to reductions as provided by Part II of Schedule 9 to this Act in case of disrepair.

(4) Where under a controlled tenancy current on 6th July 1957, the rent recoverable for the basic rental period exceeded what would have been the rent limit for that period if ascertained under subsection (1) above, then, subject to subsection (3) above, the rent limit shall be the rent recoverable for that period.

Revision of rent and rent limits

53.—(1) If the rent for the time being recoverable under a controlled tenancy is less than the rent limit it may be increased up to that limit subject to and in accordance with the following provisions of this section. Procedure for increasing rents.

(2) Subject to the provisions of Part II of Schedule 9 to this Act and to the following provisions of this section, the rent may be increased as mentioned in subsection (1) above by the service by the landlord on the tenant of a notice of increase in the prescribed form specifying the amount of the increase; but—

(a) the increase shall not have effect with respect to any rental periods beginning before such date as may be specified in the notice which, except in a case authorised by section 54(2) or section 56(4) below, shall be a date not earlier than three months after the service of the notice; and

PART V

(b) the total of the increases which may be specified in any notice or notices of increase as taking effect less than nine months after service of the first notice (excluding any increases which, under section 54(3) or section 56(4) below, are to be disregarded) shall not exceed seven shillings and sixpence per week, but a notice may specify more than one date and amount.

(3) Except in so far as may be necessary for giving effect to an adjustment under section 54 or section 56 below, a notice of increase shall be of no effect if given at a time when—

1957 c. 56. (a) the dwelling is within a clearance area under the Housing Act 1957 or is or forms part of premises with respect to which a demolition order or closing order under that Act has been made and has not ceased to be in force ; or

(b) works of repair remain unexecuted which were required to be executed—

1936 c. 49. (i) by an order relating to the dwelling made under section 94 of the Public Health Act 1936 (nuisance orders where local authority abatement notices are disregarded) against the landlord or any person receiving rent as agent for the landlord ; or

(ii) by a notice relating to the dwelling given to the landlord or any such person under section 9 of the Housing Act 1957 (notices to repair houses unfit for human habitation).

(4) Except in so far as may be necessary for giving effect to an adjustment under section 54 or section 56 below, if the date specified in a notice of increase in accordance with subsection (2)(a) above falls at a time when the condition specified in paragraph (a) or paragraph (b) of subsection (3) above is fulfilled, no increase shall be recoverable by virtue of the notice for any rental period beginning at any such time.

(5) Where the landlord is a body corporate incorporated outside the United Kingdom, the preceding provisions of this section shall have effect subject to the provisions of Part III of Schedule 9 to this Act.

Adjustment
with respect
to rates
borne by
landlord.

54.—(1) Where any rates in respect of the dwelling are borne by the landlord or a superior landlord, then, for any rental period for which the amount of the rates, ascertained in accordance with Schedule 4 to this Act, differs from the amount, so ascertained, of the rates for the basic rental period,

the rent limit shall be increased or decreased by the amount of the difference. PART V

(2) In so far as a notice of increase relates to an increase of rent authorised by this section, the date specified in the notice may be any date not earlier than six weeks before the service of the notice and, if it is earlier than the service of the notice, any rent underpaid shall become due on the day after the service of the notice.

(3) Any increase of rent authorised by this section shall be disregarded for the purposes of paragraph (b) of section 53(2) above.

55.—(1) Where, for any rental period, there is with respect to— Adjustment
with respect
to services
and furniture.

- (a) the provision of services for the tenant by the landlord or a superior landlord, or
- (b) the use of furniture by the tenant under the terms of the tenancy,

or any circumstances relating thereto any difference, in comparison with the basic rental period, such as to affect the amount of the rent which it is reasonable to charge, the rent limit shall be increased or decreased by an appropriate amount.

(2) Where, for any rental period, the rent limit is increased by an appropriate amount under subsection (1) above, the rent for that period shall, notwithstanding anything in section 53 above and without the service of any notice, be increased by the like amount.

(3) Any question whether, or by what amount, the rent limit is increased or decreased by virtue of subsection (1) above shall be determined by agreement in writing between the landlord and the tenant or by the county court; and any such determination—

- (a) may be made so as to relate to past rental periods; and
- (b) shall have effect with respect to rental periods subsequent to the periods to which it relates until revoked or varied by any such agreement as is referred to in this subsection or by the county court.

56.—(1) If an improvement has been effected in a dwelling and the improvement was completed after 5th July 1957 then, subject to section 57 below, the rent limit under any controlled tenancy of the dwelling for rental periods beginning after the completion of the improvement shall be increased by the appropriate percentage per annum of the amount expended Increase for
improvements.

PART V on the improvement by the landlord or any superior landlord or any person from whom the landlord or any superior landlord derives title.

(2) The appropriate percentage referred to in subsection (1) above shall be determined as follows, that is to say:—

- (a) if the improvement was completed before 24th November 1961, the appropriate percentage is 8 per cent. ; and
- (b) if the improvement was completed on or after that date then, subject to subsection (3) below, the appropriate percentage is $12\frac{1}{2}$ per cent.

(3) If an improvement completed on or after 24th November 1961 was carried out in reliance on a consent granted before that date by a tenant under the controlled tenancy, the appropriate percentage referred to in subsection (1) above is 8 per cent., and not $12\frac{1}{2}$ per cent., unless the consent was in writing and contained an acknowledgement (however expressed) that the rent could be increased on account of the improvement to a stated amount which was at least the maximum of the rent limit as it would then have been if increased, in accordance with subsection (1) above, on the basis that the appropriate percentage was $12\frac{1}{2}$ per cent.

(4) In so far as a notice of increase relates to an increase of rent authorised by this section, the date specified in the notice may be any date after the service of the notice, and any such increase shall be disregarded for the purposes of paragraph (b) of section 53(2) above.

(5) Where in pursuance of a proposal made on the ground of a change in the occupier or circumstances of occupation, the gross value which, under Schedule 8 to this Act, is material in determining the 1956 gross value of a dwelling in which an improvement has been effected has been varied so as to take account of the state of the dwelling at a date after 5th July 1957, then, in relation to that dwelling, a reference to that date shall be substituted for the reference in subsection (1) above to 5th July 1957.

Grant-aided
improvements,
etc.

1949 c. 60.
1958 c. 42.
1959 c. 33.
1965 c. 16.

57.—(1) Where, in respect of an improvement,—

- (a) a grant has been made under section 20 of the Housing Act 1949 or section 30 of the Housing (Financial Provisions) Act 1958 (improvement grants), section 4 of the House Purchase and Housing Act 1959 (standard grants) or section 15 of the Airports Authority Act 1965 (grants towards cost of sound-proofing), or

- (b) a repayment has been made under section 12 of the PART V
Clean Air Act 1956 (adaptation of fireplaces in private 1956 c. 52.
dwellings),

the reference in section 56(1) above to the amount expended on the improvement shall be construed as a reference to that amount diminished by the amount of the grant or repayment.

(2) Where an improvement is effected in a dwelling in compliance with an immediate improvement notice or a final improvement notice within the meaning of Part II of the Housing Act 1964 (compulsory improvement of dwellings to 1964 c. 56. provide standard amenities) or in compliance with an undertaking accepted under that Part of that Act, and

- (a) the landlord, or a predecessor in title of the landlord, is the person who expended money on the improvement, and
- (b) a standard grant under section 4 of the House Purchase 1959 c. 33. and Housing Act 1959 in respect of the improvement, although obtainable, has not been obtained,

the reference in section 56(1) above to the amount expended on the improvement shall be construed as a reference to that amount diminished by the amount of the standard grant which could have been obtained in respect of the improvement.

(3) In a case falling within subsection (2) above, the local authority in whose district the dwelling is situated shall, at the request in writing of the landlord or the tenant, give him an estimate in writing of what the amount of the standard grant would have been if it had been obtained.

(4) In any proceedings relating to an increase of rent authorised by section 56 above in a case falling within subsection (2) above, it shall be assumed, until the contrary is proved, that a standard grant was obtainable in respect of the improvement and, for the purposes of any such proceedings, an estimate under subsection (3) above shall be sufficient evidence of what the amount of that grant would have been.

(5) In this section "local authority" means the council of a county borough, London borough, county district or the Common Council of the City of London.

58.—(1) The following provisions of this section apply where Private street
a dwelling which is the subject of a controlled tenancy has works to
access to a street on which works have been carried out under— count as
improvements.

- (a) section 174, section 189 or section 190 of the Highways 1959 c. 25.
Act 1959 (which provide for certain authorities to

PART V

execute street works in accordance with the Codes of 1875 and 1892), or

(b) the corresponding provisions of any local Act.

(2) Subject to the following provisions of this section, the amount—

(a) of any expenditure incurred after 5th July 1957 by the landlord or a superior landlord in the carrying out of the works in question, or

(b) of any liability incurred after that date by the landlord or a superior landlord in respect of those works to the authority by whom they were carried out,

shall be treated (whether or not apart from this section it would be so treated) as expenditure incurred by the landlord or superior landlord on an improvement as mentioned in section 56(1) above.

(3) Subsection (2)(b) above applies whether the liability mentioned in that subsection is dischargeable in a lump sum or by instalments, but, for the purposes of this section, interest shall be excluded in determining the amount of any liability which is dischargeable by instalments.

(4) If benefit accrues from the carrying out of the works not only to the dwelling but also to other premises of the landlord or superior landlord, the amount to be treated as mentioned in subsection (2) above shall be so much only of the expenditure or liability as may be determined, by agreement in writing between the landlord and the tenant or by the county court, to be properly apportionable to the dwelling, having regard to the benefit accruing, from the carrying out of the works, to the dwelling and to the other premises.

(5) Any apportionment made by the county court under subsection (4) above shall be final and conclusive.

(6) For the purposes of this section the amount of any expenditure shall be treated as diminished by the amount of any contribution paid in respect of that expenditure under any enactment.

Tenant's
right to
challenge
amount of
expenditure
on
improvements.

59.—(1) Subject to the following provisions of this section, a tenant on whom a notice specifying an increase authorised by section 56 above is served may, not later than one month after the service of the notice or such longer time as the court may allow, apply to the county court for an order cancelling or reducing the increase on the ground that the improvement in question was unnecessary or that a greater amount was expended on it than was reasonable, and the court may make an order

accordingly which may relate not only to future but also to past rental periods.

PART V

(2) No application shall be made under this section on the ground that an improvement was unnecessary if—

- (a) any such grant as is referred to in section 57(1)(a) above has been made in respect of the improvement ; or
- (b) a tenant under the controlled tenancy consented in writing to the improvement and the consent contained an acknowledgment (however expressed) that the rent could be increased on account of the improvement.

(3) No application shall be made under this section in relation to any increase authorised by virtue of section 58 above.

60.—(1) Neither a notice of increase nor section 55 above shall operate to increase the rent under a controlled tenancy for any rental period which begins at a time when the controlled tenancy is a protected tenancy, except in so far as may be consistent with the terms of the tenancy. Variations of rent during protected tenancies.

(2) Where a notice of increase is served during the currency of a protected tenancy which could, by a notice to quit served by the landlord at the same time, be brought to an end before the date or the earliest date specified in the notice of increase, the notice of increase shall operate to convert the protected tenancy into a statutory tenancy as from that date.

(3) If, in the case of a controlled tenancy which was current on 6th July 1957,—

- (a) the basic rental period began at a time when the controlled tenancy was a protected tenancy, and
- (b) the rent recoverable for the basic rental period included an increase agreed or determined under section 40 of the Housing Repairs and Rents Act 1954 (increase for rise in cost of services provided under pre-1939 lettings) in respect of services which the landlord was not under the terms of the tenancy liable to provide, 1954 c. 53.

then, if those services are withheld in whole or in part during any rental period beginning during the currency of the protected tenancy, the rent recoverable for that period shall be decreased by an appropriate amount.

(4) Any question whether, or by what amount, the recoverable rent is decreased by virtue of subsection (3) above shall be determined by agreement in writing between the landlord and the tenant or by the county court ; and any such determination—

- (a) may be made so as to relate to past rental periods ;
- and

PART V

(b) shall have effect with respect to rental periods subsequent to the periods to which it relates until revoked or varied by any such agreement as is referred to in this subsection or by the county court.

(5) Subject to subsections (3) and (4) above, nothing in this Part of this Act shall affect the operation of any lease or agreement in so far as it provides for a reduction of rent during the currency of a protected tenancy.

Errors and misrepresentations in notices of increase.

61.—(1) If the county court is satisfied that any error or omission in a notice of increase is due to a bona fide mistake on the part of the landlord, the court may by order amend the notice by correcting any errors or supplying any omission therein which, if not corrected or supplied, would render the notice invalid and, if the court so directs, the notice as so amended shall have effect and be deemed to have had effect as a valid notice.

(2) Any such amendment of a notice of increase may be made on such terms and conditions with respect to arrears of rent or otherwise as appear to the court to be just and reasonable.

(3) No increase of rent which becomes payable by reason of an amendment of a notice of increase under subsection (1) above shall be recoverable in respect of any rental period which ended more than six months before the date of the order making the amendment.

(4) If a notice of increase contains any statement or representation which is false or misleading in any material respect, the landlord shall be liable to a fine not exceeding £50 unless he proves that the statement was made innocently and without intent to deceive.

Enforcement provisions

Recovery from landlord of sums paid in excess of recoverable rent, etc.

62.—(1) Where a tenant has paid on account of rent any amount which, by virtue of this Part of this Act, is irrecoverable by the landlord, then, subject to subsection (3) below, the tenant who paid it shall be entitled to recover that amount from the landlord who received it or his personal representatives.

(2) Subject to subsection (3) below, any amount which a tenant is entitled to recover under subsection (1) above may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the landlord.

(3) No amount which a tenant is entitled to recover under subsection (1) above shall be recoverable at any time after the expiry of two years from the date of payment.

(4) Any person who, in any rent book or similar document, makes an entry showing or purporting to show any tenant as being in arrears in respect of any sum on account of rent which is irrecoverable by virtue of this Part of this Act shall be liable to a fine not exceeding £50, unless he proves that, at the time of the making of the entry, the landlord had a bona fide claim that the sum was recoverable.

(5) If, where any such entry has been made by or on behalf of any landlord, the landlord, on being requested by or on behalf of the tenant to do so, refuses or neglects to cause the entry to be deleted within seven days, the landlord shall be liable to a fine not exceeding £50, unless he proves that, at the time of the neglect or refusal to cause the entry to be deleted, he had a bona fide claim that the sum was recoverable.

63.—(1) Where, in any proceedings for possession, in such circumstances as are specified in Case 9 in Schedule 3 to this Act, of a dwelling-house subject to a controlled tenancy—

- (a) the sublet part in question is subject to a controlled tenancy, and
- (b) it appears to the court that no determination of the recoverable rent of the sublet part has previously been made by the county court,

the court shall make such a determination, whether or not an order is made for possession of the dwelling-house.

(2) The provisions of subsection (3) below apply where the county court has determined the recoverable rent of a dwelling-house which is subject to a controlled tenancy and is itself a sublet part of another dwelling-house subject to a controlled tenancy (in this section referred to as the “superior tenancy”).

(3) If, after the determination referred to in subsection (2) above, the rent charged by the tenant under the superior tenancy for the sublet part is in excess of the recoverable rent of that part, the tenant shall be guilty of an offence under this section unless he proves—

- (a) that he did not know and could not by reasonable inquiry have ascertained that the rent charged by him was in excess of the recoverable rent; or
- (b) that the excess was solely due to an accidental miscalculation.

(4) A person guilty of an offence under this section shall be liable to a fine not exceeding £100.

64. Where, in any proceedings, the recoverable rent of a dwelling-house subject to a controlled tenancy is determined by a court, then, on the application of the tenant (whether in those or in any subsequent proceedings) the court may call for the production of the rent book or any similar document relating to

Determination by court of recoverable rent of sublet part of dwelling-house subject to controlled tenancy.

Rectification of rent books in light of determination of recoverable rent.

PART V the dwelling-house and may direct the registrar or clerk of the court to correct any entries showing, or purporting to show, the tenant as being in arrears in respect of any sum which the court has determined to be irrecoverable.

General provisions

Service of notices, etc. **65.**—(1) Any notice, certificate or other document required or authorised to be served under this Part of this Act may be served either—

- (a) by delivering it to the person on whom it is to be served, or
- (b) by leaving it at the usual or last known place of abode of that person, or
- (c) by sending it by the recorded delivery service or by registered post in a prepaid letter addressed to that person at his usual or last known place of abode, or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it, by the recorded delivery service or by registered post, in a prepaid letter addressed to the secretary or clerk of the company or body at that office, or
- (e) if it is not practicable after reasonable inquiry to ascertain the name or address of an owner, lessee or occupier of land on whom it should be served, by addressing it to him by the description of "owner" or "lessee" or "occupier" of the premises (naming them) 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 can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

(2) Without prejudice to the generality of subsection (1) above, that subsection shall apply to the service, by virtue of section 109 of this Act, of any notice, certificate or other document as is mentioned in subsection (1) above on an agent of the landlord or a person receiving the rent.

Regulations. **66.**—(1) The Minister may make regulations prescribing forms for notices, certificates and other documents required or authorised under this Part of this Act and requiring such notices, certificates and documents to contain such information as may be specified in the regulations.

(2) Any such regulations shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

67.—(1) In this Part of this Act, except in so far as the context otherwise requires,—

- PART V
Interpretation
of Part V.
- “appropriate factor” means the number by which the 1956 gross value is to be multiplied in determining the rent limit ;
- “basic rental period” means the rental period comprising 6th July 1957 or, in the case of a controlled tenancy beginning after that date, the first rental period of the tenancy ;
- “dwelling” means, in relation to a controlled tenancy, the aggregate of the premises comprised in the tenancy ;
- “improvement” includes structural alteration, extension or addition and the provision of additional fixtures or fittings but does not include anything done by way of decoration or repair ;
- “notice of increase” means a notice of increase under section 53 of this Act ;
- “prescribed” means prescribed by regulations under section 66 above, and references to a prescribed form include references to a form substantially to the same effect as the prescribed form ;
- “rates” includes water rents and charges but does not include an owner’s drainage rate as defined in section 24(2)(a) of the Land Drainage Act 1930 ;
- “recoverable rent” means rent which, under a controlled tenancy, is or was for the time being recoverable, having regard to the provisions of this Part of this Act ;
- “rental period” means a period in respect of which a payment of rent falls to be made ;
- “the rent limit” has the meaning assigned to it by section 52(3) of this Act ;
- “tenant”, in relation to a landlord, and “sub-tenant”, in relation to a tenant, mean respectively immediate tenant and immediate sub-tenant ;
- “1956 gross value”, in relation to a dwelling, means that value as determined in accordance with Schedule 8 to this Act.

1930 c. 44.

(2) Any reference in this Part of this Act to rent does not include any sums recoverable as rent under section 16 of the Landlord and Tenant Act 1927 (which enables landlords to recover as rent sums in respect of increases in taxes, rates or fire premiums ascribable to improvements made by tenants), other than—

1927 c. 36.

- (a) sums so recoverable in respect of increases in rates, or

PART V

(b) sums referable to improvements executed by the tenant before 1st April 1956, or

(c) sums referable to improvements executed by him after that date but affecting the 1956 gross value by reason of a proposal made before 1st April 1957.

1949 c. 40.

(3) In determining the amount of any rent for the purposes of this Part of this Act, no account shall be taken of any deduction falling to be made under Schedule 1 to the Landlord and Tenant (Rent Control) Act 1949 (which provided in certain cases for the recovery of premiums by deduction from rent and the operation of which is preserved by Schedule 16 to this Act.)

(4) Except in so far as the context otherwise requires, references in this Part of this Act to rates, in respect of a dwelling, include references to such proportion of any rates in respect of a hereditament of which the dwelling forms part as may be agreed in writing between the landlord and the tenant or determined by the county court; and any apportionment of rates made by the county court for the purposes of this Part of this Act shall be final and conclusive.

PART VI

FURNISHED LETTINGS

*Application of Part VI*Operation
of Part VI.

1946 c. 34.

68.—(1) Subject to subsection (2) below, this Part of this Act shall have effect in each of the districts (consisting of the whole or part of the area of a local authority and together comprising the areas of all the local authorities in England and Wales) in which the Furnished Houses (Rent Control) Act 1946 was in force immediately before the commencement of this Act.

(2) The Minister may by order under this section direct that such part of a district in which this Part of this Act has effect as is specified in the order shall be excepted therefrom and be a separate district in which this Part of this Act has effect.

(3) The power to make an order under this section shall be exercisable by statutory instrument.

Rent
tribunals.

69.—(1) For each district in which this Part of this Act has effect there shall be a tribunal (in this Part of this Act referred to as a “rent tribunal”) but, if the Minister so directs, the same tribunal may act for more than one district.

(2) The provisions of Schedule 10 to this Act shall have effect with respect to rent tribunals.

70.—(1) Subject to the following provisions of this section, PART VI
this Part of this Act applies to a contract, whether entered into Part VI
before or after the commencement of this Act, whereby one contracts.
person grants to another person, in consideration of a rent which
includes payment for the use of furniture or for services, the
right to occupy as a residence a dwelling to which this Part
of this Act applies and which is situated in a district in which
this Part of this Act has effect.

(2) Subject to subsections (3) and (4) below, a contract falling within subsection (1) above and relating to a dwelling which consists of only part of a house is a contract to which this Part of this Act applies whether or not the lessee is entitled, in addition to exclusive occupation of that part, to the use in common with any other person of other rooms or accommodation in the house.

(3) This Part of this Act does not apply—

- (a) to a contract under which the interest of the lessor belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster or to the Duchy of Cornwall, or to a government department, or is held in trust for Her Majesty for the purposes of a government department; nor
- (b) to a contract for the letting of any premises at a rent which includes payment in respect of board if the value of the board to the lessee forms a substantial proportion of the whole rent; nor
- (c) to a contract which creates a regulated tenancy.

(4) If, immediately before the revocation of Regulation 68CB of the Defence (General) Regulations 1939, accommodation was registered for the purposes of that regulation and was let in accordance with the terms and conditions so registered, nothing in this Part of this Act applies to any contract for the letting of the accommodation so long as any letting continues under which the accommodation was let in accordance with the terms and conditions on which it was let immediately before the revocation.

(5) No right to occupy a dwelling for a holiday shall be treated for the purposes of this Part of this Act as a right to occupy it as a residence.

(6) A contract to which this Part of this Act applies is, in the following provisions of this Part of this Act, referred to as a “Part VI contract”.

PART VI
Dwellings
to which
Part VI
applies.

71.—(1) Subject to the following provisions of this section this Part of this Act applies to any dwelling which has or had, on the appropriate day, a rateable value not exceeding—

- (a) if it is in Greater London, £400, or
- (b) if it is elsewhere, £200.

(2) The Minister may by order under this section provide that, as from such date as may be specified in the order, this Part of this Act shall not apply to a dwelling the rateable value of which on such day as may be specified in the order exceeds such amount as may be so specified.

(3) An order under this section—

- (a) may be made so as to relate to the whole of England and Wales or to such area in England and Wales as may be specified in the order, and so as to apply generally or only to, or except to, such classes or descriptions of dwellings as may be specified in the order; and
- (b) may contain such transitional provisions as appear to the Minister to be desirable.

(4) The power to make an order under this section shall be exercisable by statutory instrument and no such order shall have effect unless it is approved by a resolution of each House of Parliament.

Control of rents

Reference
of contracts
to rent
tribunals and
obtaining
by them of
information.

72.—(1) Either the lessor or the lessee under a Part VI contract or the local authority may refer the contract to the rent tribunal for the district in question.

(2) Where a Part VI contract is referred to a rent tribunal under subsection (1) above they may, by notice in writing served on the lessor, require him to give to them, within such period (which shall not be less than seven days from the date of the service of the notice) as may be specified in the notice, such information as they may reasonably require regarding such of the prescribed particulars relating to the contract as are specified in the notice.

(3) If, within the period specified in a notice under subsection (2) above, the lessor fails without reasonable cause to comply with the provisions of the notice he shall be liable on a first conviction to a fine not exceeding £50 and on a second or subsequent conviction to a fine not exceeding £100.

(4) Proceedings for an offence under this section shall not be instituted otherwise than by the local authority.

73.—(1) Where a Part VI contract is referred to a rent tribunal and the reference is not, before the tribunal have entered upon consideration of it, withdrawn by the party or authority who made it, the tribunal shall consider it and then, after making such inquiry as they think fit and giving to each party to the contract and, if the dwelling is one the general management whereof is vested in and exercisable by a housing authority, to that authority, an opportunity of being heard or, at his or their option, of submitting representations in writing, the tribunal, subject to subsections (2) and (3) below,—

PART VI
Powers of rent
tribunals on
reference of
contracts.

- (a) shall approve the rent payable under the contract, or
- (b) shall reduce the rent to such sum as they may, in all the circumstances, think reasonable, or
- (c) may, if they think fit in all the circumstances, dismiss the reference,

and shall notify the parties and the local authority of their decision.

(2) On the reference of a Part VI contract relating to a dwelling for which a rent is registered under Part IV of this Act, the rent tribunal may not reduce the rent payable under the contract below the amount which would be recoverable from the tenant under a regulated tenancy of the dwelling.

(3) Where, on the reference of a Part VI contract under which the rent includes payments for services, the rent tribunal are of opinion that it would be proper that the rent payable for the dwelling should include an amount in respect of any increase since 3rd September 1939 in the cost of providing those services, and are also of opinion that in all the circumstances a rent higher than the rent payable under the contract might properly be chargeable for the dwelling in order to include an amount in respect of that increase, the rent tribunal may approve a rent higher by not more than such amount as they think reasonable in that respect.

(4) An approval, reduction or increase under this section may be limited to rent payable in respect of a particular period.

(5) Notwithstanding anything in this Part of this Act, a rent tribunal shall not be required to entertain a reference made otherwise than by the local authority if they are satisfied, having regard to the length of time elapsing since a previous reference made by the same party or to other circumstances, that the reference is frivolous or vexatious.

(6) In subsection (1) above, "housing authority" means a council which is a local authority for the purposes of Part V of the Housing Act 1957.

PART VI
Register of
rents under
Part VI
contracts.

74.—(1) The local authority shall prepare and keep up to date a register for the purposes of this Part of this Act and shall make the register available for inspection in such place or places and in such manner as the Minister may direct.

(2) The register shall be so prepared and kept up to date as to contain, with regard to any contract relating to a dwelling situated in the area of the local authority and under which a rent is payable which has been approved, reduced or increased under section 73 above, entries of—

- (a) the prescribed particulars with regard to the contract ;
- (b) a specification of the dwelling to which the contract relates ; and
- (c) the rent as approved, reduced or increased by the rent tribunal, and, in a case in which the approval, reduction or increase is limited to rent payable in respect of a particular period, a specification of that period.

(3) It shall be the duty of the rent tribunal when, under section 73(1) above, they notify the local authority of their decision in a case, to furnish to the local authority such particulars as are requisite for enabling them to discharge their functions under the preceding provisions of this section.

(4) A copy of an entry in the register certified under the hand of an officer duly authorised in that behalf by the local authority shall be receivable in evidence in any court and in any proceedings.

(5) A person requiring such a certified copy shall be entitled to obtain it on payment of the prescribed fee.

Reconsidera-
tion of rent
after
registration.

75.—(1) Where the rent payable for any dwelling has been entered in the register under section 74 above, the lessor or the lessee or the local authority may refer the case to the rent tribunal for reconsideration of the rent so entered on the ground of change of circumstances.

(2) In its application to a reference under subsection (1) above, section 73 above shall have effect with the modification that the rent tribunal shall have power under subsection (1) of that section to increase the rent payable.

Effect of
registration
of rent.

76.—(1) Where the rent payable for any dwelling is entered in the register under section 74 above, it shall not be lawful to require or receive on account of rent for that dwelling under a Part VI contract payment of any amount in excess of the rent so registered in respect of any period subsequent to the date of the entry or, where a particular period is specified in the register, in respect of that period.

(2) Where any payment has been made or received in contravention of this section, the amount of the excess shall be recoverable by the person by whom it was paid.

(3) Any person who requires or receives any payment in contravention of this section shall be liable to a fine not exceeding £100 or to imprisonment for a term not exceeding six months or both, and, without prejudice to any other method of recovery, the court by which a person is found guilty of an offence under this subsection may order the amount paid in excess to be repaid to the person by whom the payment was made.

PART VI

(4) Proceedings for an offence under this section shall not be instituted otherwise than by the local authority.

Security of tenure

77.—(1) If, after a Part VI contract has been referred to a rent tribunal by the lessee or the local authority under section 72 or section 75 above, a notice to quit the dwelling to which the contract relates is served by the lessor on the lessee at any time before the decision of the tribunal is given or within the period of six months thereafter, then, subject to subsection (2) and sections 79 and 80 below, the notice shall not take effect before the expiry of that period.

Notice to quit served after reference of contract to rent tribunal.

(2) In a case falling within subsection (1) above,—

- (a) the rent tribunal may, if they think fit, direct that a shorter period shall be substituted for the period of six months specified in that subsection; and
- (b) if the reference to the rent tribunal is withdrawn, the period during which the notice to quit is not to take effect shall end on the expiry of seven days from the withdrawal of the reference.

78.—(1) Subject to sections 79 and 80(3) below, where—

- (a) a notice to quit a dwelling the subject of a Part VI contract has been served, and
- (b) the Part VI contract has been referred to a rent tribunal under section 72 or section 75 above (whether before or after the service of the notice to quit) and the reference has not been withdrawn, and
- (c) the rent tribunal has not given a direction under section 77(2)(a) above, and
- (d) the period at the end of which the notice to quit takes effect (whether by virtue of the contract, of section 77 above or of this section) has not expired,

Application to tribunal for security of tenure where notice to quit is served.

the lessee may apply to the rent tribunal for the extension of the period referred to in paragraph (d) above.

(2) Where an application is made under this section, the notice to quit to which the application relates shall not have

PART VI effect before the determination of the application unless the application is withdrawn.

(3) On an application under this section, the rent tribunal, after making such inquiry as they think fit and giving to each party an opportunity of being heard or, at his option, of submitting representations in writing, may direct that the notice to quit shall not have effect until the end of such period, not exceeding six months from the date on which the notice to quit would have effect apart from the direction, as may be specified in the direction.

(4) If the rent tribunal refuse to give a direction under this section,—

(a) the notice to quit shall not have effect before the expiry of seven days from the determination of the application ; and

(b) no subsequent application under this section shall be made in relation to the same notice to quit.

(5) On coming to a determination on an application under this section, the rent tribunal shall notify the parties of their determination.

Notices to quit served by owner-occupiers.

79. Where a person who has occupied a dwelling as a residence (in this section referred to as “the owner-occupier”) has, by virtue of a Part VI contract, granted the right to occupy the dwelling to another person and—

(a) at or before the time when the right was granted (or, if it was granted before 8th December 1965, not later than 7th June 1966) the owner-occupier has given notice in writing to that other person that he is the owner-occupier within the meaning of this section, and

(b) if the dwelling is part of a house, the owner-occupier does not occupy any other part of the house as his residence,

neither section 77 nor section 78 above shall apply where a notice to quit the dwelling is served if, at the time the notice is to take effect, the dwelling is required as a residence for the owner-occupier or any member of his family who resided with him when he last occupied the dwelling as a residence.

Reduction of period of notice on account of lessee's default.

80.—(1) The provisions of this section apply where a Part VI contract has been referred to a rent tribunal and the period at the end of which a notice to quit will take effect has been determined by section 77 above or extended under section 78 above.

(2) If, in a case where this section applies, it appears to the rent tribunal, on an application made by the lessor for a direction under this section,— PART VI

- (a) that the lessee has not complied with the terms of the contract, or
- (b) that the lessee or any person residing or lodging with him has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers or has been convicted of using the dwelling, or allowing the dwelling to be used, for an immoral or illegal purpose, or
- (c) that the condition of the dwelling has deteriorated owing to any act or neglect of the lessee or any person residing or lodging with him,

the rent tribunal may direct that the period referred to in subsection (1) above shall be reduced so as to end at a date specified in the direction.

(3) No application may be made under section 78 above with respect to a notice to quit if a direction has been given under this section reducing the period at the end of which the notice is to take effect.

Miscellaneous and general

81. Where a Part VI contract is referred to a rent tribunal under this Part of this Act and— Jurisdiction
of rent
tribunals.

- (a) the contract relates to a dwelling consisting of or comprising part only of a hereditament, and
- (b) no apportionment of the rateable value of the hereditament has been made under section 6 of this Act,

then, unless the lessor in the course of the proceedings requires that such an apportionment shall be made and, within two weeks of making the requirement, brings proceedings in the county court for the making of the apportionment, the rent tribunal shall have jurisdiction to deal with the reference if it appears to them that, had the apportionment been made, they would have had jurisdiction.

82.—(1) For the purposes of this Part of this Act, the local authority shall be— Local
authorities
for Part VI.

- (a) in a county borough, London borough or county district, the council of the borough or district in question; and
- (b) in the City of London, the Common Council.

PART VI (2) The powers of the local authority under this Part of this Act may, if the local authority so resolve, be exercised by one of their officers appointed by them for the purpose.

(3) The local authority shall have power to publish information regarding the provisions of this Part of this Act.

Regulations. **83.** The Minister of Housing and Local Government may by statutory instrument make regulations—

- (a) with regard to the tenure of office of chairmen and other members of rent tribunals ;
- (b) with regard to proceedings before rent tribunals under this Part of this Act ;
- (c) for prescribing anything which is required by this Part of this Act to be prescribed ; and
- (d) generally for carrying into effect the provisions of this Part of this Act.

Interpretation of Part VI. **84.—**(1) In this Part of this Act, unless the context otherwise requires,—

“ dwelling ” means a house or part of a house ;

“ lessee ” means the person to whom is granted, under a Part VI contract, the right to occupy the dwelling in question as a residence and any person directly or indirectly deriving title from the grantee ;

“ lessor ” means the person who, under a Part VI contract, grants to another the right to occupy the dwelling in question as a residence and any person directly or indirectly deriving title from the grantor ;

“ register ” means the register kept by the local authority in pursuance of section 74 above ;

“ rent tribunal ” has the meaning assigned to it by section 69(1) above ;

“ services ” includes attendance, the provision of heating or lighting, the supply of hot water and any other privilege or facility connected with the occupancy of a dwelling, other than a privilege or facility requisite for the purposes of access, cold water supply or sanitary accommodation.

(2) References in this Part of this Act to a party to a contract include references to any person directly or indirectly deriving title from such a party.

(3) Where separate sums are payable by the lessee of any dwelling to the lessor for any two or more of the following, namely,—

PART VI

- (a) occupation of the dwelling,
- (b) use of furniture, and
- (c) services,

any reference in this Part of this Act to “rent” in relation to that dwelling is a reference to the aggregate of those sums and, where those sums are payable under separate contracts, those contracts shall be deemed to be one contract.

PART VII

PREMIUMS, ETC.

85.—(1) Any person who, as a condition of the grant, renewal or continuance of a protected tenancy, requires, in addition to the rent, the payment of any premium or the making of any loan (whether secured or unsecured) shall be guilty of an offence under this section.

Prohibition of premiums and loans on grant of protected tenancies.

(2) Any person who, in connection with the grant, renewal or continuance of a protected tenancy, receives any premium in addition to the rent shall be guilty of an offence under this section.

(3) A person guilty of an offence under this section shall be liable to a fine not exceeding £100.

(4) The court by which a person is convicted of an offence under this section relating to requiring or receiving any premium may order the amount of the premium to be repaid to the person by whom it was paid.

86.—(1) Subject to the following provisions of this section, any person who, as a condition of the assignment of a protected tenancy, requires the payment of any premium or the making of any loan (whether secured or unsecured) shall be guilty of an offence under this section.

Prohibition of premiums and loans on assignment of protected tenancies.

(2) Subject to the following provisions of this section, any person who, in connection with the assignment of a protected tenancy, receives any premium shall be guilty of an offence under this section.

(3) Notwithstanding anything in subsections (1) and (2) above, an assignor of a protected tenancy of a dwelling-house

PART VII may, if apart from this section he would be entitled to do so, require the payment by the assignee or receive from the assignee a payment—

- (a) of so much of any outgoings discharged by the assignor as is referable to any period after the assignment takes effect ;
 - (b) of a sum not exceeding the amount of any expenditure reasonably incurred by the assignor in carrying out any structural alteration of the dwelling-house or in providing or improving fixtures therein, being fixtures which, as against the landlord, he is not entitled to remove ;
 - (c) where the assignor became a tenant of the dwelling-house by virtue of an assignment of the protected tenancy, of a sum not exceeding any reasonable amount paid by him to his assignor in respect of expenditure incurred by that assignor, or by any previous assignor of the tenancy, in carrying out any such alteration or in providing or improving any such fixtures as are mentioned in paragraph (b) above ; or
 - (d) where part of the dwelling-house is used as a shop or office, or for business, trade or professional purposes, of a reasonable amount in respect of any goodwill of the business, trade or profession, being goodwill transferred to the assignee in connection with the assignment or accruing to him in consequence thereof.
- (4) Without prejudice to subsection (3) above, the assignor shall not be guilty of an offence under this section by reason only that—
- (a) any payment of outgoings required or received by him on the assignment was a payment of outgoings referable to a period before the assignment took effect ; or
 - (b) any expenditure which he incurred in carrying out structural alterations of the dwelling-house or in providing or improving fixtures therein and in respect of which he required or received the payment of any sum on the assignment was not reasonably incurred ; or
 - (c) any amount paid by him as mentioned in subsection (3)(c) above was not a reasonable amount ; or
 - (d) any amount which he required to be paid, or which he received, on the assignment in respect of goodwill was not a reasonable amount.
- (5) Notwithstanding anything in subsections (1) and (2) above, the provisions of Schedule 11 to this Act shall have

effect in relation to the assignment of protected tenancies which are regulated tenancies in cases where a premium was lawfully required or received at the commencement of the tenancy. PART VII

(6) A person guilty of an offence under this section shall be liable to a fine not exceeding £100.

(7) The court by which a person is convicted of an offence under this section relating to requiring or receiving any premium may order the amount of the premium, or so much of it as cannot lawfully be required or received under this section (including any amount which, by virtue of subsection (4) above, does not give rise to an offence) to be repaid to the person by whom it was paid.

87.—(1) The provisions of this section apply in relation to any premises if Prohibition of premiums on grant or assignment of furnished lettings.

(a) under Part VI of this Act, a rent is registered for those premises in the register kept in pursuance of section 74 of this Act; and

(b) in a case where the approval, reduction or increase of the rent by the rent tribunal is limited to rent payable in respect of a particular period, that period has not expired.

(2) Subject to subsection (3) below, any person who, as a condition of the grant, renewal, continuance or assignment of rights under a Part VI contract, requires the payment of any premium shall be guilty of an offence under this section.

(3) Nothing in subsection (2) above shall prevent a person from requiring—

(a) that there shall be paid so much of any outgoings discharged by a grantor or assignor as is referable to any period after the grant or assignment takes effect; or

(b) that there shall be paid a reasonable amount in respect of goodwill of a business, trade, or profession, where the goodwill is transferred to a grantee or assignee in connection with the grant or assignment or accrues to him in consequence thereof.

(4) A person guilty of an offence under this section shall be liable to a fine not exceeding £100.

(5) The court by which a person is convicted of an offence under this section may order the amount of the premium, or so much of it as cannot lawfully be required under this section, to be repaid to the person by whom it was paid.

PART VII
Excessive
price for
furniture to
be treated as
premium.

88. Where the purchase of any furniture has been required as a condition of the grant, renewal, continuance or assignment—

(a) of a protected tenancy, or,

(b) of rights under a Part VI contract which relates to premises falling within section 87(1) above,

then, if the price exceeds the reasonable price of the furniture, the excess shall be treated, for the purposes of this Part of this Act, as if it were a premium required to be paid as a condition of the grant, renewal, continuance or assignment of the protected tenancy or, as the case may be, the rights under the Part VI contract.

Punishment of
attempts to
obtain from
prospective
tenants
excessive
prices for
furniture.

89.—(1) Any person who, in connection with the proposed grant, renewal, continuance or assignment, on terms which require the purchase of furniture, of a protected tenancy—

(a) offers the furniture at a price which he knows or ought to know is unreasonably high, or otherwise seeks to obtain such a price for the furniture, or

(b) fails to furnish, to any person seeking to obtain or retain accommodation whom he provides with particulars of the tenancy, a written inventory of the furniture, specifying the price sought for each item,

shall be liable to a fine not exceeding £100.

(2) Where a local authority have reasonable grounds for suspecting that an offence under subsection (1)(a) above has been committed with respect to a protected tenancy or proposed protected tenancy of a dwelling-house, they may give notice to the person entitled to possession of the dwelling-house or his agent that, on such date as may be specified in the notice, which shall not be earlier than twenty-four hours after the giving of the notice or, if the dwelling-house is unoccupied, than the expiry of such period after the giving of the notice as may be reasonable in the circumstances, facilities will be required for entry to the dwelling-house and inspection of the furniture therein.

(3) A notice under this section may be given by post.

(4) Where a notice is given under this section, any person authorised by the local authority may avail himself of any facilities for such entry and inspection as are referred to in subsection (2) above which are provided on the specified date but shall, if so required, produce some duly authenticated document showing that he is authorised by the local authority.

(5) If it is shown to the satisfaction of a justice of the peace, on sworn information in writing, that a person required to give facilities under this section has failed to give them, the justice

may, by warrant under his hand, empower the local authority, by any person authorised by them, to enter the dwelling-house in question, if need be by force, and inspect the furniture therein.

PART VII

(6) A person empowered by or under the preceding provisions of this section to enter a dwelling-house may take with him such other persons as may be necessary and, if the dwelling-house is unoccupied, shall leave it as effectively secured against trespassers as he found it.

(7) Any person who wilfully obstructs a person acting in pursuance of a warrant issued under subsection (5) above shall be liable on a first conviction to a fine not exceeding £20 and, on a second or subsequent conviction, to a fine not exceeding £50.

(8) A local authority shall have power to publish information, for the assistance of persons offering or seeking tenancies, as to the operation of this section.

(9) In this section "local authority" means the council of a county borough, London borough, or county district or the Common Council of the City of London.

90.—(1) Where under any agreement (whether made before or after the commencement of this Act) any premium is paid after the commencement of this Act and the whole or any part of that premium could not lawfully be required or received under the preceding provisions of this Part of this Act, the amount of the premium or, as the case may be, so much of it as could not lawfully be required or received, shall be recoverable by the person by whom it was paid.

Recovery
of premiums
and loans
unlawfully
required or
received.

(2) Nothing in section 85 or section 86 above shall invalidate any agreement for the making of a loan or any security issued in pursuance of such an agreement but, notwithstanding anything in the agreement for the loan, any sum lent in circumstances involving a contravention of either of those sections shall be repayable to the lender on demand.

91.—(1) Where a protected tenancy which is a regulated tenancy is granted, continued or renewed, any requirement that rent shall be payable—

Avoidance of
requirements
for advance
payment
of rent in
certain cases

- (a) before the beginning of the rental period in respect of which it is payable, or
- (b) earlier than six months before the end of the rental period in respect of which it is payable (if that period is more than six months),

shall be void, whether the requirement is imposed as a condition of the grant, renewal or continuance of the tenancy or under the terms thereof; and any requirement avoided by this section is, in the following provisions of this section, referred to as a "prohibited requirement".

C

PART VII (2) Rent for any rental period to which a prohibited requirement relates shall be irrecoverable from the tenant.

(3) Any person who purports to impose any prohibited requirement shall be liable to a fine not exceeding £100, and the court by which he is convicted may order any amount of rent paid in compliance with the prohibited requirement to be repaid to the person by whom it was paid.

(4) Where a tenant has paid on account of rent any amount which, by virtue of this section is irrecoverable, then, subject to subsection (6) below, the tenant shall be entitled to recover that amount from the landlord who received it or his personal representatives.

(5) Subject to subsection (6) below, any amount which a tenant is entitled to recover under subsection (4) above may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the landlord.

(6) No amount which a tenant is entitled to recover under subsection (4) above shall be recoverable at any time after the expiry of two years from the date of payment.

(7) Any person who, in any rent book or similar document makes an entry showing or purporting to show any tenant as being in arrears in respect of any sum on account of rent which is irrecoverable by virtue of this section shall be liable to a fine not exceeding £50, unless he proves that, at the time of the making of the entry, the landlord had a bona fide claim that the sum was recoverable.

(8) If, where any such entry has been made by or on behalf of any landlord, the landlord, on being requested by or on behalf of the tenant to do so, refuses or neglects to cause the entry to be deleted within seven days, the landlord shall be liable to a fine not exceeding £50, unless he proves that, at the time of the neglect or refusal to cause the entry to be deleted, he had a bona fide claim that the sum was recoverable.

Interpretation
of Part VII.

92.—(1) In this Part of this Act, unless the context otherwise requires,—

“furniture” includes fittings and other articles;

“Part VI contract” has the same meaning as in Part VI of this Act;

“premium” includes any fine or other like sum and any other pecuniary consideration in addition to rent;
and

“rental period” means a period in respect of which a payment of rent falls to be made.

(2) For the avoidance of doubt it is hereby declared that nothing in this Part of this Act shall render any amount recoverable more than once.

PART VIII

MORTGAGES

93.—(1) Subject to subsection (4) below, the mortgages with which this Part of this Act is concerned are mortgages which—
 (a) were created before 8th December 1965; and
 (b) are either controlled mortgages or regulated mortgages as hereinafter defined.

Mortgages to which Part VIII applies.

(2) For the purposes of this Part of this Act, a mortgage is a controlled mortgage at any time when, had this Act not been passed, it would have been a mortgage to which the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 would have applied (whether by virtue of the modifications of that Act effected by Schedule 1 to the Rent and Mortgage Restrictions Act 1939 or otherwise).

1920 c. 17.

1939 c. 71.

(3) Any reference in this Part of this Act to a regulated mortgage shall be construed in accordance with section 94 below.

(4) If on 28th November 1967 land consisting of or including a dwelling-house was subject to a long tenancy which became a regulated tenancy on that date by virtue of section 39 of the Leasehold Reform Act 1967, then sections 94 and 95 below shall have effect as if in relation to that land the reference in subsection (1)(a) above to 8th December 1965 were a reference to 28th November 1967.

1967 c. 88.

94.—(1) Subject to subsection (2) below, a mortgage which falls within section 93(1)(a) above but which is not a controlled mortgage is a regulated mortgage if—

Regulated mortgages.

- (a) it is a legal mortgage of land consisting of or including a dwelling-house which is let on or subject to a regulated tenancy; and
- (b) the regulated tenancy is binding on the mortgagee.

(2) Notwithstanding that a mortgage falls within subsection (1) above, it is not a regulated mortgage if—

- (a) the rateable value on the appropriate day of the dwelling-house which falls within subsection (1)(a) above, or if there is more than one such dwelling-house comprised in the mortgage, the aggregate of the rateable values of those dwelling-houses on the appropriate day, is less than one-tenth of the rateable value on the appropriate day of the whole of the land comprised in the mortgage; or
- (b) the mortgagor is in breach of covenant, but for this purpose a breach of the covenant for the repayment of the principal money otherwise than by instalments shall be disregarded.

PART VIII

(3) In this section "legal mortgage" includes a charge by way of legal mortgage.

Powers of court to mitigate hardship to mortgagors under regulated mortgages.

95.—(1) The powers of the court under this section relate only to regulated mortgages, and those powers become exercisable in relation to such a mortgage only on an application made by the mortgagor within twenty-one days, or such longer time as the court may allow, after the occurrence of one of the following events, that is to say,—

- (a) the rate of interest payable in respect of the mortgage is increased ; or
- (b) a rent for a dwelling-house comprised in the mortgage is registered under Part IV of this Act and the rent so registered is lower than the rent which was payable immediately before the registration ; or
- (c) the mortgagee, not being a mortgagee who was in possession on 8th December 1965, demands payment of the principal money secured by the mortgage or takes any steps for exercising any right of foreclosure or sale or for otherwise enforcing his security.

(2) If the court is satisfied on any such application as is referred to in subsection (1) above that, by reason of the event in question and of the operation of this Act the mortgagor would suffer severe financial hardship unless relief were given under this section, the court may by order make such provision limiting the rate of interest, extending the time for the repayment of the principal money or otherwise varying the terms of the mortgage or imposing any limitation or condition on the exercise of any right or remedy in respect thereof, as the court thinks appropriate.

(3) Where the court makes an order under subsection (2) above in relation to a mortgage which comprises other land as well as a dwelling-house or dwelling-houses subject to a regulated tenancy the order may, if the mortgagee so requests, make provision for apportioning the money secured by the mortgage between that other land and the dwelling-house or dwelling-houses.

(4) Where such an apportionment is made as is referred to in subsection (3) above, the other provisions of the order made by the court shall not apply in relation to the other land referred to in that subsection and the money secured by the other land, and the mortgage shall have effect for all purposes as two separate mortgages of the apportioned parts.

(5) Where the court has made an order under this section it may vary or revoke it by a subsequent order.

(6) The court for the purposes of this section is a county court, except that where an application under subsection (1) above is made in pursuance of any step taken by the mortgagee

in the High Court or the Court of Chancery of the County Palatine of Lancaster or the Court of Chancery of the County Palatine of Durham, it is that court. PART VIII

96.—(1) The provisions of Part I of Schedule 12 to this Act shall have effect with respect to the interest rate on controlled mortgages, and the provisions of Part II of that Schedule shall have effect, subject to subsection (2) below, with respect to the enforcement of the mortgagee's rights and remedies under a controlled mortgage. Restrictions applicable to controlled mortgages and mitigation thereof.

(2) Where the mortgagee under a controlled mortgage satisfies the county court that greater hardship would be caused if the restrictions imposed on the exercise of the mortgagee's rights and remedies by Part II of Schedule 12 to this Act continued to apply to the mortgage than if they were removed or modified, the court may by order allow him to exercise such of those rights and remedies as may be specified in the order, on such terms and conditions as may be so specified.

(3) Where the county court has made an order under this section it may vary or revoke it by a subsequent order.

97.—(1) Where a controlled mortgage comprises other land as well as a dwelling-house or dwelling-houses to which, immediately before the commencement of this Act, the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 applied, the mortgagee may apportion the principal money secured by the mortgage between that other land and the dwelling-house or dwelling-houses by giving one month's notice in writing to the mortgagor, stating the particulars of the apportionment. Apportionment of controlled mortgages. 1920 c. 17.

(2) At any time before the expiry of a month's notice given under subsection (1) above the mortgagor may dispute the amounts apportioned by the notice and, in default of agreement, the apportionment of the principal money secured by the mortgage shall be determined by a single arbitrator appointed by the President of the Royal Institution of Chartered Surveyors.

(3) Where a notice is given under subsection (1) above then, as from the expiry of the month's notice, the provisions of this Part of this Act shall cease to apply to the mortgage in question so far as it relates to the other land referred to in subsection (1) above and the money secured by the other land, and the mortgage shall have effect for all purposes as two separate mortgages of the apportioned parts.

98.—(1) Where a mortgagor under a controlled mortgage has paid on account of mortgage interest any amount which, by virtue of Schedule 12 to this Act, is irrecoverable by the mortgagee then, subject to subsection (3) below, the mortgagor who paid it shall be entitled to recover that amount from the mortgagee who received it or his personal representatives. Recovery of sums paid in excess of permitted rate of interest under controlled mortgage.

PART VIII (2) Subject to subsection (3) below, any amount which a mortgagor is entitled to recover under subsection (1) above may, without prejudice to any other method of recovery, be deducted by the mortgagor from any mortgage interest payable by him to the mortgagee.

(3) No amount which a mortgagor is entitled to recover under subsection (1) above shall be recoverable at any time after the expiry of two years from the date of payment.

Interpretation
of Part VIII.

99. In this Part of this Act—

(a) the expressions “mortgagee” and “mortgagor” include any person from time to time deriving title under the original mortgagee or mortgagor; and

(b) the expressions “legal mortgage”, in relation to regulated mortgages, and “mortgage”, in relation to controlled mortgages, include any charge registered under the Land Registration Act 1925.

1925 c. 21.

PART IX

MISCELLANEOUS AND GENERAL

Release from regulation

Release
from rent
regulation.

100.—(1) Where the Minister is satisfied with respect to every part of any area that the number of persons seeking to become tenants there—

(a) of dwelling-houses exceeding a specified rateable value,
or

(b) of any class or description of dwelling-house or of dwelling-house exceeding a specified rateable value,

is not substantially greater than the number of such dwelling-houses in that part, he may by order provide that no such dwelling-house in the area shall be the subject of a regulated tenancy.

(2) An order under this section may contain such transitional provisions, including provisions to avoid or mitigate hardship, as appear to the Minister to be desirable.

(3) The power to make an order under this section shall be exercisable by statutory instrument and no such order shall have effect unless it is approved by a resolution of each House of Parliament.

Shared accommodation

Provisions
where tenant
shares
accommoda-
tion with
landlord.

101. Where under any contract—

(a) a tenant has the exclusive occupation of any accommodation, and

(b) the terms on which he holds the accommodation include the use of other accommodation in common

with his landlord or in common with his landlord and other persons, and

PART IX

- (c) by reason only of the circumstances mentioned in paragraph (b) above, the accommodation referred to in paragraph (a) above is not a dwelling-house let on a protected tenancy.

Part VI of this Act shall apply to the contract notwithstanding that the rent does not include payment for the use of furniture or for services.

102.—(1) Where a tenant has the exclusive occupation of any accommodation (in this section referred to as “the separate accommodation”) and

Provisions where tenant shares accommodation with persons other than landlord.

- (a) the terms as between the tenant and his landlord on which he holds the separate accommodation include the use of other accommodation (in this section referred to as “the shared accommodation”) in common with another person or other persons, not being or including the landlord, and
- (b) by reason only of the circumstances mentioned in paragraph (a) above, the separate accommodation would not, apart from this section, be a dwelling-house let on or subject to a protected or statutory tenancy,

the separate accommodation shall be deemed to be a dwelling-house let on a protected tenancy or, as the case may be, subject to a statutory tenancy and the following provisions of this section shall have effect.

(2) For the avoidance of doubt it is hereby declared that where, for the purpose of determining the rateable value of the separate accommodation, it is necessary to make an apportionment under this Act, regard is to be had to the circumstances mentioned in subsection (1)(a) above.

(3) Subject to subsection (4) below, while the tenant is in possession of the separate accommodation (whether as a protected or statutory tenant), any term or condition of the contract of tenancy terminating or modifying, or providing for the termination or modification of, his right to the use of any of the shared accommodation which is living accommodation shall be of no effect.

(4) Where the terms and conditions of the contract of tenancy are such that at any time during the tenancy the persons in common with whom the tenant is entitled to the use of the shared accommodation could be varied, or their number could be

PART IX increased, nothing in subsection (3) above shall prevent those terms and conditions from having effect so far as they relate to any such variation or increase.

(5) Subject to subsection (6) below and without prejudice to the enforcement of any order made thereunder, while the tenant is in possession of the separate accommodation, no order shall be made for possession of any of the shared accommodation, whether on the application of the immediate landlord of the tenant or on the application of any person under whom that landlord derives title, unless a like order has been made, or is made at the same time, in respect of the separate accommodation; and the provisions of section 10(1) of this Act shall apply accordingly.

(6) On the application of the landlord, the county court may make such order, either terminating the right of the tenant to use the whole or any part of the shared accommodation other than living accommodation, or modifying his right to use the whole or any part of the shared accommodation, whether by varying the persons or increasing the number of persons entitled to the use of that accommodation, or otherwise, as the court thinks just:

Provided that no order shall be made under this subsection so as to effect any termination or modification of the rights of the tenant which, apart from subsection (3) above, could not be effected by or under the terms of the contract of tenancy.

(7) In this section the expression "living accommodation" means accommodation of such a nature that the fact that it constitutes or is included in the shared accommodation is (or, if the tenancy has ended, was) sufficient, apart from this section, to prevent the tenancy from constituting a protected tenancy of a dwelling-house.

Certain
sublettings not
to exclude any
part of sub-
lessor's
premises from
protection
under the Act.

Sublettings

103.—(1) Where the tenant of any premises, consisting of a house or part of a house, has sublet a part, but not the whole, of the premises, then, as against his landlord or any superior landlord, no part of the premises shall be treated as not being a dwelling-house let on or subject to a protected or statutory tenancy by reason only that—

- (a) the terms on which any person claiming under the tenant holds any part of the premises include the use of accommodation in common with other persons; or
- (b) part of the premises is let to any such person at a rent which includes payments in respect of board, attendance or use of furniture.

(2) Nothing in this section affects the rights against, and liabilities to, each other of the tenant and any person claiming under him, or of any two such persons. PART IX

104.—(1) If the tenant of a dwelling-house let on or subject to a protected or statutory tenancy sublets any part of the dwelling-house on a protected tenancy, then, subject to subsection (2) below, he shall within fourteen days after the subletting supply the landlord with a statement in writing of the subletting giving particulars of occupancy, including the rent charged. Obligation to notify sublettings of dwelling-houses let on or subject to protected or statutory tenancies.

(2) Subsection (1) above shall not require the supply of a statement in relation to a subletting of any part of a dwelling-house if the particulars which would be required to be included in the statement as to the rent and other conditions of the subtenancy would be the same as in the last statement supplied in accordance with that subsection with respect to a previous subletting of that part.

(3) A tenant who is required to supply a statement in accordance with subsection (1) above and who, without reasonable excuse,—

- (a) fails to supply a statement, or
- (b) supplies a statement which is false in any material particular,

shall be liable to a fine not exceeding £10.

Jurisdiction and procedure

105.—(1) A county court shall have jurisdiction, either in the course of any proceedings relating to a dwelling or on an application made for the purpose by the landlord or the tenant, to determine any question— County court jurisdiction.

- (a) as to whether a tenancy is a protected tenancy or whether any person is a statutory tenant of a dwelling-house, or whether a mortgage is a controlled mortgage within the meaning of Part VIII of this Act ; or
- (b) as to the rent limit ; or
- (c) as to the rent actually recoverable under a controlled tenancy ; or
- (d) as to the application of Part VI of this Act to a contract ;

or as to any matter which is or may become material for determining any such question.

(2) In subsection (1) above “ dwelling ” and “ the rent limit ” have, in relation to a controlled tenancy, the same meanings as in Part V of this Act.

(3) A county court shall have jurisdiction to deal with any claim or other proceedings arising out of any of the provisions

PART IX of this Act specified in subsection (5) below, notwithstanding that by reason of the amount of the claim or otherwise the case would not, apart from this subsection, be within the jurisdiction of a county court.

(4) If, under any of the provisions of this Act specified in subsection (5) below, a person takes proceedings in the High Court which he could have taken in the county court, he shall not be entitled to recover any costs.

(5) The provisions referred to in subsections (3) and (4) above are—

- (a) Part II, except sections 10(2) and 17 ;
- (b) in Part III, section 33 ;
- (c) Part V ;
- (d) in Part VII, sections 90 and 91 ;
- (e) In Part VIII, sections 96(1), 97 and 98 ; and
- (f) in this Part of this Act, sections 110 and 111.

Rules as to procedure.

106.—(1) The Lord Chancellor may make such rules and give such directions as he thinks fit for the purpose of giving effect to the provisions of this Act specified in subsection (3) below and may, by those rules or directions, provide for the conduct so far as desirable in private of any proceedings for the purposes of those provisions and for the remission of any fees.

(2) The power vested in the Lord Chancellor by subsection (1) above may, when the Great Seal is in commission, be exercised by any Lord Commissioner.

(3) The provisions of this Act to which subsection (1) above refers are—

- (a) Part II, except sections 10(2) and 17 ;
- (b) in Part III, subsections (4) to (6) of section 26 and section 33 ;
- (c) Part V ;
- (d) in Part VIII, sections 96(1), 97 and 98 ; and
- (e) in this Part of this Act, sections 110 and 111.

Miscellaneous

Powers of local authorities for the purposes of giving information. 1965 c. 75.

107.—(1) Any local authority to which this section applies shall have power—

- (a) to publish information, for the assistance of landlords and tenants, as to their rights and duties under Part III of the Rent Act 1965 and under the provisions of this Act specified in subsection (3) below and as to the procedure for enforcing those rights or securing the performance of those duties ; and
- (b) to furnish particulars as to the availability, extent and character of alternative accommodation.

(2) The functions of a local authority under this section may, in accordance with directions given by the authority, be exercised by a committee of the authority appointed under this section or under any other enactment; and the authority may appoint as additional members of any such committee, for the purpose of exercising those functions, such persons as they think fit, whether members of the authority or not.

(3) The provisions of this Act referred to in subsection (1) above are—

- (a) Parts I to V;
- (b) Part VII, except section 89;
- (c) Parts VIII and IX.

(4) This section applies to the following local authorities, that is to say,—

- (a) councils of county boroughs, London boroughs and county districts;
- (b) the Common Council of the City of London; and
- (c) the Council of the Isles of Scilly.

108.—(1) Offences under this Act are punishable summarily. Prosecution offences.

(2) Proceedings for an offence under this Act or under Part III of the Rent Act 1965 may be instituted by any local authority 1965 c. 75. to which section 107 above applies.

109.—(1) Subject to subsection (5) below, any document required or authorised by this Act to be served by the tenant of a dwelling-house on the landlord thereof shall be deemed to be duly served on him if it is served— Service of notices on landlord's agents.

- (a) on any agent of the landlord named as such in the rent book or other similar document; or
- (b) on the person who receives the rent of the dwelling-house.

(2) Where a dwelling-house is subject to a regulated tenancy, subsection (1) above shall apply also in relation to any document required or authorised by this Act to be served on the landlord by a person other than the tenant.

(3) Subject to subsection (5) below, if for the purpose of any proceedings (whether civil or criminal) brought or intended to be brought under this Act, any person serves upon any such agent or other person as is referred to in paragraph (a) or paragraph (b) of subsection (1) above a notice in writing requiring the agent or other person to disclose to him the full name and place of abode or place of business of the landlord, that agent or other person shall forthwith comply with the notice.

PART IX

(4) If any such agent or other person as is referred to in subsection (3) above fails or refuses forthwith to comply with a notice served on him under that subsection, he shall be liable to a fine not exceeding £5, unless he shows to the satisfaction of the court that he did not know, and could not with reasonable diligence have ascertained, such of the facts required by the notice to be disclosed as were not disclosed by him.

(5) Subsections (1) to (4) above shall not apply to any document required or authorised to be served by, or to any proceedings brought or intended to be brought under, Part VI or Part VII of this Act, other than proceedings under section 91 of this Act.

Rents of
subsidised
private
houses.

110.—(1) The provisions of this section apply to any condition mentioned in any of the enactments specified in subsection (2) below which limits the rent to be charged in respect of any dwelling.

(2) The enactments referred to in subsection (1) above are—

- | | |
|-------------|---|
| 1924 c. 35. | (a) section 2 of the Housing (Financial Provisions) Act 1924 ; |
| 1926 c. 56. | (b) section 3 of the Housing (Rural Workers) Act 1926 ; |
| 1938 c. 16. | (c) section 3 of the Housing (Financial Provisions) Act 1938 or section 46 of the Housing (Financial Provisions) Act 1958 ; |
| 1958 c. 42 | |
| 1957 c. 56. | (d) section 104 of the Housing Act 1957 ; |
| 1959 c. 33. | (e) section 33 of the Housing (Financial Provisions) Act 1958, including that section as applied by section 7 of the House Purchase and Housing Act 1959. |

(3) Subject to subsection (4) below, in so far as any condition to which this section applies limits the rent under a controlled tenancy, the condition shall limit, or as the case may be shall have effect as if it limited, that rent to the amount of the rent limit, within the meaning of Part V of this Act.

(4) If any condition to which this section applies was imposed before 6th July 1957 and then limited the rent to an amount exceeding what would be the rent limit if ascertained under subsections (1) and (2) of section 52 of this Act, the rent limit under a controlled tenancy shall be that amount, subject to the provisions of subsection (3) of that section and of paragraph 7(2) of Schedule 9 to this Act.

(5) The provisions of Schedule 13 to this Act shall have effect, to the extent therein specified, in relation to any condition to which this section applies which limits the rent under a tenancy which is not a controlled tenancy.

111.—(1) Subject to subsection (2) below, no distress for the rent of any dwelling-house let on a protected tenancy or subject to a statutory tenancy shall be levied except with the leave of the county court ; and the court shall, with respect to any application for such leave, have the same or similar powers with respect to adjournment, stay, suspension, postponement and otherwise as are conferred by section 11 of this Act, in relation to proceedings for possession of such a dwelling-house. PART IX
Restriction of
levy of distre
for rent.

(2) Nothing in subsection (1) above shall apply to distress levied under section 137 of the County Courts Act 1959. 1959 c. 22.

112. It shall be a condition of a protected tenancy of a dwelling-house that the tenant shall afford to the landlord access to the dwelling-house and all reasonable facilities for executing therein any repairs which the landlord is entitled to execute. Implied
term in all
protected
tenancies.

General

113.—(1) In this Act, except where the context otherwise requires,— Interpretatio

“ the appropriate day ” has the meaning assigned to it by section 6(3) of this Act ;

“ controlled tenancy ” and “ regulated tenancy ” shall be construed in accordance with section 7 of this Act ;

“ landlord ” includes any person from time to time deriving title under the original landlord and also includes, in relation to any dwelling-house, any person other than the tenant who is, or but for Part II of this Act would be, entitled to possession of the dwelling-house ;

“ let ” includes “ sub-let ” ;

“ long tenancy ” means a tenancy granted for a term of years certain exceeding 21 years, whether or not subsequently extended by act of the parties or by any enactment ;

“ the Minister ”, subject to section 114 below, means the Minister of Housing and Local Government ;

“ protected tenant ” and “ protected tenancy ” shall be construed in accordance with section 1 of this Act ;

“ rateable value ” shall be construed in accordance with section 6 of this Act ;

“ statutory tenant ” and “ statutory tenancy ” shall be construed in accordance with section 3 of this Act ;

PART IX “tenant” includes statutory tenant and also includes a sub-tenant and any person deriving title under the original tenant or sub-tenant ;
 “tenancy” includes “sub-tenancy” ;
 “tenancy at a low rent” has the meaning assigned to it by section 2(2) of this Act.

(2) Except in so far as the context otherwise requires, any reference in this Act to any other enactment shall be taken as referring to that enactment as amended by or under any other enactment, including this Act.

Application
to Wales.

114.—(1) Subject to subsection (2) below, in its application to Wales and Monmouthshire, this Act shall have effect as if for references to the Minister (but not to the Minister of Housing and Local Government) there were substituted references to the Secretary of State.

(2) Subsection (1) above shall not apply in so far as this Act relates—

- (a) to any order relating to an area partly outside Wales and Monmouthshire ; or
- (b) to regulations under Part III or Part IV of this Act prescribing anything other than the form of any notice, application or other document or prescribing the form of any register.

Application
to Isles of
Scilly.

115.—(1) In the application of this Act to the Isles of Scilly, the provisions specified in subsection (2) below shall have effect subject to such exceptions, adaptations and modifications as the Minister may by order direct.

(2) The provisions of this Act referred to in subsection (1) above are:—

- (a) in Part I, sections 6, 8 and 9(4) ;
- (b) Part III ;
- (c) Part IV ;
- (d) in Part VIII, sections 94 and 95 and subsections (2) and (3) of section 96 ; and
- (e) in this Part of this Act, section 100.

(3) The power to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) An order under this section may be varied or revoked by a subsequent order.

(5) Section 57 of the Housing (Financial Provisions) Act 1958 (application to Scilly Isles) shall apply, as it applies in relation to the provisions specified in subsection (3) of that section, in relation to section 16 and subsections (2) to (5) of section 57 of this Act. PART IX
1958 c. 42.

116.—(1) Subject to sections 4 and 70(3)(a) of this Act, this Act shall apply in relation to premises in which there is or at any material time subsisted, a Crown interest as it applies in relation to premises in which no such interest subsists or ever subsisted. Application
to Crown
property.

(2) In this section “ Crown interest ” means an interest which belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster or to the Duchy of Cornwall, or to a government department, or which is held in trust for Her Majesty for the purposes of a government department.

117.—(1) In relation to such protected and statutory tenancies in existence at the commencement of this Act as are specified in Schedule 14 thereto, the provisions of this Act specified in that Schedule shall have effect subject to the modifications so specified. Modification
amendments
transitory
provisions,
repeals, etc.

(2) Subject to subsection (3) below, the enactments specified in Schedule 15 to this Act shall have effect subject to the amendments specified in that Schedule.

(3) The savings and transitory provisions in Schedule 16 to this Act shall have effect.

(4) The inclusion in this Act of any express saving or amendment shall not be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals). 1889 c. 63.

(5) Subject to subsection (3) above, the enactments specified in Schedule 17 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

118.—(1) This Act may be cited as the Rent Act 1968. Short title,
commence-
ment and
extent.

(2) This Act shall come into force on the expiry of the period of one month beginning with the date on which it is passed.

(3) This Act does not extend to Scotland or Northern Ireland.

SCHEDULES

Section 3.

SCHEDULE 1

STATUTORY TENANTS BY SUCCESSION

1. The provisions of paragraph 2 or, as the case may be, paragraph 3 of this Schedule shall have effect, subject to section 3(2) of this Act, for the purpose of determining who is the statutory tenant of a dwelling-house by succession after the death of the person (in this Schedule referred to as "the original tenant") who, immediately before his death, was a protected tenant of the dwelling-house or the statutory tenant of it by virtue of his previous protected tenancy.

2. If the original tenant was a man who died leaving a widow who was residing with him at his death then, after his death, the widow shall be the statutory tenant if and so long as she occupies the dwelling-house as her residence.

3. Where paragraph 2 above does not apply, but a person who was a member of the original tenant's family was residing with him at the time of and for the period of six months immediately before his death then, after his death, that person or if there is more than one such person such one of them as may be decided by agreement, or in default of agreement by the county court, shall be the statutory tenant if and so long as he occupies the dwelling-house as his residence.

4. A person who becomes the statutory tenant of a dwelling-house by virtue of paragraph 2 or paragraph 3 above is in this Schedule referred to as "the first successor".

5. If, immediately before his death, the first successor was still a statutory tenant, the provisions of paragraph 6 or, as the case may be, paragraph 7 below shall have effect, subject to section 3(2) of this Act, for the purpose of determining who is the statutory tenant after the death of the first successor.

6. If the first successor was a man who died leaving a widow who was residing with him at his death then, after his death, the widow shall be the statutory tenant if and so long as she occupies the dwelling-house as her residence.

7. Where paragraph 6 above does not apply but a person who was a member of the first successor's family was residing with him at the time of and for the period of six months immediately before his death then, after his death, that person or if there is more than one such person such one of them as may be decided by agreement, or in default of agreement by the county court, shall be the statutory tenant if and so long as he occupies the dwelling-house as his residence.

8.—(1) A person shall not become a statutory tenant by virtue of paragraph 6 or paragraph 7 above in any case where, immediately before the death of the first successor, his statutory tenancy was a controlled tenancy and, apart from section 9(3) of this Act, Part II of the Landlord and Tenant Act 1954 would have applied to that statutory tenancy, had it been a tenancy within the meaning of that Act.

1954 c. 56.

(2) In a case falling within sub-paragraph (1) above, the person who, if paragraph 6 or, as the case may be, paragraph 7 above had applied, would have become the statutory tenant shall, instead, be treated for the purposes of the Landlord and Tenant Act 1954 as the tenant under a tenancy continuing by virtue of section 24 of that Act after the expiry of a term of years certain. SCH. 1
1954 c. 56.

9. Paragraphs 5 to 8 above do not apply where the statutory tenancy of the original tenant arose by virtue of section 4 of the Requisitioned Houses and Housing (Amendment) Act 1955 or section 20 of the Rent Act 1965. 1955 c. 24.
1965 c. 75.

SCHEDULE 2

Section 7.

CONTROLLED TENANCIES

PART I

PROVISIONS FOR DETERMINING WHETHER TENANCY IS A CONTROLLED TENANCY

1. Subject to the following provisions of this Schedule, a protected tenancy or a statutory tenancy of a dwelling-house is a controlled tenancy if—

- (a) the rateable value of the dwelling-house on 7th November 1956 did not exceed, if it was in the metropolitan police district or the City of London, £40 or, if it was elsewhere, £30, and
- (b) the dwelling-house is not one which consists, and consists only, of premises which, by virtue of the date of their construction or conversion, are excluded by paragraph 3 below from being the subject of a controlled tenancy, and
- (c) the tenancy is not, or, in the case of a statutory tenancy, the preceding contractual tenancy was not, a long tenancy, and
- (d) the tenancy or, in the case of a statutory tenancy, the preceding contractual tenancy, was created by a lease or agreement coming into operation before 6th July 1957 or is or was a tenancy to which paragraph 4 below applies.

2.—(1) Section 6 of this Act shall not apply in ascertaining the rateable value referred to in paragraph 1(a) above, but, subject to the following provisions of this paragraph, the reference in that paragraph to the rateable value of a dwelling-house on 7th November 1956 shall be construed,—

- (a) if the dwelling-house was a hereditament for which a rateable value was on that date shown in the valuation list, as a reference to the rateable value of the hereditament, or where that value differed from the net annual value, the net annual value thereof, as shown in the valuation list on that date ;
- (b) if the dwelling-house formed part only of such a hereditament, as a reference to such proportion of the said rateable

SCH. 2

value or net annual value as may be or have been agreed in writing between the landlord and tenant or determined by the county court ;

- (c) if the dwelling-house consisted of or formed part of more than one such hereditament, as a reference to the aggregate of the rateable values (ascertained in accordance with paragraphs (a) and (b) above) of those hereditaments or parts.

(2) Any apportionment of rateable value made by the county court in a case falling within sub-paragraph (1)(b) above shall be final and conclusive.

(3) Subject to sub-paragraph (4) below, where, after 7th November 1956, the valuation list was altered so as to vary the rateable value of a hereditament, and the alteration had effect from a date not later than 7th November 1956 and was made in pursuance of a proposal made before 1st April 1957, the rateable value on 7th November 1956 of any dwelling-house consisting of or wholly or partly comprised in that hereditament shall be ascertained as if the amount of the rateable, or as the case may be the net annual, value of that hereditament shown in the valuation list on 7th November 1956 had been the amount of that value shown in the list as altered.

(4) Where such a proposal as is referred to in sub-paragraph (3) above was pending on 6th July 1957 and—

- (a) the proposal was for an alteration in the valuation list reducing the rateable value of the dwelling-house, but,
 (b) that rateable value on 31st March 1956 was such that, if it had remained unaltered, the rateable value of the dwelling-house on 7th November 1956 would have exceeded the relevant limit specified in paragraph 1(a) above,

then any alteration in the rateable value of the dwelling-house which was made in pursuance of the proposal shall be disregarded in determining whether that rateable value on 7th November 1956 did or did not exceed the relevant limit in paragraph 1(a) above.

(5) Where the tenant or any previous tenant under a tenancy or a statutory tenancy which began before 6th July 1957 made or contributed to the cost of an improvement on the premises comprised in the protected or statutory tenancy and the improvement was made before 7th November 1956 by the execution of works amounting to structural alteration, extension or addition, the rateable value of the premises as ascertained in accordance with sub-paragraphs (1) to (4) above shall be taken to be reduced by such amount, if any, as may have been agreed or determined in accordance with Part III of Schedule 5 to the Rent Act 1957 (which, in certain cases, provided for a reduction of rateable value on account of certain improvements if the tenant served the necessary notice on the landlord not later than six weeks after the commencement of that Act).

(6) If at the time of the making of such an agreement relating to the rateable value of a dwelling-house as is mentioned in subparagraph (1)(b) above, the landlord was himself a tenant, then, unless he was a tenant under a tenancy having a term with more than seven years to run at that time, the agreement shall not have effect for the purposes of this Act except with the concurrence in writing of his immediate landlord.

SCH. 2

3.—(1) Premises which—

- (a) were erected after 29th August 1954, or
- (b) are separate and self-contained premises produced by conversion, after that date, of other premises, with or without the addition of premises erected after that date,

are excluded from being the subject of a controlled tenancy unless they consist of a dwelling-house provided by works in respect of which a grant became payable under section 20 of the Housing Act 1949 or section 30 of the Housing (Financial Provisions) Act 1958 (improvement grants).

(2) For the purposes of this paragraph, premises shall be treated as converted or erected after 29th August 1954 if the conversion or erection was completed after that date, notwithstanding that it may have been begun on or before that date.

4.—(1) This paragraph applies to a protected tenancy created by a lease or agreement coming into operation after the commencement of this Act if—

- (a) it is granted to a person who, immediately before it was granted, was the tenant of any premises under a controlled tenancy, and
- (b) the circumstances are such that the premises comprised in the controlled tenancy referred to in paragraph (a) above and the premises comprised in the protected tenancy granted to the person in question are the same, or that one of those premises consists of or includes part of the other premises.

(2) Where a controlled tenancy of a dwelling-house comes to an end on the landlord recovering possession of the dwelling-house by virtue of section 17 of this Act this paragraph applies to a protected tenancy created by a lease or agreement coming into operation on or after the commencement of this Act which is—

- (a) a tenancy of the whole or any part of the premises comprised in the previous controlled tenancy, and
- (b) the first such tenancy created after the recovery of possession.

(3) This paragraph also applies to a protected tenancy created by a lease or agreement coming into operation on or after 6th July 1957 but before the commencement of this Act which was a tenancy to which subsection (2) of section 11 of the Rent Act 1957 (which provided that new tenancies should not be controlled) did not apply either—

- (a) by virtue of the proviso to subsection (2) of that section (which made provision corresponding to subparagraph (1) above), or

SCH. 2 (b) by virtue of subsection (6) of that section (which made provision corresponding to sub-paragraph (2) above).

5.—(1) If, on the death of a statutory tenant of a dwelling-house whose statutory tenancy was a controlled tenancy, a person becomes statutory tenant of that dwelling-house by virtue of paragraph 6 or paragraph 7 of Schedule 1 to this Act, that person's statutory tenancy shall be a regulated tenancy and not a controlled tenancy.

1965 c. 75. (2) Sub-paragraph (1) above applies also to the statutory tenancy of a person who, before the commencement of this Act, became a statutory tenant by virtue of section 13 of the Rent Act 1965 (which made provision corresponding to paragraphs 6 and 7 of Schedule 1 to this Act).

PART II

1939 RATEABLE VALUE

6. The provisions of this Part of this Schedule shall have effect in determining the 1939 rateable value of a dwelling-house for the purposes of section 7(3) of this Act.

7.—(1) If, on 6th April 1939, a rateable value was shown in the valuation list then in force with respect to a dwelling-house within the area which constituted the administrative county of London, the 1939 rateable value of that dwelling-house means that rateable value or, if the net annual value of the dwelling-house as shown in that list differed from the rateable value, that net annual value.

(2) If, on 1st April 1939, a rateable value was shown in the valuation list then in force with respect to a dwelling-house outside the area which constituted the administrative county of London, the 1939 rateable value of that dwelling-house means that rateable value or, if the net annual value of the dwelling-house as shown in that list differed from the rateable value, that net annual value.

8. In relation to a dwelling-house which was first assessed after 1st April 1939 or, if it is within the area which constituted the administrative county of London, after 6th April 1939, the 1939 rateable value means the rateable value shown in the valuation list with respect to the dwelling-house on the day on which the dwelling-house was first assessed or, if the net annual value as shown in the valuation list in force on that day differed from the rateable value, that net annual value.

9. Where, for the purpose of determining the 1939 rateable value of any dwelling-house, it is necessary to apportion the 1939 rateable value of the property in which that dwelling-house is comprised, the county court may, on application by either party, make such apportionment as seems just, and the decision of a county court (whether given before or after the commencement of this Act) as to the amount to be apportioned to the dwelling-house shall be final and conclusive.

SCHEDULE 3

Section 10.

GROUND FOR POSSESSION OF DWELLING-HOUSES LET ON OR
SUBJECT TO PROTECTED OR STATUTORY TENANCIES

PART I

CASES IN WHICH COURT MAY ORDER POSSESSION

Case 1

Where any rent lawfully due from the tenant has not been paid, or any obligation of the protected or statutory tenancy which arises under this Act, or—

- (a) in the case of a protected tenancy, any other obligation of the tenancy, in so far as it is consistent with the provisions of Part II of this Act, or
- (b) in the case of a statutory tenancy, any other obligation of the previous protected tenancy which is applicable to the statutory tenancy,

has been broken or not performed.

Case 2

Where the tenant or any person residing or lodging with him or any sub-tenant of his has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers, or has been convicted of using the dwelling-house or allowing the dwelling-house to be used for immoral or illegal purposes.

Case 3

Where the condition of the dwelling-house has, in the opinion of the court, deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any person residing or lodging with him or any sub-tenant of his and, in the case of any act of waste by, or the neglect or default of, a person lodging with the tenant or a sub-tenant of his, where the court is satisfied that the tenant has not, before the making of the order in question, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant, as the case may be.

Case 4

Where the tenant has given notice to quit and, in consequence of that notice, the landlord has contracted to sell or let the dwelling-house or has taken any other steps as the result of which he would, in the opinion of the court, be seriously prejudiced if he could not obtain possession.

Case 5

Where, without the consent of the landlord, the tenant has, at any time after 8th December 1965 or, in the case of a controlled tenancy, after 1st September 1939, assigned or sub-let the whole of the dwelling-house or sub-let part of the dwelling-house, the remainder being already sub-let.

SCH. 3

Case 6

Where the protected or statutory tenancy is a controlled tenancy and the dwelling-house consists of or includes premises licensed for the sale of intoxicating liquor for consumption off the premises only, and—

- (a) the tenant has committed an offence as holder of the licence, or
- (b) the tenant has not conducted the business to the satisfaction of the licensing justices or the police authority, or
- (c) the tenant has carried on the business in a manner detrimental to the public interest, or
- (d) the renewal of the licence has for any reason been refused.

Case 7

Where the dwelling-house is reasonably required by the landlord for occupation as a residence for some person engaged in his whole-time employment, or in the whole-time employment of some tenant from him or with whom, conditional on housing being provided, a contract for such employment has been entered into, and the tenant was in the employment of the landlord or a former landlord, and the dwelling-house was let to him in consequence of that employment and he has ceased to be in that employment.

Case 8

Where the dwelling-house is reasonably required by the landlord for occupation as a residence for—

- (a) himself, or
- (b) any son or daughter of his over eighteen years of age, or
- (c) his father or mother, or
- (d) if the dwelling-house is let on or subject to a regulated tenancy, the father or mother of his wife or husband,

and the landlord did not become landlord by purchasing the dwelling-house or any interest therein after 23rd March 1965 or, if the dwelling-house is let on or subject to a controlled tenancy, after 7th November 1956.

Case 9

Where the court is satisfied that the rent charged by the tenant for any sub-let part of the dwelling-house which is also a dwelling-house let on a protected tenancy or subject to a statutory tenancy is or was in excess of the maximum rent for the time being recoverable for that part, having regard to the provisions of Part III or as the case may be, Part V of this Act.

PART II

SCH. 3

CASES IN WHICH COURT MUST ORDER POSSESSION WHERE
DWELLING-HOUSE SUBJECT TO REGULATED TENANCY*Case 10*

Where a person who occupied the dwelling-house as his residence (in this Case referred to as "the owner-occupier") let it on a regulated tenancy and—

- (a) not later than the relevant date the landlord gave notice in writing to the tenant that possession might be recovered under this Case, and
- (b) the dwelling-house has not, since 8th December 1965, been let by the owner-occupier on a protected tenancy with respect to which the condition mentioned in paragraph (a) above was not satisfied, and
- (c) the court is satisfied that the dwelling-house is required as a residence for the owner-occupier or any member of his family who resided with the owner-occupier when he last occupied the dwelling-house as a residence.

Case 11

Where the dwelling-house is held for the purpose of being available for occupation by a minister of religion as a residence from which to perform the duties of his office and—

- (a) not later than the relevant date, the tenant was given notice in writing that possession might be recovered under this Case, and
- (b) the court is satisfied that the dwelling-house is required for occupation by a minister of religion as such a residence.

Case 12

Where the dwelling-house was at any time occupied by a person under the terms of his employment as a person employed in agriculture, and

- (a) the tenant neither is nor at any time was so employed by the landlord and is not the widow of a person who was so employed, and
- (b) not later than the relevant date, the tenant was given notice in writing that possession might be recovered under this Case, and
- (c) the court is satisfied that the dwelling-house is required for occupation by a person employed or to be employed by the landlord in agriculture ;

and for the purposes of this Case "employed", "employment" and "agriculture" have the same meanings as in the Agricultural Wages Act 1948 c. 47.

SCH. 3

Case 13

1967 c. 22.

Where proposals for amalgamation, approved for the purposes of a scheme under section 26 of the Agriculture Act 1967, have been carried out and, at the time when the proposals were submitted, the dwelling-house was occupied by a person responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of any part of the land comprised in the amalgamation, and

- (a) after the carrying out of the proposals, the dwelling-house was let on a regulated tenancy otherwise than to, or to the widow of, either a person ceasing to be so responsible as part of the amalgamation or a person who is, or at any time was, employed by the landlord in agriculture, and
- (b) not later than the relevant date, the tenant was given notice in writing that possession might be recovered under this Case, and
- (c) the court is satisfied that the dwelling-house is required for occupation by a person employed or to be employed by the landlord in agriculture, and
- (d) the proceedings for possession are commenced by the landlord at any time during the period of five years beginning with the date on which the proposals for the amalgamation were approved or, if occupation of the dwelling-house after the amalgamation continued in, or was first taken by, a person ceasing to be responsible as mentioned in paragraph (a) above or his widow, during a period expiring three years after the date on which the dwelling-house next became unoccupied ;

1948 c. 47

and for the purposes of this Case "employed" and "agriculture" have the same meanings as in the Agricultural Wages Act 1948 and "amalgamation" has the same meaning as in Part II of the Agriculture Act 1967.

PART III

PROVISIONS APPLICABLE TO CASE 8 AND PART II ABOVE

Case 8

1. A court shall not make an order for possession of a dwelling-house by reason only that the circumstances of the case fall within Case 8 in Part I of this Schedule if the court is satisfied that, having regard to all the circumstances of the case, including the question whether other accommodation is available for the landlord or the tenant, greater hardship would be caused by granting the order than by refusing to grant it.

Part II

2. Any reference in Part II of this Schedule to the relevant date shall be construed as follows:—

- (a) if the protected tenancy, or, in the case of a statutory tenancy, the previous contractual tenancy, was created before 8th December 1965, the relevant date means 7th June 1966 ; and

- (b) in any other case, the relevant date means the date of the commencement of the regulated tenancy in question. SCH. 3

PART IV

SUITABLE ALTERNATIVE ACCOMMODATION

1. For the purposes of section 10(1)(a) of this Act, a certificate of the housing authority for the district in which the dwelling-house in question is situated, certifying that the authority will provide suitable alternative accommodation for the tenant by a date specified in the certificate, shall be conclusive evidence that suitable alternative accommodation will be available for him by that date.

2. Where no such certificate as is mentioned in paragraph 1 above is produced to the court, accommodation shall be deemed to be suitable for the purposes of section 10(1)(a) of this Act if it consists of either—

- (a) premises which are to be let as a separate dwelling such that they will then be let on a protected tenancy, or
- (b) premises to be let as a separate dwelling on terms which will, in the opinion of the court, afford to the tenant security of tenure reasonably equivalent to the security afforded by Part II of this Act in the case of a protected tenancy,

and, in the opinion of the court, the accommodation fulfils the relevant conditions as defined in paragraph 3 below.

3.—(1) For the purposes of paragraph 2 above, the relevant conditions are that the accommodation is reasonably suitable to the needs of the tenant and his family as regards proximity to place of work, and either—

- (a) similar as regards rental and extent to the accommodation afforded by dwelling-houses provided in the neighbourhood by any housing authority for persons whose needs as regards extent are, in the opinion of the court, similar to those of the tenant and his family; or
- (b) reasonably suitable to the means of the tenant and to the needs of the tenant and his family as regards extent and character.

(2) For the purposes of sub-paragraph (1)(a) above, a certificate of a housing authority stating—

- (a) the extent of the accommodation afforded by dwelling-houses provided by the authority to meet the needs of tenants with families of such number as may be specified in the certificate, and
- (b) the amount of the rent charged by the authority for dwelling-houses affording accommodation of that extent,

shall be conclusive evidence of the facts so stated.

4. Accommodation shall not be deemed to be suitable to the needs of the tenant and his family if the result of their occupation of the accommodation would be that it would be an overcrowded dwelling-house for the purposes of the Housing Act 1957.

SCH. 3 5. Any document purporting to be a certificate of a housing authority named therein issued for the purposes of this Schedule and to be signed by the clerk to that authority shall be received in evidence and, unless the contrary is shown, shall be deemed to be such a certificate without further proof.

1957 c. 56. 6. In this Schedule "housing authority" means a council which is a local authority for the purposes of Part V of the Housing Act 1957, and "district", in relation to such an authority, means the district for supplying the needs of which the authority has power under that Part of that Act.

Sections 23, 47,
52, 54.

SCHEDULE 4

CALCULATION OF AMOUNT OF RATES

1. For the purposes of this Act, the amount of rates for any rental period shall be taken, subject to the following provisions of this Schedule, to be an amount which bears to the total rates payable during the relevant rating period the same proportion as the length of the rental period bears to the length of the relevant rating period.

2. In this Schedule "the relevant rating period", in relation to a rental period, means the rating period during which the rent for that rental period is payable.

3. The amount of the rates for any rental period which precedes the making, by the authority levying the rates, of their first demand for, or for an instalment of, the rates for the relevant rating period shall be calculated on the basis that the rates for that rating period will be the same as for the last preceding rating period.

4.—(1) On the making, by the authority levying the rates, of their first such demand, and on the making by them of any subsequent such demand, the amount of the rates for any rental period shall if necessary be recalculated on the basis that the rates for the relevant rating period will be such as appears from the information given in the demand and any previous demands.

(2) Any such recalculation shall not affect the ascertainment of the rates for any rental period beginning more than six weeks before the date of the service of the demand giving rise to the recalculation.

5. If, as a result of the settlement of a proposal, the rates payable for the relevant rating period are decreased, the amount of the rates for a rental period shall be recalculated so as to give effect to the decrease; but any such recalculation shall not affect the ascertainment of the rates for any rental period beginning more than six weeks before the date of the settlement of the proposal.

6. In computing the rates for any rental period for the purposes of this Schedule, any discount, and any allowance made under any of the enactments relating to allowances given where rates are paid by the owner instead of by the occupier, shall be left out of account, and accordingly those rates shall be computed as if no such discount or allowance had fallen to be, or had been, allowed or made.

SCHEDULE 5

Section 42.

RENT ASSESSMENT COMMITTEES

1. The Minister shall draw up and from time to time revise panels of persons to act as chairmen and other members of rent assessment committees for such areas, comprising together every registration area, as the Minister may from time to time determine.

2. Each panel shall consist of a number of persons appointed by the Lord Chancellor and a number of persons appointed by the Minister and, if the Minister thinks fit, a number of persons appointed by him to act only in cases of absence or incapacity of other members of the panel.

3. The Minister shall nominate one of the persons appointed by the Lord Chancellor to act as president of the panel, and one or more such persons to act as vice-president or vice-presidents.

4. Subject to the following provisions of this Schedule, the number of rent assessment committees to act for any area and the constitution of those committees shall be determined by the president of the panel formed for that area or, in the case of the president's absence or incapacity, by the vice-president or, as the case may be, one of the vice-presidents.

5. Subject to paragraph 6 below, each rent assessment committee shall consist of a chairman and one or two other members, and the chairman shall be either the president or vice-president (or, as the case may be one of the vice-presidents) of the panel or one of the other members appointed by the Lord Chancellor.

6. The president of the panel may, if he thinks fit, direct that when dealing with such cases or dealing with a case in such circumstances as may be specified in the direction, the chairman sitting alone may, with the consent of the parties, exercise the functions of a rent assessment committee.

7. There shall be paid to members of panels such remuneration and allowances as the Minister, with the consent of the Treasury, may determine.

8. The president of the panel may appoint, with the approval of the Minister as to numbers, such clerks and other officers and servants of rent assessment committees as he thinks fit, and there shall be paid to the clerks and other officers and servants such salaries and allowances as the Minister, with the consent of the Treasury, may determine.

9. There shall be paid out of moneys provided by Parliament—
- (a) the remuneration and allowances of members of panels;
 - (b) the salaries and allowances of clerks and other officers and servants appointed under this Schedule; and
 - (c) such other expenses of a panel as the Treasury may determine.

Sections 44, 45.

SCHEDULE 6

APPLICATIONS FOR REGISTRATION OF RENTS

PART I

APPLICATIONS UNSUPPORTED BY CERTIFICATE OF FAIR RENT

Procedure on applications to rent officer

1. On receiving any application for the registration of a rent, the rent officer may, by notice in writing served on the landlord or the tenant (whether or not the applicant or one of the applicants) require him to give to the rent officer, within such period of not less than seven days from the service of the notice as may be specified in the notice, such information as he may reasonably require regarding such of the particulars contained in the application as may be specified in the notice.

2. Where the application is made by the landlord alone the rent officer shall serve on the tenant, and where it is made by the tenant alone he shall serve on the landlord, a notice informing him of the application and specifying a period of not less than seven days from the service of the notice during which representations in writing may be made to the rent officer against the registration of the rent specified in the application.

3.—(1) Where—

- (a) the application is made jointly by the landlord and the tenant, or
- (b) no representations are made as mentioned in paragraph 2 above,

and it appears to the rent officer, after making such inquiry, if any, as he thinks fit and considering any information supplied to him in pursuance of paragraph 1 above, that the rent specified in the application is a fair rent, he may register that rent without further proceedings.

(2) Where the rent officer registers a rent under this paragraph he shall notify the landlord and tenant accordingly.

4.—(1) Where representations are made as mentioned in paragraph 2 above or the rent officer is not satisfied that the rent specified in the application is a fair rent or, as the case may be, that the rent for the time being registered is no longer a fair rent, he shall serve a notice under this paragraph.

(2) A notice under this paragraph shall be served on the landlord and on the tenant informing them that the rent officer proposes, at a time (which shall not be earlier than seven days after the service of the notice) and place specified in the notice to consider in consultation with the landlord and the tenant, or such of them as may appear at that time and place, what rent ought to be registered for the dwelling-house or, as the case may be, whether a different rent ought to be so registered.

(3) At any such consultation the landlord and the tenant may each be represented by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

5. After considering, in accordance with paragraph 4 above, what rent ought to be registered or, as the case may be, whether a different rent ought to be registered, the rent officer shall, as the case may require,—

SCH. 6

- (a) determine a fair rent and register it as the rent for the dwelling-house ; or
- (b) confirm the rent for the time being registered and note the confirmation in the register ;

and shall notify the landlord and the tenant accordingly by a notice stating that if, within twenty-eight days of the service of the notice or such longer period as he or a rent assessment committee may allow, an objection in writing is received by the rent officer from the landlord or the tenant the matter will be referred to a rent assessment committee.

6.—(1) If such an objection as is mentioned in paragraph 5 above is received, then—

- (a) if it is received within the period of twenty-eight days specified in that paragraph or a rent assessment committee so direct, the rent officer shall refer the matter to a rent assessment committee ;
- (b) if it is received after the expiry of that period the rent officer may either refer the matter to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer it.

(2) The rent officer shall indicate in the register whether the matter has been referred to a rent assessment committee in pursuance of this paragraph.

Determination of fair rent by rent assessment committee

7.—(1) The rent assessment committee to whom a matter is referred under paragraph 6 above—

- (a) may by notice in the prescribed form served on the landlord or the tenant require him to give to the committee, within such period of not less than fourteen days from the service of the notice as may be specified in the notice, such further information, in addition to any given to the rent officer in pursuance of paragraph 1 above, as they may reasonably require ; and
- (b) shall serve on the landlord and on the tenant a notice specifying a period of not less than fourteen days from the service of the notice during which either representations in writing or a request to make oral representations may be made by him to the committee.

(2) If any person fails without reasonable cause to comply with any notice served on him under sub-paragraph (1)(a) above, he shall be liable on a first conviction to a fine not exceeding £50 and, on a second or subsequent conviction, to a fine not exceeding £100.

(3) Where an offence under sub-paragraph (2) above committed by a body corporate is proved to have been committed with the

SCH. 6 consent or connivance of, or to be attributable to any neglect on the part of, any director, manager or secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

8. Where, within the period specified in paragraph 7(1)(b) above, or such further period as the committee may allow, the landlord or the tenant requests to make oral representations the committee shall give him an opportunity to be heard either in person or by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

9.—(1) The committee shall make such inquiry, if any, as they think fit and consider any information supplied or representation made to them in pursuance of paragraph 7 or paragraph 8 above and—

- (a) if it appears to them that the rent registered or confirmed by the rent officer is a fair rent, they shall confirm that rent;
- (b) if it does not appear to them that that rent is a fair rent, they shall determine a fair rent for the dwelling-house.

(2) Where the committee confirm or determine a rent under this paragraph they shall notify the landlord, the tenant and the rent officer accordingly.

(3) On receiving the notification, the rent officer shall, as the case may require, either indicate in the register that the rent has been confirmed or register the rent determined by the committee as the rent for the dwelling-house.

PART II

APPLICATIONS SUPPORTED BY CERTIFICATE OF FAIR RENT

Procedure on applications to rent officer

10.—(1) On receiving an application for the registration of a rent which is made as mentioned in section 45(4) of this Act, the rent officer shall ascertain whether the works specified in the certificate have been carried out in accordance with the plans and specifications which accompanied the application for the certificate or, as the case may be, whether the condition of the dwelling-house is the same as at the date of the certificate.

(2) If the rent officer is satisfied that the works have been so carried out or, as the case may be, that the dwelling-house is in the same condition as at the date of the certificate, he shall register the rent in accordance with the certificate.

(3) If the rent officer is not satisfied as mentioned in sub-paragraph (2) above, he shall serve on the applicant a notice stating the matters with respect to which he is not so satisfied and informing him that if, within fourteen days from the service of the notice or such longer period as the rent officer or a rent assessment committee may allow,

the applicant makes a request in writing to that effect, the rent officer will refer the matter to a rent assessment committee.

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11. If such a request as is mentioned in paragraph 10(3) above is made, then—

- (a) if it is made within the period of fourteen days specified in that paragraph or a rent assessment committee so direct, the rent officer shall refer the matter to a rent assessment committee ;
- (b) if it is made after the expiry of that period, the rent officer may either refer the matter to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer it.

Procedure on references to rent assessment committee

12.—(1) The rent assessment committee to whom a matter is referred under paragraph 11 above shall give the applicant an opportunity to make representations in writing or to be heard either in person or by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

(2) After considering any representations made under subparagraph (1) above, the rent assessment committee shall notify the rent officer and the applicant whether they are satisfied as mentioned in paragraph 10(2) above and—

- (a) if they are so satisfied they shall direct the rent officer to register the rent in accordance with the certificate ;
- (b) if they are not so satisfied they shall direct the rent officer to refuse the application for registration.

Provisional registration

13. Where a rent is registered in pursuance of such an application as is mentioned in paragraph 10(1) above by a person who intends to grant a regulated tenancy, the registration shall be provisional only until the regulated tenancy is granted and shall be of no effect unless the rent officer is notified in the prescribed manner, within one month from the date of the registration or such longer time as the rent officer may allow, that the regulated tenancy has been granted.

14. Where a registration is made as mentioned in paragraph 13 above, the rent officer shall indicate in the register that it is so made and —

- (a) if he is notified as mentioned in that paragraph that the regulated tenancy has been granted he shall indicate that fact in the register ;
- (b) if he is not so notified he shall delete the registration.

Section 45(3).

SCHEDULE 7

CERTIFICATES OF FAIR RENT

1. An application for a certificate of fair rent —

- (a) must be in the prescribed form ;
- (b) must state the rent to be specified in the certificate ; and
- (c) in the case mentioned in paragraph (a) of section 45(1) of this Act, must be accompanied by plans and specifications of the works to be carried out and, if the works to be carried out are works of improvement, must state whether the dwelling-house is for the time being subject to a regulated tenancy.

2.—(1) If it appears to the rent officer that the information supplied to him is insufficient to enable him to issue a certificate of fair rent he shall serve on the applicant a notice stating that he will not entertain the application and that, if a request in writing to that effect is made by the applicant within fourteen days from the service of the notice or such longer period as a rent officer or a rent assessment committee may allow, the rent officer will refer the application to a rent assessment committee.

(2) If such a request is made, then —

- (a) if it is made within the fourteen days referred to in subparagraph (1) above or a rent assessment committee so direct, the rent officer shall refer the application to a rent assessment committee ;
- (b) if it is made after the expiry of those fourteen days, the rent officer may either refer the application to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer it.

3. If it appears to the rent officer that the information supplied to him is sufficient and that the rent stated in the application would be a fair rent he may, unless the dwelling-house is subject to a regulated tenancy, issue a certificate specifying that rent and the other terms referred to in section 45(2) of this Act.

4.—(1) If it appears to the rent officer that the information is sufficient but either —

- (a) he is not satisfied that the rent stated in the application would be a fair rent, or
- (b) the dwelling-house is subject to a regulated tenancy,

he shall serve on the applicant a notice stating that he proposes, at a time (which shall not be earlier than seven days after the service of the notice) and place specified in the notice, to consider in consultation with the applicant, if present at that time and place, what rent ought to be specified in the certificate.

(2) At any such consultation the applicant may be represented by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

5. After considering in accordance with paragraph 4 above what rent ought to be specified in the certificate, the rent officer shall determine a fair rent and shall serve on the applicant a notice stating that he proposes to issue a certificate specifying that rent, unless within fourteen days from the service of the notice, or such longer period as the rent officer or a rent assessment committee may allow, the applicant requests in writing that the application should be referred to a rent assessment committee.

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6.—(1) If such a request as is referred to in paragraph 5 above is made, then —

- (a) if it is made within the period of fourteen days referred to in that paragraph or a rent assessment committee so direct, the rent officer shall refer the application to a rent assessment committee ;
- (b) if it is made after the expiry of those fourteen days, the rent officer may either refer the application to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer it.

(2) If no such request is made or if such a request is made but the application is not referred to a rent assessment committee, the rent officer shall issue the certificate.

7.—(1) Where an application is referred to a rent assessment committee, then if the reference is under paragraph 2 above and it appears to the committee that the information supplied by the applicant to the rent officer is insufficient to enable a certificate of fair rent to be issued they shall notify the applicant accordingly.

(2) In any other case where an application is referred to a rent assessment committee, they shall serve on the applicant a notice specifying a period of not less than fourteen days from the service of the notice during which either representations in writing or a request to make oral representations may be made by him to the committee.

(3) Where, within the period specified under sub-paragraph (2) above or such further period as the committee may allow, the applicant requests to make oral representations, the committee shall give him an opportunity to be heard either in person or by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

8.—(1) After considering any representation made to them in pursuance of paragraph 7 above, the committee shall determine a fair rent for the dwelling-house and shall notify the applicant and the rent officer accordingly.

(2) On receiving the notification the rent officer shall issue to the applicant a certificate of fair rent specifying the rent determined by the committee.

9. Where an application under this Schedule is made with respect to a dwelling-house which it is intended to improve and the dwelling-house is subject to a regulated tenancy—

- (a) a notice under paragraph 4, paragraph 5, paragraph 7(2) or paragraph 8 above shall be served on the tenant as well

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as on the applicant and any notice served under paragraph 4, paragraph 5 or paragraph 7(2) above shall refer to consultation with, or, as the case may be, a request or representations by, the tenant as well as the applicant ;

- (b) the tenant may make representations, request reference to a rent assessment committee and be present or represented in like manner as the applicant, and references in this Schedule to the applicant shall be construed accordingly ; and
- (c) a copy of any certificate of fair rent issued in pursuance of the application shall be sent to the tenant.

Section 52.

SCHEDULE 8

1956 GROSS VALUE

1.—(1) Subject to the following provisions of this Schedule, the 1956 gross value of any dwelling, for the purposes of Part V of this Act, is the gross value thereof as shown in the valuation list on 7th November 1956 or, where the dwelling forms part only of a hereditament shown in that list, such proportion of the gross value shown in that list for that hereditament as may be or have been agreed in writing between the landlord and the tenant or be determined by the county court.

(2) Any apportionment of gross value determined by the county court for the purposes of Part V of this Act shall be final and conclusive.

2. Where a dwelling is or forms part of a hereditament for which no gross value was shown in the valuation list on 7th November 1956, paragraph 1 above shall have effect in relation to the dwelling as if, for the references to that date, there were substituted references to the first subsequent date on which a gross value for that hereditament was shown in the valuation list.

3. If, in pursuance of a proposal made before 1st April 1957, or made on the ground of a change in the occupier or in the circumstances of occupation, the gross value shown for a hereditament in the valuation list was varied after 7th November 1956, then, as regards any rental periods (whether beginning before or after the variation) the 1956 gross value of a dwelling which is or forms part of that hereditament shall be ascertained by reference to the gross value as so varied.

4.—(1) Where a dwelling is or forms part of a hereditament the gross value of which, as shown in the valuation list, was arrived at after such a reduction as was provided for in section 4(3) of the Valuation for Rating Act 1953 (which related to certain hereditaments consisting partly of premises used wholly for the purposes of a private dwelling and partly of other premises) that gross value shall be deemed, for the purposes of Part V of this Act, to be further

1953 c. 42

reduced by four-sevenths of so much thereof as is attributable to that part of the hereditament which was not used wholly for the purposes of a private dwelling or private dwellings ; and a certificate of the valuation officer shall be conclusive evidence of the amount so attributable.

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(2) In sub-paragraph (1) above, "the valuation officer", in relation to a valuation list, means any officer of the Commissioners of Inland Revenue who was for the time being appointed by the Commissioners to be the valuation officer or one of the valuation officers, or to be the deputy valuation officer or one of the deputy valuation officers, in relation to that list.

5.—(1) Subject to sub-paragraph (2) below, where a dwelling consists of or forms part of more than one hereditament, the 1956 gross value of the dwelling shall be ascertained by determining the 1956 gross value of each hereditament or part as if it were a separate dwelling and aggregating the gross values so determined.

(2) In determining, for the purposes of this paragraph, the 1956 gross value of any hereditament, that gross value shall be taken to be reduced by four-sevenths if it was ascertained in accordance with the definition of gross value in section 68 of the Rating and Valuation Act 1925.

1925 c. 90.

6. Where a tenant or any previous tenant under a controlled tenancy which began before 6th July 1957 made or contributed to the cost of an improvement on the premises comprised in the tenancy and the improvement was made before 7th November 1956 by the execution of works amounting to structural alteration, extension or addition, the 1956 gross value of the premises shall be reduced by such amount, if any, as may have been agreed or determined in accordance with Part III of Schedule 5 to the Rent Act 1957 (which, in certain cases, provided for a reduction in the 1956 gross value on account of certain improvements if the tenant served the necessary notice on the landlord not later than six weeks after the commencement of that Act).

1957 c. 25.

7. If, at the time of the making of such an agreement as is referred to in paragraph 1 above, the landlord was himself a tenant, then, unless he was tenant under a tenancy having a term with more than seven years to run at that time, the agreement shall not have effect for the purposes of Part V of this Act, except with the concurrence in writing of his immediate landlord.

8. In this Schedule the expression "valuation list" does not include any new valuation list which came into force at any time after July 1957.

SCHEDULE 9

Sections 52, 53.

ADJUSTMENT OF RENT IN RESPECT OF REPAIRS

PART I

ADJUSTMENT OF RENT LIMIT

1.—(1) The provisions of this Part of this Schedule shall have effect in ascertaining the rent limit by reference to the 1956 gross value.

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(2) If under the terms of the tenancy the tenant is responsible for all repairs, the appropriate factor is four-thirds.

(3) If under the terms of the tenancy the tenant is responsible for some but not all repairs, the appropriate factor is such number less than two but greater than four-thirds as may be or have been agreed in writing between the landlord and the tenant or determined by the county court.

2.—(1) In paragraph 1 above the expression “repairs” does not include internal decorative repairs, but if the landlord is responsible for internal decorative repairs under the terms of the tenancy, or neither the landlord nor the tenant is responsible therefor under the terms of the tenancy but the landlord elects to be treated for the purposes of Part V of this Act as responsible therefor,—

(a) “seven-thirds” and “five-thirds” shall be substituted respectively for “two” and “four-thirds” in section 52 of this Act and in paragraph 1 above, and

(b) in the case of an election under this paragraph the question whether the rent limit applicable to any rental period beginning after the election is to be ascertained under subsection (1) or under subsection (4) of section 52 of this Act shall be determined as if the election had always had effect.

(2) An election under this paragraph shall be made by notice in the prescribed form served on the tenant and shall continue in force notwithstanding any change in the person of the landlord.

(3) An election under this paragraph shall not have effect if the tenant dissents from it in writing within one month of the service on the tenant of the notice under sub-paragraph (2) above.

(4) If the tenant duly dissents, Part II of this Act shall have effect as if, in relation to the dwelling in question, the circumstances specified in Case 1 in Schedule 3 to this Act included the case where the tenant has failed to keep the dwelling in a reasonable state of internal decorative repair, having due regard to its age, character and locality.

PART II

ABATEMENT FOR DISREPAIR

Notification of disrepair to landlord

3. The provisions of this Part of this Schedule shall have effect where the tenant under a controlled tenancy serves on the landlord a notice in the prescribed form stating that the dwelling or any part of it is in disrepair by reason of defects specified in the notice, and that those defects ought reasonably to be remedied, having due regard to the age, character and locality of the dwelling, and requesting the landlord to remedy them.

Landlord's undertaking to repair and certificates of disrepair

4.—(1) If, on the expiry of six weeks from the service of a notice under paragraph 3 above, any of the defects specified in the notice

remain unremedied, then, unless the landlord has given an undertaking in the prescribed form to remedy those defects or such of them as the tenant may agree in writing to accept as sufficient, the tenant may in the prescribed form apply to the local authority for a certificate of disrepair.

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(2) Any application under this paragraph shall be accompanied by a copy of the notice served on the landlord.

(3) Where an application under this paragraph is made to a local authority and the local authority are satisfied that the dwelling or any part of it is in disrepair by reason of defects specified in the notice served on the landlord and that all or any of those defects ought reasonably to be remedied, having due regard to the age, character and locality of the dwelling, they shall issue to the tenant a certificate of disrepair accordingly.

(4) Any such certificate of disrepair shall be in the prescribed form and shall specify the defects as to which the local authority are satisfied as mentioned in sub-paragraph (3) above, stating that the local authority are so satisfied.

(5) If, on an application by the tenant, the county court is satisfied, with respect to any defects, that the local authority have failed to issue a certificate of disrepair which ought to have been issued, the court shall direct the authority to proceed on the footing that, in relation to those defects, they are satisfied as to the matters specified in sub-paragraph (3) above; and if, on an application by the tenant, the county court is satisfied that any defect not specified in a certificate of disrepair ought to have been specified therein, the court shall order that the defect shall be deemed to have been specified in the certificate.

(6) The local authority shall not be concerned to inquire into any obligation as between a landlord and a tenant or into the origin of any defect; but if, on an application by the landlord, the county court is satisfied, with respect to any defect specified in a certificate of disrepair, that it is one for which the tenant is responsible, the court shall cancel the certificate with respect to that defect.

(7) If, on an application by the landlord, the county court is satisfied with respect to any defect specified in a certificate of disrepair that it ought not to have been so specified, the court shall cancel the certificate with respect to that defect.

(8) Where a certificate of disrepair is cancelled under this paragraph with respect to all the defects specified therein, it shall be deemed never to have had effect; and where it is so cancelled with respect to some only of the defects specified therein, it shall be deemed never to have had those defects specified therein.

5.—(1) Notwithstanding anything in paragraph 4 above, a local authority shall not issue a certificate of disrepair until the expiry of three weeks from the service by them on the landlord of a notice in the prescribed form stating that the authority propose to issue the certificate of disrepair and specifying the defects to which it is to relate; and if, within those three weeks, the landlord gives an undertaking in the prescribed form to remedy those defects and serves a copy of the undertaking on the local authority, then

SCH. 9 subject to the following provisions of this paragraph, the authority shall not issue the certificate.

(2) In any of the circumstances specified in sub-paragraph (3) below, the local authority may refuse to accept such an undertaking as is referred to in sub-paragraph (1) above and may issue a certificate of disrepair, and if they do so the undertaking shall be deemed never to have been given.

(3) The circumstances referred to in sub-paragraph (2) above are—

- (a) that a previous certificate of disrepair under this Schedule has been issued against the landlord in respect of the dwelling or any part of it ; or
- 1957 c. 56. (b) that the landlord has previously become liable under subsection (3) of section 10 of the Housing Act 1957, as the person having control of the dwelling or of any premises comprising the dwelling, to repay to the local authority (within the meaning of that section) any expenses incurred by them under that section ; or
- (c) that the landlord has previously given an undertaking under this Schedule in respect of the dwelling, or any other dwelling in the area of the local authority, and any of the defects to which that undertaking related remained unremedied on the expiry of six months from the giving of the undertaking ; or
- 1936 c. 49. (d) that the landlord has previously been convicted of an offence under section 95 of the Public Health Act 1936 of failing to comply with, or contravening, a nuisance order.

6.—(1) Where, after the issue of a certificate of disrepair, the landlord applies to the local authority for the cancellation of the certificate on the ground that the defects specified in the certificate have been remedied, the local authority shall serve on the tenant a notice to the effect that, unless an objection from the tenant is received by them within three weeks from the service of the notice on the ground that those defects or any of them have not been remedied, they propose to cancel the certificate.

(2) If no objection is received as mentioned in sub-paragraph (1) above, or if, in the opinion of the local authority, the objection is not justified, they shall cancel the certificate as from the date of the application or such later date as appears to them to be the date on which the defects specified in the certificate were remedied.

(3) Where the landlord has applied to the local authority for the cancellation of a certificate of disrepair and the authority have not cancelled the certificate, the landlord may apply to the county court, and if on the application the court is satisfied that the certificate ought to have been cancelled by the local authority, the court shall order that the certificate shall cease to have effect as from the date of the order or such earlier date as may be specified in the order.

(4) Where the local authority have cancelled a certificate of disrepair the tenant may apply to the county court, and if on the application the court is satisfied that the certificate ought not to

have been cancelled, the court may order that it shall be deemed not to have been cancelled.

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Abatement of rent where certificate issued or undertaking not carried out

7.—(1) Where an application for a certificate of disrepair is granted, any notice of increase served during the period beginning six months before the date of the application and ending when the certificate ceases to be in force shall have no effect with respect to any rental period beginning while the certificate is in force, except in so far as it specifies an increase authorised by section 54 or section 56 of this Act.

(2) Where a certificate of disrepair is issued, the appropriate factor applicable to any rental period beginning while the certificate is in force shall be four-thirds, and the rent limit shall be ascertained under subsection (1) of section 52 of this Act, notwithstanding anything in subsection (3) of that section or section 110(4) of this Act.

(3) A notice of increase served while a certificate of disrepair is in force shall be void unless it contains a statement that it will not take effect while the certificate is in force, except in so far as the increase specified in it is authorised by section 54 or section 56 of this Act.

(4) Without prejudice to sub-paragraphs (1) to (3) above, but subject to sub-paragraph (5) below, the tenant shall be entitled to withhold rent otherwise recoverable for rental periods beginning while the certificate of disrepair continues in force up to an aggregate amount equal to the aggregate amount of rent for rental periods which began—

(a) on or after the date of the application for the certificate of disrepair, and

(b) before the granting thereof,

being rent which would have been made irrecoverable by the preceding provisions of this paragraph if the certificate had been in force throughout those rental periods.

(5) The amount of rent withheld for any rental period by virtue of sub-paragraph (4) above shall not exceed the amount of rent made irrecoverable by sub-paragraphs (1) to (3) above for the first rental period beginning while the certificate is in force.

(6) Where under paragraph 4 above an application is made to the court for the cancellation of a certificate of disrepair with respect to all the defects specified therein, and the application is made within three weeks after the issue of the certificate, the rent recoverable for any rental period beginning while proceedings on the application are pending shall, until those proceedings are concluded, be deemed to be the same as if the certificate had not been issued.

8.—(1) If on the expiry of six months from the giving of such an undertaking as is mentioned in paragraph 4 or paragraph 5 above, any defects to which the undertaking relates remain unremedied, the

SCH. 9 same consequences shall follow as if a certificate of disrepair had then been issued and had continued in force until the remedying of the defects, and (where the undertaking was given before any application for such a certificate had been made) as if such an application had been made when the undertaking was given.

(2) Where such an undertaking has been given, the landlord or the tenant may apply to the local authority for a certificate under this sub-paragraph, and the local authority shall certify whether any, and if so which, of the defects to which the undertaking relates remain unremedied.

(3) A certificate under sub-paragraph (2) above shall in any proceedings be evidence until the contrary is proved of the matters certified.

9.—(1) If a certificate of disrepair is issued to the tenant of a dwelling, and the dwelling, or any part of it which is in disrepair by reason of the defects specified in the certificate, is subject to a sub-tenancy which is a controlled tenancy, then unless a certificate of disrepair in respect of those defects has been issued to the sub-tenant, the same consequences shall follow as between the tenant and the sub-tenant as if a certificate of disrepair—

(a) had been issued to the sub-tenant when the certificate was issued to the tenant, and

(b) had specified the same defects as the certificate issued to the tenant, and

(c) had been issued on an application made by the sub-tenant when the tenant applied for the certificate issued to him, and

(d) had continued in force for the same period as that certificate.

(2) Where paragraph 8(1) above has effect as between the landlord and the tenant, sub-paragraph (1) above shall have effect accordingly as between the tenant and the sub-tenant.

(3) Nothing in this paragraph shall prejudice the power of the sub-tenant to obtain a certificate of disrepair or the effect of any undertaking given to the sub-tenant.

General and supplemental

10. The provisions of this Part of this Schedule shall apply, while a controlled tenancy continues, notwithstanding any change in the person of the landlord or the tenant.

11.—(1) The defects which may be specified in a certificate of disrepair shall not include any defects in the state of internal decorative repair unless the landlord is responsible for internal decorative repairs under the terms of the tenancy or is to be treated as responsible therefor by virtue of an election under paragraph 2 of this Schedule.

(2) In considering whether or not to issue a certificate of disrepair or what defects to specify in such a certificate, the local authority shall treat the landlord as responsible for internal decorative repairs if the application for a certificate alleges that he is responsible therefor or that he is to be treated as responsible therefor by virtue

of an election under paragraph 2 of this Schedule, but in any other case the local authority shall treat the landlord as not responsible for such repairs.

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(3) Paragraph 4(6) of this Schedule shall apply in relation to a defect in the state of internal decorative repair as if, for the words "for which the tenant is responsible", there were substituted the words "for which the landlord is not responsible and is not to be treated as responsible by virtue of an election under paragraph 2 of this Schedule".

12.—(1) On an application to the local authority for a certificate of disrepair or a certificate under paragraph 8(2) of this Schedule, there shall be paid to the local authority a fee of two shillings and sixpence, but where a certificate of disrepair, or a certificate under that paragraph certifying that any defects remain unremedied, is granted to the tenant he shall be entitled to deduct the fee from any subsequent payment of rent to the landlord.

(2) If a certificate of disrepair is cancelled by the court under paragraph 4 of this Schedule with respect to all the defects specified in the certificate, any sum deducted under this paragraph may be recovered by the landlord.

(3) On an application to the local authority for the cancellation of a certificate of disrepair, there shall be paid to the local authority a fee of two shillings and sixpence.

13. In the case of a controlled tenancy of a dwelling which forms part of any other premises owned by or under the control of the landlord or a superior landlord,—

(a) any disrepair of the roof or of any other part of those premises which results, or may result, in disrepair of the dwelling, and

(b) any disrepair of any staircase or other approach to the dwelling contained in those premises,

shall be treated for the purposes of this Part of this Schedule as if it were disrepair of the dwelling.

14. The local authority shall serve a copy of every certificate of disrepair issued by them on the landlord.

15.—(1) In this Part of this Schedule, references to defects for which the tenant is responsible are references—

(a) to defects for the remedying of which, as between the landlord and the tenant, the tenant is responsible; or

(b) to defects which are due to any act, neglect or default of the tenant or any person claiming under him or to any breach by the tenant or such a person of any express agreement.

(2) In this Part of this Schedule, except where the context otherwise requires, "local authority", in relation to any premises, means the council of the county borough, London borough or county district in which the premises are situated or, if they are situated in the City of London, the Common Council of the City of London.

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PART III

CERTIFICATE OF REPAIR WHERE LANDLORD IS OVERSEAS
COMPANY

16. In a case falling within subsection (5) of section 53 of this Act, except where the tenant is responsible for all repairs, a notice of increase served in respect of the dwelling by the landlord referred to in that subsection shall not have effect unless either a certificate of repair has been issued to the landlord with respect to the dwelling not earlier than twelve months before the service of the notice of increase or a previous notice of increase served by that landlord in respect of the dwelling has had effect.

17.—(1) If, on an application for a certificate of repair made by the landlord in the prescribed form and stating the name of the tenant, the local authority are satisfied that the state of repair of the dwelling is such that (without regard to paragraph 11 of this Schedule) no certificate of disrepair could be issued in respect of the dwelling, the local authority shall issue the certificate of repair and shall serve a copy of the certificate on the tenant.

(2) On an application for a certificate of repair there shall be paid to the local authority a fee of two shillings and sixpence.

18. If, on an application for a certificate of repair, the local authority are not satisfied as mentioned in paragraph 17 above, the authority shall send to the landlord a statement of the defects in consequence of which they are unable to issue the certificate of repair and if, on an application to the county court, the landlord proves that all the defects specified in the statement are either defects for which the tenant is responsible or defects amounting only to internal decorative disrepair and for which the landlord is not responsible, the court shall order the local authority to issue a certificate of repair.

19. If, after the issue of a certificate of repair, a certificate of disrepair is issued in respect of the same dwelling, the certificate of repair shall be deemed never to have been issued.

20.—(1) In this Part of this Schedule, references to defects for which the tenant is responsible are references—

- (a) to defects for the remedying of which, as between the landlord and the tenant, the tenant is responsible ; or
- (b) to defects which are due to any act, neglect or default of the tenant or any person claiming under him or to any breach by the tenant or such a person of any express agreement.

(2) In this Part of this Schedule “local authority”, in relation to any premises, means the council of the county borough, London borough or county district in which the premises are situated or, if they are situated in the City of London, the Common Council of the City of London.

SCHEDULE 10

Section 69.

RENT TRIBUNALS

1. A rent tribunal shall consist of a chairman and two other members.

2.—(1) Subject to paragraph 3 below, the chairman and other members of a rent tribunal shall be appointed by the Minister.

(2) Subject to paragraph 3 below, during the absence or incapacity of any member of a rent tribunal a person appointed by the Minister shall act in his place.

3.—(1) Where a rent tribunal acts for an area (whether consisting of one or more districts in which Part VI of this Act is in operation) wholly comprised in the area for which a panel is formed under Schedule 5 to this Act, the Minister may direct the president of that panel to exercise, on behalf of the Minister, the Minister's powers of appointment under paragraph 2 above.

(2) A person appointed by the president of a panel by virtue of a direction under this paragraph shall be selected by the president from that panel.

(3) While a direction is in force under this paragraph section 3 of the Tribunals and Inquiries Act 1958 (appointment of chairmen) shall not apply to the rent tribunal in question, but the president shall appoint as chairman or person to act as chairman of the rent tribunal either himself or one of the other members of the panel appointed by the Lord Chancellor. 1958 c. 66.

4. The members and acting members of a rent tribunal shall receive such remuneration and such travelling and other allowances as the Minister of Housing and Local Government may, with the consent of the Treasury, determine.

5.—(1) A rent tribunal may appoint a clerk and, with the approval of the Minister of Housing and Local Government as to numbers, such other officers and servants as they think fit.

(2) There shall be paid to the clerk and other officers and servants such salary and allowances as the Minister of Housing and Local Government, with the consent of the Treasury, may determine.

6. There shall be defrayed out of moneys provided by Parliament—

- (a) the remuneration and allowances of members and acting members of a rent tribunal ;
- (b) the salaries and allowances of the clerk and other officers appointed under this Schedule ; and
- (c) such other expenses of a rent tribunal as the Treasury may determine.

Section 86.

SCHEDULE 11

PREMIUM ALLOWED ON ASSIGNMENT OF TENANCY WHERE
PREMIUM LAWFULLY PAID ON GRANT

1.—(1) The provisions of this Schedule apply where—

- (a) a premium was lawfully required and paid, or lawfully received, in respect of the grant, continuance or renewal of a protected tenancy of a dwelling-house which is a regulated tenancy ; and
- (b) since that grant, continuance or renewal, the landlord has not granted a tenancy of the dwelling-house under which, as against the landlord, a person became entitled to possession, other than the person who was so entitled to possession of the dwelling-house immediately before that tenancy began ; and
- (c) a rent for the dwelling-house is registered under Part IV of this Act and the rent so registered is higher than the rent payable under the tenancy.

(2) Any reference in this Schedule to a premium does not include a premium which consisted only of any such outgoings, sum or amount as fall within section 86(3) of this Act and, in the case of a premium which included any such outgoings, sum or amount, so much only of the premium as does not consist of those outgoings, sum or amount shall be treated as the premium for the purposes of this Schedule.

2. In a case where this Schedule applies, nothing in section 86 of this Act shall prevent any person from requiring or receiving, on an assignment of the protected tenancy referred to in paragraph 1(a) above or any subsequent protected tenancy of the same dwelling-house, a premium which does not exceed an amount calculated (subject to paragraph 4 below) in accordance with the formula in paragraph 3 below.

3. The formula mentioned in paragraph 2 above is—

$$\frac{P \times A}{G}$$

where

P is the premium referred to in paragraph 1(a) above ;

A is the length of the period beginning on the date on which the assignment in question takes effect and ending on the relevant date ; and

G is the length of the period beginning on the date of the grant, continuance or renewal in respect of which the premium was paid and ending on the relevant date.

4.—(1) If, although the registered rent is higher than the rent payable under the tenancy, the lump sum equivalent of the difference is less than the premium, paragraph 3 above shall have effect as if P were the lump sum equivalent.

(2) For the purposes of this Schedule, the lump sum equivalent of the difference between the two rents referred to in sub-paragraph (1) above shall be taken to be that difference multiplied by the number of complete rental periods falling within the period beginning with the grant, continuance or renewal in respect of which the premium was paid and ending on the relevant date.

SCH. 11

5. Where any rates in respect of the dwelling-house are borne by the landlord or a superior landlord, the amount of the registered rent shall be taken, for the purposes of this Schedule, to be increased by the amount of the rates so borne in respect of the rental period comprising the date from which the registration took effect.

6.—(1) Any reference in this Schedule to the relevant date shall be construed in accordance with this paragraph.

(2) Where the tenancy referred to in paragraph 1(a) above was granted, continued or renewed for a term of years certain exceeding seven years and that term has not expired when the assignment takes effect, the relevant date is the date of the expiry of that term.

(3) In any other case, the relevant date is the date of the expiry of seven years from the commencement of the term, or, as the case may be, the continuance or renewal of the term in respect of which the premium was paid.

(4) For the purposes of this paragraph—

(a) a term of years shall be treated as certain notwithstanding that it is liable to determination by re-entry or on the happening of any event other than the giving of notice by the landlord to determine the term ; and

(b) a term of years determinable by the landlord giving notice to determine it shall be treated as a term of years certain expiring on the earliest date on which such a notice given after the date of the assignment would be capable of taking effect.

SCHEDULE 12

Section 96.

RESTRICTIONS APPLICABLE TO CONTROLLED MORTGAGES

PART I

RESTRICTIONS RELATING TO INTEREST RATES

1.—(1) This paragraph applies to a controlled mortgage which was created before 2nd July 1920 and to which, on that date and immediately before the commencement of this Act, the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 c. 17. applied.

(2) If the rate of interest on a mortgage to which this paragraph applies has been, at any time since 25th March 1920, or is, after the commencement of this Act, increased beyond the limit permitted under this paragraph, the amount of the excess over that limit is irrecoverable from the mortgagor, notwithstanding any agreement to the contrary.

E

SCH. 12 (3) The limit to which the rate of interest payable in respect of a mortgage to which this paragraph applies may be increased is $6\frac{1}{2}$ per cent. per annum or 1 per cent. per annum above the standard rate of interest, whichever is the less.

(4) In this paragraph "the standard rate of interest" means—

(a) in the case of a mortgage which was in force on 3rd August 1914, the rate of interest payable at that date; and

(b) in the case of any other mortgage to which this paragraph applies, the original rate of interest.

1939 c. 71. 2.—(1) This paragraph applies to a controlled mortgage to which the Rent and Mortgage Interest Restrictions Acts 1920 to 1933, as modified by Schedule 1 to the Rent and Mortgage Interest Restrictions Act 1939, applied immediately before the commencement of this Act.

(2) In so far as the rate of interest on a mortgage to which this paragraph applies has been, at any time since 1st September 1939, or is, after the commencement of this Act, increased beyond the standard rate of interest, the amount of the excess is irrecoverable from the mortgagor, notwithstanding any agreement to the contrary.

(3) In this paragraph "the standard rate of interest" means—

(a) in the case of a mortgage which was in force on 1st September 1939, the rate of interest payable at that date; and

(b) in the case of any other mortgage to which this paragraph applies, the original rate of interest.

(4) Sub-paragraphs (2) and (3) above shall have effect subject to paragraphs 3 and 4 below.

1952 c. 40. 3. In relation to a mortgage to which paragraph 2 above applies but which became a mortgage to which the Acts referred to in that paragraph applied by virtue of the Crown Lessees (Protection of Sub-Tenants) Act 1952, for any reference in paragraph 2 above to 1st September 1939 there shall be substituted a reference to 8th February 1952.

1954 c. 53. 4. In relation to a mortgage to which paragraph 2 above applies but which became a mortgage to which the Acts referred to in that paragraph applied by virtue of section 33 of the Housing Repairs and Rents Act 1954, for any reference in paragraph 2 above to 1st September 1939 there shall be substituted a reference to the following date, that is to say,—

(a) 11th November 1953, if on that date the dwelling-house which is the subject of the mortgage was let under a tenancy to which the Acts referred to in paragraph 2(1) above applied as from the commencement of the said Act of 1954; and

(b) in any other case, the date between 11th November 1953 and the commencement of that Act (30th August 1954) on which it was first so let.

PART II

SCH. 12

RESTRICTIONS ON ENFORCEMENT OF SECURITY

5.—(1) Subject to the following provisions of this Part of this Schedule, a mortgagee under a controlled mortgage shall not be entitled to call in his mortgage or to take any steps for exercising any right of foreclosure or sale, or for otherwise enforcing his security or for recovering the principal money thereby secured if and so long as—

- (a) interest at the rate permitted under this Schedule is paid and is not more than twenty-one days in arrears; and
 - (b) the mortgagor's covenants are performed and observed (but for this purpose the covenant for the repayment of the principal money secured shall be disregarded); and
 - (c) the mortgagor keeps the property in a proper state of repair; and
 - (d) the mortgagor pays all interest and instalments of principal recoverable under any prior incumbrance.
- (2) Nothing in this paragraph affects any power of sale exercisable by a mortgagee who,—
- (a) in the case of a mortgage falling within paragraph 1 above, was in possession on 25th March 1920; or
 - (b) in the case of a mortgage falling within paragraph 2 above, was in possession on 1st September 1939 or whichever other date is relevant for the purposes of sub-paragraph (2) of that paragraph, having regard to the provisions of paragraphs 3 and 4 above.

6.—(1) Paragraph 5 above does not apply to a mortgage where the principal money secured thereby is repayable by means of periodical instalments extending over a term of not less than ten years from the creation of the mortgage.

(2) Paragraph 5 above does not apply in any case where the mortgagor consents to the exercise by the mortgagee of the powers conferred by the mortgage.

7.—(1) If a controlled mortgage is a mortgage of a leasehold interest and the mortgagee satisfies the county court that his security is seriously diminishing in value or is otherwise in jeopardy, and for that reason it is reasonable that the mortgage should be called in and enforced, the court may by order authorise him to call in and enforce the same, and thereupon paragraph 5 above shall not apply to the mortgage.

(2) Any order under sub-paragraph (1) above may be made subject to a condition that it shall not take effect if the mortgagor, within such time as the court directs, pays to the mortgagee such portion of the principal sum secured as appears to the court to correspond to the diminution of the security.

Section 110.

SCHEDULE 13

RENTS OF SUBSIDISED PRIVATE HOUSES NOT SUBJECT TO
CONTROLLED TENANCIES

1.—(1) The provisions of this paragraph apply, subject to sub-paragraph (6) of this paragraph and to paragraph 2 below, where a condition to which section 110 of this Act applies—

- (a) was imposed before 8th December 1965, and
- (b) limits the rent under a tenancy which is not a controlled tenancy.

(2) Any such condition as is referred to in sub-paragraph (1) above shall limit, or as the case may be shall have effect as if it limited, the rent to the amount which would be the rent limit if the tenancy were a controlled tenancy and,—

- (a) in ascertaining that amount in a case where a dwelling-house was produced by the conversion of any premises and the conversion resulted in a change in the valuation list after 7th November 1956, any entry in that list before the change shall be disregarded ; and
- (b) the provisions of Part V of this Act enabling rents to be increased and the provisions of that Part and of section 105(1) of this Act conferring jurisdiction on the county court shall apply in relation to the tenancy as they apply in relation to a controlled tenancy.

(3) In sub-paragraph (2) above “the rent limit” has the same meaning as in Part V of this Act except that if any such condition as is referred to in sub-paragraph (1) above was imposed before 6th July 1957 and then limited the rent to an amount exceeding what would be the rent limit if ascertained under subsections (1) and (2) of section 52 of this Act, the rent limit shall be that amount, subject however to the provisions of subsection (3) of that section.

(4) Notwithstanding anything in subsection (3) of section 56 of this Act, for the purposes of that section as applied by sub-paragraph (2)(b) above, a reference to any tenant of the dwelling shall be substituted in that subsection for the reference to a tenant under a controlled tenancy and the appropriate percentage shall be $12\frac{1}{2}$ per cent. in relation to the rent under any tenancy created by a lease or agreement coming into operation after the time when the improvement is begun ; but for this purpose, where a person to whom a tenancy was granted was, immediately before the granting, the tenant under another tenancy and the premises comprised in one of the tenancies are the same as, or consist of or include part of, the premises comprised in the other, the two tenancies shall be treated as together constituting one tenancy created by the lease or agreement which created the first of the two tenancies.

(5) Nothing in this paragraph shall be construed as applying the provisions of Part II of Schedule 9 to this Act to a tenancy which is not a controlled tenancy.

(6) In any case where, by virtue of section 33 of the Housing (Financial Provisions) Act 1958, the condition falling within sub-paragraph (1) above is that in paragraph 4 of Schedule 4 to that Act and either—

SCH. 13
1958 c. 42.

- (a) the application for the grant, as a result of which the condition was imposed, was made on or after 16th August 1964, or
- (b) the application for the grant was made before that date but, by virtue of section 12 of the House Purchase and Housing Act 1959, the condition limits the rent to a rent fixed under subsection (1) of that section which is higher than the limit which would apply under sub-paragraph (2) above,

1959 c. 33.

then sub-paragraph (2) above shall not apply and the condition shall continue to limit the rent as it did before the commencement of this Act.

2.—(1) The provisions of this paragraph apply where such a condition as is referred to in paragraph 1(1) above limits the rent under a tenancy which is neither a regulated nor a controlled tenancy and either—

- (a) the interest of the landlord belongs to a housing trust, as mentioned in subsection (2)(g) of section 5 of this Act ; or
- (b) that interest belongs to a housing association, as mentioned in subsection (5) of that section, and one of the conditions specified in subsection (6) of that section is fulfilled.

(2) Where this paragraph applies, sub-paragraphs (2) to (6) of paragraph 1 above shall not have effect in relation to the condition in question.

(3) In a case where this paragraph applies, the condition shall limit, or as the case may be shall have effect as if it limited, the rent to such amount as may from time to time be or have been agreed between the housing trust or association and the local authority or as may, in default of agreement, be or have been determined by the Minister ; but if the condition was imposed before 6th July 1957 it shall, until the said amount has been so agreed or determined, have effect as if this Act and the Rent Act 1957 had not been passed.

1957 c. 25.

3.—(1) The provisions of this paragraph apply in relation to a condition imposed by virtue of section 33 of the Housing (Financial Provisions) Act 1958 if—

- (a) the condition is imposed after the commencement of this Act or was imposed after 7th December 1965 ; and
- (b) the condition limits the rent under a tenancy which is neither a regulated nor a controlled tenancy ; and
- (c) either the interest of the landlord belongs to a housing trust, as mentioned in subsection (2)(g) of section 5 of this Act, or that interest belongs to a housing association, as mentioned in subsection (5) of that section, and one of the conditions specified in subsection (6) of that section is fulfilled.

SCH. 13 (2) In a case where this paragraph applies, the condition shall limit, or as the case may be shall have effect as if it limited, the rent to such amount as may from time to time be or have been agreed between the housing trust or association and the local authority or as may, in default of agreement, be or have been determined by the Minister.

4.—(1) Subject to sub-paragraph (2) below, in paragraphs 2 and 3 above “local authority”, in relation to any premises, means the council of the county borough, London borough or county district in which the premises are situated or, if they are situated in the City of London, the Common Council of the City of London.

1958 c. 42. (2) In the case of houses the construction of which was promoted either by the London County Council or by the Greater London Council or in respect of which improvement grants were made by either of those councils under the Housing (Financial Provisions) Act 1958, the reference in sub-paragraph (1) above to the local authority shall be construed as a reference to the Greater London Council.

1959 c. 33. 5. Any reference in this Schedule to a condition imposed by virtue of section 33 of the Housing (Financial Provisions) Act 1958 includes a reference to a condition imposed by virtue of that section as applied by section 7 of the House Purchase and Housing Act 1959.

Section 117(1).

SCHEDULE 14

MODIFICATIONS APPLICABLE TO CERTAIN EXISTING PROTECTED AND STATUTORY TENANCIES

Dwelling-houses controlled before 1939

1957 c. 25. 1.—(1) If, in relation to a dwelling-house which immediately before the commencement of this Act was let on or subject to a controlled tenancy within the meaning of the Rent Act 1957, the relevant enactment in force at that time for the purpose of determining whether any land or premises let together with such a dwelling-house was to be treated as part of the dwelling-house was proviso (iii) to section 12(2) of the Act of 1920 (and not section 3(3) of the Act of 1939), then, in relation to that controlled tenancy, for subsection (2) of section 1 of this Act there shall be substituted the following subsection:—

1920 c. 17. (2) For the purposes of this Act, any land or premises let together with a dwelling-house shall, if the original rateable value of the land or premises let separately would be less than one-quarter of the original rateable value of the dwelling-house, be treated as part of the dwelling-house; and for the purposes of this subsection “the original rateable value” means the value which, before the commencement of this Act, was the rateable value for the purposes of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920.

(2) If, immediately before the commencement of this Act, a dwelling-house was let on or subject to a controlled tenancy within

the meaning of the Rent Act 1957 and, for the purpose of determining that the controlled tenancy was not excluded from the Act of 1920 by virtue of section 12(7) of that Act (tenancies at less than two-thirds of rateable value), the expression "rateable value" fell to be construed in accordance with paragraph (e) of section 12(1) of the Act of 1920 as originally enacted (and not in accordance with the substituted paragraph set out in Schedule 1 to the Act of 1939) then, in relation to that controlled tenancy, for paragraph (a) of section 7(3) of this Act there shall be substituted the following paragraph:—

(a) the rent payable under the tenancy is not less than two-thirds of the value which, before the commencement of this Act, was the rateable value of the dwelling-house for the purposes of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920.

(3) In this paragraph "the Act of 1920" means the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 and "the Act of 1939" means the Rent and Mortgage Interest Restrictions Act 1939.

*Controlled tenancies of dwelling-houses over
1965 limits of rateable value*

2. If the rateable value of a dwelling-house on 23rd March 1965 exceeded the relevant limit in paragraph (a) of section 1(1) of this Act but the rateable value (determined in accordance with paragraph 2 of Schedule 2 to this Act) of that dwelling-house on 7th November 1956 did not exceed the relevant limit in paragraph 1(a) of that Schedule, then no account shall be taken of paragraph (a) of section 1(1) of this Act in determining whether the dwelling-house is let on or subject to a controlled tenancy.

Certain controlled tenancies excluded from orders under s. 8

3. An order under section 8 of this Act shall not apply to a controlled tenancy which is a statutory tenancy subsisting under section 4 of the Requisitioned Houses and Housing (Amendment) Act 1955.

SCHEDULE 15

Section 117(2).

AMENDMENTS OF OTHER ENACTMENTS

<i>Enactment</i>	<i>Amendment</i>
The Housing (Rural Workers) Act 1926 (16 & 17 Geo. 5. c. 56).	In section 3, in subsection (1), for paragraph (b) there shall be substituted the following paragraph:— (b) the rent payable by the occupier in respect of the dwelling shall not exceed the limit imposed by section 110 of or Schedule 13 to the Rent Act 1968, and no fine, premium or other like sum shall be taken in addition to the rent.

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*Enactment**Amendment*

The Landlord and
Tenant Act 1927
(17 & 18 Geo. 5.
c. 36).

In section 16, for the words from “ anything to the contrary ” (in the section as originally enacted) to the end of the section there shall be substituted the words “ and shall be so recoverable notwithstanding anything in Part V of the Rent Act 1968 ”.

The Reserve and
Auxiliary Forces
(Protection of Civil
Interests) Act 1951
(14 & 15 Geo. 6.
c. 65).

In section 14(2), for paragraph (a) there shall be substituted the following paragraph:—

(a) is a dwelling-house which consists of or comprises premises licensed for the sale of intoxicating liquor on the premises; or.

In section 15, in subsection (1), for the words in paragraph (a) from “ subsection ” to “ 1946 ” there shall be substituted the words “ section 70(1) of the Rent Act 1968 ”; for the words from “ (c) the conditions ” to the end of the subsection there shall be substituted the following:—

(c) the condition specified in subsection (1)(b) of section 78 of the Rent Act 1968 is not fulfilled,

the said section 78 shall apply in relation to the notice to quit as if that condition had been fulfilled as to the contract under which that tenancy subsists;

in subsection (3) of that section, as originally enacted, for the words from the beginning to the second “ quit ” there shall be substituted the words “ The subsistence of a Crown interest in premises shall not affect the operation of this section ” and at the end of that subsection there shall be added the words “ but nothing in this subsection shall be construed as excluding the operation of this Part of this Act in cases where there subsists a Crown interest not being the reversion immediately expectant on the tenancy in question ”; in subsections (4) and (5) of that section for the words “ section eleven ”, in each place where they occur, there shall be substituted the words “ section 78 ”; and in subsection (5) of that section, for the words from “ the Furnished Houses (Rent Control) Act 1946 ” to the end of the subsection there shall be substituted the words “ Part VI of the Rent Act 1968 by section 70(4) of that Act ”.

Enactment

The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (14 & 15 Geo. 6. c. 65)—*cont.*

Amendment

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In section 16, in subsection (1), for the words “the Rent Restrictions Acts” there shall be substituted the words “Part II of the Rent Act 1968”; and for subsection (2) of that section there shall be substituted the following subsections:—

(2) The circumstances referred to in the last preceding subsection are any one or more of the following, that is to say,—

- (a) that the rateable value on the appropriate day (as defined for the purposes of the Rent Act 1968) of the premises which are the rented family residence, or of a property of which at the ending of the tenancy qualifying for protection those premises form part, exceeded the relevant limit specified in subsection (1)(a) of section 1 of that Act;
- (b) that the reversion immediately expectant on the tenancy qualifying for protection belongs to any of the bodies specified in subsection (2) of section 5 of the Rent Act 1968 other than the Housing Corporation;
- (c) that the reversion immediately expectant on the tenancy qualifying for protection belongs to such a housing association as is referred to in subsection (5) of section 5 of the Rent Act 1968 and that one of the conditions specified in subsection (6) of that section is fulfilled;
- (d) that immediately before the ending of the tenancy qualifying for protection the circumstances mentioned in paragraph (a) of section 2(1) of the Rent Act 1968 applied with respect to that tenancy or with respect to a tenancy having effect subject to that tenancy;
- (e) that immediately before the ending of the tenancy qualifying for protection those premises were let together with agricultural land exceeding two acres in extent but were not such a

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Enactment

The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (14 & 15 Geo. 6. c. 65)—*cont.*

Amendment

dwelling-house as is mentioned in paragraph (d) of section 2(1) of the Rent Act 1968.

(3) The following provisions of this section shall have effect with respect to a statutory tenancy arising under this section.

(4) Subject to the following provisions of this section, the rent for any rental period for which it is neither increased nor reduced under the provisions of Part V of the Rent Act 1968 shall be of an amount equal to the rent limit ascertained under section 52(1) of that Act.

(5) Where the rent payable for the last rental period of the tenancy qualifying for protection (hereinafter referred to as "the contractual rent") was greater than the amount mentioned in subsection (4) of this section, the rent payable for any such rental period as is mentioned in that subsection shall be of an amount equal to the contractual rent; and where this subsection has effect the rent limit shall be an amount equal to the contractual rent, but subject to adjustment from time to time under sections 54 and 55 of the Rent Act 1968 and under section 56 thereof except with respect to improvements completed before the beginning of the statutory tenancy, and to reduction as provided by Part II of Schedule 9 to that Act in case of disrepair.

(6) Subsections (4) and (5) of this section shall have effect subject to any agreement between the parties for the payment of a lower rent; and where a lower rent is agreed it shall not be increased under Part V of the Rent Act 1968, but may, notwithstanding anything in that Part of that Act, be increased up to the rent limit by agreement in writing between the parties.

(7) In subsections (4) to (6) of this section, "improvement", "rental period" and "the rent limit" have the same meanings as in Part V of the Rent Act 1968.

Enactment

The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (14 & 15 Geo. 6. c. 65)—*cont.*

Amendment

SCH. 15

In section 17, in subsection (1), for the words from “(b) by reason only” to the words “the said section eight” there shall be substituted the words—

“(b) by reason only of such circumstances as are mentioned in subsection (2) of the last preceding section, subsection (1) of section 102 of the Rent Act 1968 (provisions where tenant shares accommodation with persons other than landlord) did not have effect with respect to the separate accommodation,

the said section 102”;

and in place of subsection (2) of that section (which was repealed by the Rent Act 1957) there shall be inserted the following subsection:—

(2) The provisions of subsections (4) to (7) of section 16 of this Act shall have effect with respect to a statutory tenancy arising under this section as they have effect with respect to a statutory tenancy arising under that section.

In section 18, in subsection (1), for the words “the Rent Restrictions Acts” there shall be substituted the words “Part II of the Rent Act 1968” and for the words “a dwelling-house to which those Acts apply” there shall be substituted the words “a dwelling-house subject to a statutory tenancy within the meaning of the Rent Act 1968”; and in place of subsection (2) of that section (which was repealed by the Rent Act 1957) there shall be substituted the following subsection:—

(2) The provisions of subsections (4) to (7) of section 16 of this Act shall have effect with respect to a statutory tenancy arising under this section as they have effect with respect to a statutory tenancy arising under that section.

In section 19, in subsection (1), for the words “the Rent Restrictions Acts” there shall be substituted the words “the Rent Act 1968”; subsection (4) of that section shall be omitted; in subsection (5) of that section, for the words “mortgage to which the Rent Restrictions Acts apply” there shall be substituted the words “controlled

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Enactment

The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (14 & 15 Geo. 6. c. 65)—*cont.*

Amendment

mortgage” and for the words from “the expression” to the end of the subsection, there shall be substituted the words “the expression ‘mortgage’ includes any charge registered under the Land Registration Act 1925 and the expression ‘controlled mortgage’ has the same meaning as in Part VIII of the Rent Act 1968”; and subsection (6) of that section shall be omitted.

In section 20, in subsection (1), for the words “paragraph (a) of the First Schedule to the Rent Act of 1933” there shall be substituted the words “Case 1 in Schedule 3 to the Rent Act 1968”; in subsection (2) of that section, for the words “Paragraph (g) of the said First Schedule” there shall be substituted the words “Case 7 in the said Schedule 3”, and for the words “the Rent Restrictions Acts apply”, in paragraph (b) of that subsection, there shall be substituted the words “Part II of the Rent Act 1968 applies in relation”; in subsection (3) of that section, for the words “the said First Schedule” there shall be substituted the words “the Cases in Part I of the said Schedule 3” and for the words “subsection (1) of section 3 of the Rent Act of 1933” there shall be substituted the words “section 10(1) of the Rent Act 1968”.

In section 21, in subsection (1), for the words from “paragraph 1” to “1948” there shall be substituted the words “paragraph (d) of section 2(1) of the Rent Act 1968”.

In section 22, in subsection (1), for the words from “brought before” to “1946” there shall be substituted the words “brought under Part III of the Rent Act 1965 or under Part II, Part III or Part IV of the Rent Act 1968, or of any proceedings consequential upon the making of a reference or application to a rent tribunal under Part VI of that Act”, and after subsection (3) of that section there shall be inserted the following subsection:—

(3A) In relation to any proceedings before a rent officer or rent assessment committee, within the meaning of the Rent Act 1968, subsections (1) to (3) of this section shall have effect as if the references to the court or tribunal included references to a rent officer or rent assessment committee.

<i>Enactment</i>	<i>Amendment</i>	SCH. 15
The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (14 & 15 Geo. 6. c. 65)— <i>cont.</i>	<p>In section 23, in subsection (1), in the definition of "agricultural land" for the words "in the Rent Act of 1939" there shall be substituted the words "it has for the purposes of section 1(2) of the Rent Act 1968", in the definitions of "landlord" and "tenant" and of "statutory tenancy" for the words "the Rent Restrictions Acts" and "those Acts" there shall be substituted the words "the Rent Act 1968"; and in subsection (3) of that section, for the words "the Rent Restrictions Acts" there shall be substituted the words "the Rent Act 1968".</p> <p>In section 64, in subsection (1), the definition beginning "Rent Restrictions Acts" shall be omitted.</p>	
The Housing Repairs and Rents Act 1954 (2 & 3 Eliz. 2. c. 53).	<p>In section 50(1), for the words "Part II of this Act", there shall be substituted the words "the Rent Act 1968".</p>	
The Landlord and Tenant Act 1954 (2 & 3 Eliz. 2. c. 56).	<p>In section 1, for the words "Rent Acts" there shall be substituted the words "Rent Act".</p> <p>In section 2, in subsection (1), for the words "Rent Acts" there shall be substituted the words "Rent Act"; and in subsection (5), in the passage substituted for paragraphs (a) and (b) by section 39(1)(b)(ii) of the Leasehold Reform Act 1967, for the words "Rent Act 1965", there shall be substituted the words "Rent Act 1968".</p> <p>In section 3(3), for the words "Rent Acts" there shall be substituted the words "Rent Act".</p> <p>In section 6, in subsection (1), for the words "the Rent Acts shall apply" there shall be substituted the words "the Rent Act shall apply"; and in subsection (2) of that section for the words "said Acts" there shall be substituted the words "Rent Act".</p> <p>In section 7(6), for the words "Rent Acts" there shall be substituted the words "Rent Act".</p> <p>In section 10(2), for the words from "on any of the grounds" to "Act of 1933" there shall be substituted the words "in any of the circumstances specified in Cases 1 to 3 in Schedule 3 to the Rent Act".</p>	

SCH. 15

*Enactment**Amendment*

The Landlord and
Tenant Act 1954
(2 & 3 Eliz. 2. c. 56)
—*cont.*

In section 12, in subsection (1)(b), for the words from “grounds on which” to the end of the subsection there shall be substituted the words “Cases 1 to 8 in Schedule 3 to the Rent Act which specify circumstances in which a court may make an order for possession under that Act”;

and in subsection (2)(a) of that section for the words “Rent Acts” there shall be substituted the words “Rent Act”.

In section 18(2), for the words “Rent Acts” there shall be substituted the words “Rent Act”.

In section 21(4), for the words “Rent Acts apply” there shall be substituted the words “Rent Act applies” and for the words “Rent Acts”, in the second place where those words occur, there shall be substituted the words “Rent Act”.

In section 22, in subsection (1) for the definition of “the Rent Acts” there shall be substituted the following definition:—

“the Rent Act” means the Rent Act 1968 as it applies to regulated tenancies but exclusive of Parts III to VI thereof;

and in subsection (2) of that section for the words “Rent Acts” there shall be substituted the words “Rent Act”.

In section 43(1), for paragraph (c) there shall be substituted the following paragraph:—

(c) to a tenancy which is excluded from this Part of this Act by section 9(3) of the Rent Act 1968; or.

In Schedule 1, in paragraph 17, for the words “paragraph (a) of the First Schedule to the Act of 1933” there shall be substituted the words “Case 1 in Schedule 3 to the Rent Act”; and in paragraph 19 of that Schedule, for the words “Rent Acts” there shall be substituted the words “Rent Act”.

In Schedule 2, in paragraph 4, for the words “paragraph (a) of the First Schedule to the Act of 1933” there shall be substituted the words “Case 1 in Schedule 3 to the Rent Act”.

<i>Enactment</i>	<i>Amendment</i>	
<p>The Landlord and Tenant Act 1954 (2 & 3 Eliz. 2. c. 56) —<i>cont.</i></p>	<p>In Schedule 3, for paragraph 2, there shall be substituted the following paragraph:— 2. Part IV of Schedule 3 to the Rent Act (which relates to the circumstances in which suitable accommodation is to be deemed to be available for the tenant) shall apply for the purposes of this Schedule as it applies for the purposes of section 10(1)(a) of that Act.</p>	SCH. 15
<p>The Requisitioned Houses and Housing (Amendment) Act 1955 (3 & 4 Eliz. 2. c. 24).</p>	<p>In section 4, in paragraph (b) of subsection (2), for the words “the Rent Acts” and the words “those Acts” there shall be substituted the words “the Rent Act 1968”; after the words “terms and conditions”, in the paragraph as originally enacted, there shall be inserted the words “(other than terms as to rent)”; in subsection (3) of that section, for the words from the beginning to “of a dwelling” there shall be substituted the words “Subject to the provisions of the Rent Act 1968, the rent of a dwelling”; and subsection (4) of that section shall be omitted.</p>	
<p>The Housing Act 1957 (5 & 6 Eliz. 2. c. 56).</p>	<p>In sections 16(5), 22(5), 27(5), 45(6) and 57(9), for the words “the Rent Acts” there shall be substituted the words “the Rent Act 1968”.</p> <p>In section 68, in subsection (2), for the words “to which the Rent Acts apply” there shall be substituted the words “let on or subject to a protected or statutory tenancy, within the meaning of the Rent Act 1968”; for the words “the Rent and Mortgage Interest Restrictions (Amendment) Act 1933” there shall be substituted the words “the Rent Act 1968”; and for the words “subsection (2) of section three of” there shall be substituted the words “paragraph 1 of Part IV of Schedule 3 to”.</p> <p>In section 73(4), for the words “the Rent Acts” there shall be substituted the words “the Rent Act 1968”.</p> <p>In section 104, in subsection (3) as it applies to conditions imposed under that subsection after 7th December 1965, in paragraph (b) (as originally enacted) the words “to the limit imposed by section twenty of the Rent Act 1957” shall be omitted; and in that paragraph as it applies to conditions imposed before 8th December 1965, for</p>	

SCH. 15

Enactment

Amendment

The Housing Act 1957
(5 & 6 Eliz. 2. c. 56)
—cont.

the words “ section twenty of the Rent Act 1957 ” there shall be substituted the words “ Schedule 13 to the Rent Act 1968 ”.

In section 158(1), for the words “ the Rent Acts ” there shall be substituted the words “ the Rent Act 1968 ”.

In section 189(1) the definition of “ the Rent Acts ” shall be omitted.

In Schedule 2, in paragraph 7(2), for the words “ the Rent Acts ” there shall be substituted the words “ the Rent Act 1968 ”.

The Housing (Financial Provisions) Act 1958 (6 & 7 Eliz. 2. c. 42).

In section 46, in subsection (1), as it applies to conditions imposed under that section after 7th December 1965, for paragraph (b) there shall be substituted the following paragraph:—

(b) if let, is let at a rent which does not exceed such rent as the council may from time to time determine as being in its opinion the rent which it would have been appropriate for the council to charge if the house had been provided by the council;

and in that paragraph, as it applies to conditions imposed before 8th December 1965, for the words “ section twenty of the Rent Act 1957 ” there shall be substituted the words “ section 110 of or Schedule 13 to the Rent Act 1968 ”.

In Schedule 4, in paragraph 4, for the words “ section twenty of the Rent Act 1957 ” there shall be substituted the words “ section 110 of or Schedule 13 to the Rent Act 1968 ”.

The Tribunals and Inquiries Act 1958 (6 & 7 Eliz. 2. c. 66).

In Schedule 1, in the entry beginning “ Rents”, for the words “ under section one of the Furnished Houses (Rent Control) Act 1946 ” there shall be substituted the words “ in accordance with section 69 of the Rent Act 1968 ”.

The County Courts Act 1959 (7 & 8 Eliz. 2. c. 22).

In section 94, in subsection (1), for paragraph (b) there shall be substituted the following paragraph:—

(b) proceedings arising under Part III of the Rent Act 1965 or under any provision of the Rent Act 1968 other than a provision contained in Part VI or Part VII thereof.

In section 109(4), for the words from “ section three ” to “ subsequent enactments ” there shall be substituted the words “ section 10 of the Rent Act 1968, as it applies to

<i>Enactment</i>	<i>Amendment</i>	SCH. 15
The County Courts Act 1959 (7 & 8 Eliz. 2. c. 22)— <i>cont.</i>	Cases 1 to 8 in Schedule 3 to that Act or, of that section as extended or applied by any other enactment". In section 147(2), for the words " subsection (4) of section five of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 " there shall be substituted the words " paragraph 14 of Schedule 16 to the Rent Act 1968 ".	
The House Purchase and Housing Act 1959 (7 & 8 Eliz. 2. c. 33).	In section 12, in subsection (1), for the words " the commencement of this Act " there shall be substituted the words " 15th August 1964 ", for the words " section twenty of the Rent Act 1957 " there shall be substituted the words " section 56(2) of the Housing Act 1964 " and for the words " the Rent Act 1957 " in the next place where they occur, there shall be substituted the words " Part V of the Rent Act 1968 "; in subsection (2), for the words from " section twenty " to the end of the subsection there shall be substituted the words " section 56(2) "; and in subsection (5), for the words " section twenty " there shall be substituted the words " section 56(2) ". In section 29(1), in the definition of " controlled tenancy ", for the words " the Rent Act 1957 " there shall be substituted the words " the Rent Act 1968 ".	
The Town and Country Planning Act 1962 (10 & 11 Eliz. 2. c. 38).	In section 84(3), for the words " the Rent and Mortgage Interest Restrictions Acts 1920 to 1939 " there shall be substituted the words " the Rent Act 1968 ".	
The Landlord and Tenant Act 1962 (10 & 11 Eliz. 2. c. 50).	In section 2(1), in paragraph (b), for the words " the Furnished Houses (Rent Control) Act 1946 " there shall be substituted the words " Part VI of the Rent Act 1968 "; in paragraph (c), for the words from " to which " to " apply " there shall be substituted the words " let on or subject to a protected or statutory tenancy, within the meaning of the Rent Act 1968 "; and for the words " such a dwelling-house " there shall be substituted the words " let on or subject to such a protected or statutory tenancy ". For section 5, there shall be substituted the following section:— 5.—(1) Section 107 of the Rent Act 1968 (which relates to the powers of local authorities with respect to the publishing	

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*Enactment**Amendment*

The Landlord and Tenant Act 1962 (10 & 11 Eliz. 2. c. 50)—*cont.*

of information) shall have effect as if this Act were included among the provisions of that Act specified in subsection (3) of that section.

(2) Proceedings for an offence under this Act may be instituted by any local authority to which the said section 107 applies.

The Housing Act 1964 (1964 c. 56).

In section 44(2)(a), for the words from “tenant (as defined” to “entitled to a tenancy” there shall be substituted the words “statutory tenant within the meaning of the Rent Act 1968”.

In section 56, in subsection (2), for paragraph (b) there shall be substituted the following paragraph:—

(b) which is not prevented from being a protected tenancy by reason only of subsection (2)(g) or subsection (5) of section 5 of the Rent Act 1968 (tenancies where landlord is housing trust or housing association),

and for the words “section 20 of the Rent Act 1957” there shall be substituted the words “section 110 of or Schedule 13 to the Rent Act 1968”; in subsection (3) of that section, for the words “Schedule 2 to the Rent Act 1957” there shall be substituted the words “Schedule 4 to the Rent Act 1968”; in subsection (4) of that section, for the words from the beginning to “1957” there shall be substituted the words “Sections 53, 54, 55, 56 (except subsection (5)), 57(1), 59, 67(4) and 105 of the Rent Act 1968”, for the words “under that Act” in each place where they occur, there shall be substituted the words “under Part V of that Act”, in paragraph (a) of that subsection for the words “sections 3 and 4” there shall be substituted the words “sections 54 and 55” and in paragraph (b) of that subsection, for the words “section 5” there shall be substituted the words “section 56(1)” and for the words “the commencement of that Act” there shall be substituted the words “5th July 1957”; for subsection (7) of that section there shall be substituted the following subsection:—

(7) Expressions used in this section have the same meanings as in Part V of the Rent Act 1968;

<i>Enactment</i>	<i>Amendment</i>	SCH. 15
The Housing Act 1964 (1964 c. 56)— <i>cont.</i>	<p>in subsection (8) of that section, the words “and accordingly” and paragraphs (a) and (b) shall be omitted; and in subsection (9) of that section, for the words “section 20 of the Rent Act 1957” there shall be substituted the words “Schedule 13 to the Rent Act 1968”.</p> <p>In section 74(2), for the words “the Rent Acts” there shall be substituted the words “the Rent Act 1968”.</p> <p>In section 75(3), for the words from the beginning to “Rent Acts)” there shall be substituted the words “Section 5 of the Rent Act 1968 (which excludes lettings by local authorities from being protected tenancies within the meaning of that Act)”, for the words from “a tenancy” to “continuing to apply” there shall be substituted the words “a protected or statutory tenancy, within the meaning of the Rent Act 1968, nothing in this Part of this Act shall prevent the continuance of that protected or statutory tenancy nor affect the continued operation of that Act in relation to that protected or statutory tenancy”.</p> <p>In section 81(3), for the words “section 1 of the Furnished Houses (Rent Control) Act 1946” there shall be substituted the words “section 69 of the Rent Act 1968”.</p> <p>In Schedule 2, in paragraph 4, for the words “section 5 of the Rent Act 1957” there shall be substituted the words “section 56(1) of the Rent Act 1968”.</p> <p>In Schedule 4, for the words “s. 11(2) of the Rent Act 1957” in the cross-heading preceding paragraph 2, and for the words in that paragraph from “section 11(2)” to “Rent Acts)”, there shall be substituted the words “paragraph 1(d) of Schedule 2 to the Rent Act 1968”.</p>	
The New Towns Act 1965 (1965 c. 59).	<p>In section 22(3), for the words “the Rent and Mortgage Interest Restrictions Acts 1920 to 1939” there shall be substituted the words “the Rent Act 1968”.</p>	
The Rent Act 1965 (1965 c. 75).	<p>In section 32, in subsection (1), after the words “which is not a” there shall be inserted the word “statutorily”; and at the end of subsection (4) there shall be added the words “within the meaning of the Rent Act 1968”.</p>	

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*Enactment**Amendment*

The Rent Act 1965
(1965 c. 75)—*cont.*

In section 34, for the words “protected tenancy” there shall be substituted the words “statutorily protected tenancy” and in paragraph (a) of that section for the words from the beginning to “or” there shall be substituted the words “a protected tenancy within the meaning of the Rent Act 1968 or a tenancy to which”.

The Matrimonial
Homes Act 1967
(1967 c. 75).

In section 1(5) for the words from “the Rent Acts” to “1949” there shall be substituted the words “the Rent Act 1968 (other than Part VI thereof)”.

In section 7, in subsections (1) and (2), for the words “tenancy to which the Rent Acts apply”, in each place where they occur, there shall be substituted the words “protected tenancy”; in subsection (3) of that section, for the words from “the Rent Acts” to “1965” there shall be substituted the words “paragraphs 1 to 3 or, as the case may be, paragraphs 5 to 7 of Schedule 1 to the Rent Act 1968”, and for subsection (8) of that section there shall be substituted the following subsection:—

(8) In this section the expressions “landlord”, “protected tenancy”, “statutory tenancy” and “tenancy” have the same meaning as in the Rent Act 1968.

In section 8 of that Act, in subsection (3), for the words from the beginning to “the Acts or” there shall be substituted the words “References in this Act to any enactment are references to that”.

The Leasehold Reform
Act 1967 (1967 c.
88).

In section 1(4), for the words “section 43(3) of the Rent Act 1965” there shall be substituted the words “section 6(3) of the Rent Act 1968”.

In section 4(1)(a), for the words “section 43(3) of the Rent Act 1965” there shall be substituted the words “section 6(3) of the Rent Act 1968”.

In section 16(1)(d), for the words “the Rent Acts” there shall be substituted the words “Part II of the Rent Act 1968 or any enactment applying or extending that Part of that Act”.

In section 37(6), for the words “Sections 43(1), (2) and (4) of the Rent Act 1965” there shall be substituted the words “Sections 6(1), (2) and (4) of the Rent Act 1968”.

<i>Enactment</i>	<i>Amendment</i>	SCH. 15
The Leasehold Reform Act 1967 (1967 c. 88)— <i>cont.</i>	<p>In section 39, in subsections (1)(b)(ii) and (2), for the words “ Rent Act 1965 ” there shall be substituted the words “ Rent Act 1968 ”.</p> <p>In Schedule 2, in paragraph 3, in sub-paragraph (2), for the words from “ section 15(3) ” to “ enactment ” there shall be substituted the words “ subsection (2) of section 18 of the Rent Act 1968, or any enactment (including subsection (3) of that section) ” and in sub-paragraph (3) of that paragraph, for the words “ the Rent Acts ” there shall be substituted the words “ Part II of the Rent Act 1968 or any enactment applying or extending that Part of that Act ”.</p> <p>In Schedule 5, in paragraph 3, for the words “ Rent Act 1965 ” in each place where they occur there shall be substituted the words “ Rent Act 1968 ” and in sub-paragraph (2) of that paragraph for the words “ section 3(3)(a) ” there shall be substituted the words “ section 20(3)(a) ”, for the words “ section 5 ” there shall be substituted the words “ section 22(1) ” and for the words “ section 6 (which provides) ” there shall be substituted the words “ sections 23 to 25 (which provide) ”; in paragraph 4 of that Schedule, in sub-paragraphs (1) and (2), for the words “ Rent Act 1965 ” there shall be substituted the words “ Rent Act 1968 ” and for the words, in sub-paragraph (2), “ paragraph 13 of Schedule 3 ” there shall be substituted the words “ section 48 ”, in sub-paragraph (3) of that paragraph, for the words “ section 7(b) of the Rent Act 1965 ” there shall be substituted the words “ section 22(2)(b) of the Rent Act 1968 ”, in sub-paragraph (4) of that paragraph, for the words “ section 27(1) of the Rent Act 1965 ” there shall be substituted the words “ section 46(1) of the Rent Act 1968 ” and in sub-paragraph (5) of that paragraph for the words “ Rent Act 1965 ” there shall be substituted the words “ Rent Act 1968 ”; in paragraph 6(5) of that Schedule, for the words “ Rent Act 1965 ” there shall be substituted the words “ Rent Act 1968 ”; in paragraph 7(1), in sub-paragraph (b), for the words “ Rent Act 1965 ” there shall be substituted the words “ Rent Act 1968 ”; in paragraph 8 of that Schedule, in sub-paragraphs (2) and (3), for the words</p>	

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*Enactment**Amendment*

The Leasehold Reform Act 1967 (1967 c. 88)—*cont.*

“ section 11 of the Rent Act 1965 ”, in each place where they occur, there shall be substituted the words “ section 8 of the Rent Act 1968 ” and for the words, in sub-paragraph (3), “ section 11(5) and (6) ” there shall be substituted the words “ subsections (2) and (4) of section 27 of that Act ” and in sub-paragraph (4) of that paragraph for the words “ section 11(7) of the Rent Act 1965 ” there shall be substituted the words “ section 9(4) of the Rent Act 1968 ”; and in paragraph 10 of that Schedule, for sub-paragraph (1) there shall be substituted the following sub-paragraph:—

(1) Section 50(2) of the Rent Act 1968 (which confers power by regulations to modify certain provisions of Part IV of that Act) shall apply also to this Schedule in so far as it affects section 44, section 48 or section 49 of, or Schedule 6 to, that Act;

and in sub-paragraph (2) of that paragraph for the words “ Rent Act 1965 ” there shall be substituted the words “ Rent Act 1968 ”, for the words “ section 49 ” there shall be substituted the words “ subsections (1) to (4) of section 115 ” and for the words “ contained in that Act ” there shall be substituted the words “ specified in subsection (2) of the said section 115 ”.

Section 117(3).

SCHEDULE 16

SAVINGS AND TRANSITORY PROVISIONS

General transitional provisions

1. In so far as any regulation, order, scheme, agreement, dissent, election, reference, representation, appointment or apportionment made, notice served, certificate issued, statement supplied, undertaking or direction given, rent registered or other thing done, under or by virtue of an enactment repealed by this Act could have been made, served, issued, supplied, given, registered or done under or by virtue of the corresponding provision of this Act, it shall have effect as if made, served, issued, supplied, given, registered or done under or by virtue of that corresponding provision.

2. Subject to the following provisions of this Schedule, any document made, served or issued before the passing of this Act or at any time thereafter (whether before or after the commencement of this Act) and containing a reference to an enactment repealed by this Act shall, except in so far as a contrary intention appears, be

construed as referring, or as the context requires, as including a reference, to the corresponding provision of this Act. SCH. 16

3. Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.

4. A conviction of an offence under an enactment repealed by this Act shall be treated for the purposes of this Act as a conviction of an offence under the corresponding provision of this Act.

5. Subject to the provisions of Schedule 15 to this Act, any reference in any document or enactment to a dwelling-house to which the Rent and Mortgage Interest Restrictions Acts 1920 to 1939, or any of those Acts, apply shall be construed, except in so far as the context otherwise requires, as a reference to a dwelling-house let on or subject to a protected or statutory tenancy within the meaning of this Act.

Existing statutory tenants

6. If, immediately before the commencement of this Act, a person (in this and the next following paragraph referred to as the "existing statutory tenant") was a statutory tenant of a dwelling-house by virtue of the old Rent Acts or by virtue of section 13 of the Rent Act 1965, that person shall, immediately after the commencement of this Act, be a statutory tenant of the dwelling-house for the purposes of this Act. 1965 c. 75.

7.—(1) If, immediately before the existing statutory tenant became a statutory tenant, he was a tenant of the dwelling-house under a tenancy then, for the purposes of this Act, he shall be the statutory tenant by virtue of his previous protected tenancy.

(2) If the existing statutory tenant became a statutory tenant on the death of a person who was himself a tenant or statutory tenant of the dwelling-house then, for the purposes of this Act, the existing statutory tenant shall be a statutory tenant by succession; and, unless he became a statutory tenant by virtue of section 13 of the Rent Act 1965, he shall be deemed to be the first successor within the meaning of Schedule 1 to this Act.

(3) If the existing statutory tenant became a statutory tenant by virtue of an exchange under section 17 of the Rent Act 1957 then, for the purposes of this Act, he shall be deemed to be the statutory tenant by virtue of his previous protected tenancy or a statutory tenant by succession according as, at the date of exchange, the provisions of the old Rent Acts referred to in subsection (1) of that section had or had not had effect or, as the case may be, were capable of having effect again by virtue of an agreement making the provision referred to in subsection (3) of that section. 1957 c. 25.

(4) If, by virtue of sub-paragraph (3) above, the existing statutory tenant is for the purposes of this Act a statutory tenant by succession, he shall be deemed to be the first successor, within the meaning of

SCH. 16 Schedule 1 to this Act, if, and only if, the person who was the statutory tenant immediately before the date of exchange was a statutory tenant by virtue of the old Rent Acts and not by virtue of section 13 of the Rent Act 1965.

1965 c. 75.

(5) Without prejudice to the case where, by virtue of sub-paragraph (3) or sub-paragraph (4) above, the existing statutory tenant is deemed to be a statutory tenant by succession but is not deemed to be the first successor, within the meaning of Schedule 1 to this Act, paragraphs 5 to 7 of that Schedule shall not apply where the existing statutory tenant, or the person on whose death he became a statutory tenant, became a statutory tenant by virtue of an exchange under section 17 of the Rent Act 1957.

1957 c. 25.

8.—(1) A person who, at any time before the commencement of this Act, became a statutory tenant of a dwelling-house by virtue of either of the enactments specified in sub-paragraph (2) below (and not by way of succession to a previous statutory tenant) shall be treated for the purposes of this Act as having become the statutory tenant of that dwelling-house on the expiry of a protected tenancy thereof.

(2) The enactments referred to in sub-paragraph (1) above are—

(a) section 12(10) of the Act of 1920 (under which workmen housed in certain dwelling-houses taken over by the Government during the 1914-18 war were to be treated as tenants of the landlords of those houses); and

1955 c. 24.

(b) section 4 of the Requisitioned Houses and Housing (Amendment) Act 1955 (under which certain requisitioned dwelling-houses were returned to their owners on condition that the owners accepted the existing licensees as statutory tenants).

(3) A person who, on or after the commencement of the Rent Act 1965, retained possession of a dwelling-house by virtue of section 20 of that Act (which made transitional provisions in relation to tenancies which expired before the commencement of that Act) shall be deemed to have done so under a statutory tenancy arising on the termination of a tenancy which was a regulated tenancy, and the terms as to rent and otherwise of that tenancy shall be deemed to have been the same, subject to any variation specified by the court, as those of the tenancy mentioned in subsection (1) of that section (that is to say, the tenancy which ended before the commencement of the Rent Act 1965 but which would have been a regulated tenancy if that Act had then been in force).

9.—(1) Notwithstanding anything in Schedule 2 to this Act a statutory tenancy which is subsisting at the commencement of this Act by virtue of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 and which, immediately before the commencement of this Act, is a controlled tenancy shall continue as a controlled tenancy after that commencement.

1951 c. 65.

- (2) A statutory tenancy subsisting at the commencement of this Act under section 4 of the Requisitioned Houses and Housing (Amendment) Act 1955 shall be treated, for the purposes of this Act, SCH. 16
1955 c. 24.
- (a) as a regulated tenancy if, by virtue of section 10 of the Rent Act 1965, it fell to be treated as a regulated tenancy after 31st March 1966; and 1965 c. 75.
- (b) in any other case, as a controlled tenancy.

Miscellaneous transitory provisions

10. Notwithstanding anything in Part I of this Act, a tenancy which came to an end before 8th December 1965 and which, immediately before it came to an end, was not a controlled tenancy shall not be treated for the purposes of this Act as a protected tenancy (nor, accordingly, as a regulated tenancy); but where, after such a tenancy ended, a statutory tenancy was deemed to arise by virtue of section 20 of the Rent Act 1965 then, without prejudice to section 30(3) of this Act, that statutory tenancy is a regulated tenancy for the purposes of this Act.

11. Where, before the commencement of this Act, a landlord has obtained an order for possession of a dwelling-house on either of the grounds specified in paragraph (g) or paragraph (h) of Schedule 1 to the Act of 1933 (which correspond to Cases 7 and 8 in Schedule 3 to this Act) and, after the commencement of this Act, it is made to appear to the court that the order was obtained by misrepresentation or concealment of material facts, the repeal by this Act of subsections (6) and (7) of section 5 of the Act of 1920 shall not prevent the court from exercising any power to order the payment of compensation by the landlord to the former tenant which it could have exercised if this Act had not been passed.

12. Any notice given to a tenant before the commencement of this Act under section 14, section 15 or section 16 of the Rent Act 1965 stating that possession may be recovered under that section shall be deemed to be a notice stating that possession may be recovered under the corresponding Case in Part II of Schedule 3 to this Act; and any notice given to a tenant before the commencement of this Act stating that possession may be recovered under section 38 of the Agriculture Act 1967 shall be deemed to be a notice stating that possession may be recovered under Case 13 in Schedule 3 to this Act. 1967 c. 22.

13.—(1) In relation to any time before 1st January 1960, paragraph (a) of section 58(1) of this Act shall have effect as if it included a reference to section 150 of the Public Health Act 1875 and to the Private Street Works Act 1892. 1875 c. 55.
1892 c. 57.

(2) In relation to any time before 1st September 1957, any reference in paragraph 5(3)(b) of Schedule 9 to this Act to section 10 of the Housing Act 1957 or to subsection (3) of that section includes a reference to section 10 of the Housing Act 1936 or, as the case may be, subsection (3) of that section. 1957 c. 56.
1936 c. 51.

(3) In relation to any time before 1st April 1965, the circumstances specified in paragraph 5(3)(d) of Schedule 9 to this Act

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1936 c. 50. include the case where the landlord has previously been convicted of an offence under paragraph 12 of Schedule 5 to the Public Health (London) Act 1936 of failing to comply with an abatement order or contravening a prohibition order or closing order.

1965 c. 75. 14.—(1) Until the day appointed under section 35(5) of the Rent Act 1965, the provision in sub-paragraph (2) below shall have effect (in place of section 5(4) of the Act of 1920).

1838 c. 74. (2) Notwithstanding anything in section 1 of the Small Tenements Recovery Act 1838, every warrant to enter and give possession of any dwelling-house let on a protected tenancy or subject to a statutory tenancy shall remain in force for three months from the date of the issue of the warrant and for such further period or periods, if any, as the court shall from time to time, whether before or after the expiry of those three months, direct.

1889 c. 63. (3) From the day appointed under section 35(5) of the Rent Act 1965, this paragraph shall cease to have effect and section 38(2) of the Interpretation Act 1889 shall apply as though this paragraph were repealed by an Act other than this Act.

Transitional provisions from Rent Act 1957

1957 c. 25. 15. If the rent recoverable under a controlled tenancy for any rental period beginning immediately before the commencement of this Act was, by virtue of section 1(4) of the Rent Act 1957, the same as the rent recoverable for the rental period comprising the commencement of that Act then, after the commencement of this Act, that rent shall remain the rent recoverable under that tenancy for any rental period for which it is neither increased nor reduced under Part V of this Act (but without prejudice to paragraph 1 of this Schedule).

1954 c. 53. 16. If, immediately before the commencement of this Act, an agreement or determination of a tribunal made or given for the purposes of paragraph (b) of section 24(3) of the Housing Repairs and Rents Act 1954 was deemed, by virtue of paragraph 1 of Schedule 7 to the Rent Act 1957, to be an agreement or determination made under paragraph (b) of section 1(1) of the Rent Act 1957 then, after the commencement of this Act, that agreement or determination shall, until an agreement or determination is made as is mentioned in paragraph (c) of section 52(1) of this Act, be deemed to be an agreement or determination made as mentioned in the said paragraph (c).

17.—(1) If, immediately before the commencement of this Act, the rent limit under a controlled tenancy of a dwelling was increased, by virtue of paragraph 2 of Schedule 7 to the Rent Act 1957, on account of an improvement, or a notice of increase relating to an improvement, completed before the commencement of that Act, the like increase shall apply after the commencement of this Act to the rent limit under that controlled tenancy.

(2) In sub-paragraph (1) above, “the rent limit”, in relation to any time before the commencement of this Act, has the same meaning as in the Rent Act 1957, and in relation to any time after that commencement, has the same meaning as in Part V of this Act.

18.—(1) If, immediately before the commencement of this Act a certificate of a local authority under section 26(1) of the Housing Repairs and Rents Act 1954 or a certificate of a sanitary authority having effect as if it were a certificate under Part II of that Act had effect, by virtue of paragraph 3 of Schedule 7 to the Rent Act 1957, as a certificate of disrepair under that Act, then, after the commencement of this Act, the certificate shall have effect, to the like extent as before that commencement, as if it were a certificate of disrepair under Schedule 9 to this Act. SCH. 16
1954 c. 53.
1957 c. 25.

(2) Where any such certificate ceases to have effect (whether by virtue of an order of the court or in consequence of being cancelled by the local authority), sections 52 and 53 of this Act shall have effect, in relation to any rental period beginning after the date as from which the certificate ceases to have effect as if it had ceased to have effect immediately before the basic rental period (within the meaning of Part V of this Act).

19. Where any increase in the rent recoverable under a controlled tenancy current on 6th July 1957 took effect before that date but after the beginning of the basic rental period (within the meaning of Part V of this Act), section 52 of this Act shall have effect as if for references to the rent recoverable for the basic rental period there were substituted references to the rent which would have been recoverable for that period if the increase had taken effect before the beginning thereof.

Savings

20.—(1) The repeal by this Act of the Landlord and Tenant (Rent Control) Act 1949 shall not affect the continued operation—

- (a) of section 2(5) of that Act in so far as it entitles any person to recover the whole or any part of any premium lawfully required or received before the commencement of this Act, and of the proviso to that section (which renders voidable certain agreements providing for the payment of premiums) in relation to any agreement made after 25th March 1949 and before 2nd June 1949 which, immediately before the commencement of this Act, was voidable by any person by virtue of that proviso; and
- (b) of Schedule 1 to that Act (as amended by the Rent Act 1957 and the Rent Act 1965) in relation to any premium lawfully required and paid before 2nd June 1949 on the grant, continuance or renewal of a controlled tenancy. 1965 c. 75.

(2) If, immediately before the commencement of this Act, sections 2 and 12 of the Landlord and Tenant (Rent Control) Act 1949 did not, by virtue of the Crown Lessees (Protection of Sub-Tenants) Act 1952, affect the payment of any premium or other sum required under an agreement made before 8th February 1952, then— 1952 c. 40.

- (a) sections 85 to 87 of this Act shall not affect the payment under that agreement of that premium or other sum after the commencement of this Act; and
- (b) nothing in this Act shall affect the operation (or continued operation) of Schedule 1 to the said Act of 1949 (as amended by the said Act of 1952) in relation to a premium lawfully required and paid under that agreement.

SCH. 16
1954 c. 53.
1957 c. 25.

21. Nothing in this Act shall affect any power of the Minister under section 33(8) of the Housing Repairs and Rents Act 1954, as extended by paragraph 26(2) of Schedule 6 to the Rent Act 1957, to determine, on the application of either party, that any arrangements between housing authorities and local authorities entered into before the commencement of the Rent Act 1957 shall have effect subject to such variation as he may specify.

22.—(1) Subject to the following provisions of this paragraph nothing in this Act shall affect the continued operation of Schedule 4 to the Rent Act 1957 (which contains transitional provisions in relation to dwelling-houses which ceased to be controlled at the commencement of that Act) in relation to—

(a) a dwelling-house of which any person was entitled, immediately before the commencement of this Act, to retain possession by virtue of paragraph 2 of that Schedule and not by virtue of a tenancy; and

(b) a dwelling-house which, immediately before the commencement of this Act, was let on a tenancy which is not a regulated tenancy by reason only that the rateable value of the dwelling-house is in excess of the relevant limit in section 1(1) of the Rent Act 1965 but which could be brought to an end by a notice served under paragraph 2(2) of that Schedule.

1965 c. 75.

(2) If a notice under paragraph 2(2) of Schedule 4 to the Rent Act 1957 is served on a person who retains possession, as mentioned in sub-paragraph (1)(a) above, of a dwelling-house which is within the limits of rateable value in section 1(1)(a) of this Act, then—

(a) from the date specified in that notice that person shall be entitled to retain possession of the dwelling-house as statutory tenant under a statutory tenancy arising on the termination of a tenancy which was a regulated tenancy; and

(b) the terms as to rent and otherwise of the tenancy referred to in paragraph (a) above shall be deemed to have been the same, subject to any variations the court may specify, as those of the tenancy under which he or any other person was last entitled to possession of the dwelling-house.

(3) Sub-paragraph (2) above applies to notices—

(a) served at or after the commencement of this Act; or

(b) served before the commencement of this Act but specifying a date at or after the commencement of this Act.

(4) The statutory tenancy referred to in sub-paragraph (2)(a) above shall be disregarded for the purposes of section 20(3)(a) of this Act in determining the contractual rent limit under any subsequent regulated tenancy of the dwelling-house in question.

23. Nothing in this Act shall affect the continued operation of paragraph 7 of Schedule 4 to the Rent Act 1957 (which, in certain cases, affects the amount of rent recoverable for periods after decontrol under tenancies to which paragraph 2(1) of that Schedule

does not extend) or of paragraph 11 of that Schedule (which provides that certain statutory tenancies in existence before 6th July 1957 are to be treated as tenancies to which Part II of the Landlord and Tenant Act 1954 applies). SCH. 16 1954 c. 56.

24. Nothing in Schedule 15 to this Act shall affect the operation of section 12 of the House Purchase and Housing Act 1959 in relation to any condition imposed on an application made before 16th August 1964. 1959 c. 33.

25. Nothing in this Act shall affect the continued operation of section 20(1)(b) of the Rent Act 1965 (under which the court may rescind or vary orders for possession made, but not executed, before the commencement of that Act where the orders relate to dwelling-houses formerly let on tenancies which would have been regulated tenancies if the Rent Act 1965 had then been in force). 1965 c. 75.

26.—(1) Except as provided by Schedule 15 to this Act, nothing in this Act shall affect the operation of paragraphs 5 to 8 of Schedule 5 to the Leasehold Reform Act 1967 (which contain transitional provisions in relation to certain tenancies and statutory tenancies to which Part I of the Landlord and Tenant Act 1954 applied before the coming into operation of section 39 of the said Act of 1967). 1967 c. 88.

(2) If and so long as section 39 of the Leasehold Reform Act 1967 does not have effect (by virtue of any provision of Schedule 5 to that Act) in relation to a tenancy or a statutory tenancy arising (whether before or after the commencement of this Act) by virtue of Part I of the Landlord and Tenant Act 1954, nothing in this Act shall affect the operation of the said Act of 1954 in relation to that tenancy or statutory tenancy.

General

27.—(1) In relation to any time before the commencement of this Act, any reference in this Schedule to a controlled tenancy is a reference to a controlled tenancy within the meaning of the Rent Act 1957 and any reference therein to a regulated tenancy is a reference to a regulated tenancy within the meaning of the Rent Act 1965. 1957 c. 25.

(2) In this Schedule,—

“the Act of 1920” means the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 ; 1920 c. 17.

“the Act of 1933” means the Rent and Mortgage Interest Restrictions (Amendment) Act 1933 ; 1933 c. 32.

“the old Rent Acts” means the Rent and Mortgage Interest Restrictions Acts 1920 to 1939 or any of them.

Section 117(5).

SCHEDULE 17

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 5. c. 17.	The Increase of Rent and Mortgage Interest (Restrictions) Act 1920.	The whole Act.
13 & 14 Geo. 5. c. 32.	The Rent and Mortgage Interest Restrictions Act 1923.	The whole Act.
14 & 15 Geo. 5. c. 18.	The Prevention of Eviction Act 1924.	The whole Act.
15 & 16 Geo. 5. c. 32.	The Rent and Mortgage Interest (Restrictions Continuation) Act 1925.	The whole Act.
23 & 24 Geo. 5. c. 32.	The Rent and Mortgage Interest Restrictions (Amendment) Act 1933.	The whole Act.
25 & 26 Geo. 5. c. 13.	The Increase of Rent and Mortgage Interest (Restrictions) Act 1935.	The whole Act.
1 & 2 Geo. 6. c. 26.	The Increase of Rent and Mortgage Interest (Restrictions) Act 1938.	The whole Act.
2 & 3 Geo. 6. c. 71.	The Rent and Mortgage Interest Restrictions Act 1939.	The whole Act.
9 & 10 Geo. 6. c. 34.	The Furnished Houses (Rent Control) Act 1946.	The whole Act.
11 & 12 Geo. 6. c. 63.	The Agricultural Holdings Act 1948.	In Schedule 7, paragraph 1.
12 & 13 Geo. 6. c. 40.	The Landlord and Tenant (Rent Control) Act 1949.	The whole Act.
14 & 15 Geo. 6. c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	In section 19, subsections (4) and (6). In section 64(1), the definition beginning "Rent Restrictions Acts".
15 & 16 Geo. 6 and 1 Eliz. 2. c. 40.	The Crown Lessees (Protection of Sub-Tenants) Act 1952.	The whole Act.
1 & 2 Eliz. 2. c. 47.	The Emergency Laws (Miscellaneous Provisions) Act 1953.	In Schedule 1, paragraph 4.
2 & 3 Eliz. 2. c. 53.	The Housing Repairs and Rents Act 1954.	Part II. Schedule 4.
2 & 3 Eliz. 2. c. 56.	The Landlord and Tenant Act 1954.	Section 15.
3 & 4 Eliz. 2. c. 24.	The Requisitioned Houses and Housing (Amendment) Act 1955.	In section 4, subsection (4). Section 5. In section 18(1), the definition beginning "the Rent Acts" and the definition of "statutory successor".

SCH. 17

Chapter	Short Title	Extent of Repeal
5 & 6 Eliz. 2. c. 25.	The Rent Act 1957.	Sections 1 to 15. Sections 17 to 26. In section 27, subsections (2) to (4). Schedules 1 to 8.
5 & 6 Eliz. 2. c. 56.	The Housing Act 1957.	Section 84. In section 189(1) the definition of "the Rent Acts". In Schedule 10, the entries relating to the Housing Repairs and Rents Act 1954 and the Rent Act 1957.
6 & 7 Eliz. 2. c. 42.	The Housing (Financial Provisions) Act 1958.	Section 40.
7 & 8 Eliz. 2. c. 22.	The County Courts Act 1959.	In section 109, in subsection (4), the words from "or if possession" to the end of the subsection.
7 & 8 Eliz. 2. c. 33.	The House Purchase and Housing Act 1959.	Section 27.
7 & 8 Eliz. 2. c. 62.	The New Towns Act 1959.	In section 4, in subsection (5), the words from the beginning to "and accordingly", and subsection (6).
7 & 8 Eliz. 2. c. 64.	The Landlord and Tenant (Furniture and Fittings) Act 1959.	The whole Act.
8 & 9 Eliz. 2. c. 58.	The Charities Act 1960.	In Schedule 6, the entry relating to the Housing Repairs and Rents Act 1954.
9 & 10 Eliz. 2. c. 65.	The Housing Act 1961.	Section 29.
1963 c. 33.	The London Government Act 1963.	In Schedule 17, paragraphs 16 and 19.
1964 c. 56.	The Housing Act 1964.	Section 3(9). Section 35.
1964 c. 97.	The Protection from Eviction Act 1964.	Section 5.
1965 c. 75.	The Rent Act 1965.	Parts I, II and IV. Sections 43 and 46. In section 47, subsection (1), except the definitions of "agricultural holding" and "the Minister", and subsection (2). Section 50. In section 52, subsection (2). In section 53, subsections (2) and (3). Schedules 1 to 5. Schedule 6, except paragraphs 1, 2 and 10. In Schedule 7, Part I and the entry in Part II relating to the Increase of Rent and Mortgage Interest (Restrictions) Act 1920.

SCH. 17

Chapter	Short Title	Extent of Repeal
1967 c. 22. 1967 c. 88.	The Agriculture Act 1967. The Leasehold Reform Act 1967.	Section 38. In section 37(1), paragraph (e). In section 39(1), paragraphs (a), (b)(i) and (c). In Schedule 5, paragraph 9.

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