



Housing Act 1969

1969 CHAPTER 33

PART III

RENT OF DWELLINGS IN GOOD REPAIR AND PROVIDED WITH STANDARD AMENITIES

Miscellaneous and supplementary provisions

53 Modification of Rent Act 1968 in relation to improvements assisted under Part I of this Act

Sections 21(5) and 25(1) of the Rent Act 1968 (effect of improvements on limit of rent before registration) shall not apply to any improvements with respect to which a grant under Part I of this Act is payable or has been paid.

54 Consent of tenant

- (1) Where a dwelling which is subject to a controlled tenancy does not satisfy the qualifying conditions, and the works required for those conditions to be satisfied cannot be carried out without the consent of the tenant, then, if those works are specified in an application for a certificate of fair rent, his consent shall be of no effect unless given or confirmed in writing after the issue of the certificate.
- (2) Where a dwelling which is subject to a statutory tenancy (whether a controlled or a regulated tenancy) does not satisfy the qualifying conditions and the works required for those conditions to be satisfied cannot be carried out without the consent of the tenant but the tenant is unwilling to give or confirm his consent, then, if the conditions specified in subsection (3) of this section are satisfied, the county court may, on the application of the landlord, make an order empowering him to enter and carry out the works.
- (3) The said conditions are—
 - (a) that the works were specified in an application for a certificate of fair rent and the certificate has been issued; and

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- (b) that, if the statutory tenancy is a regulated tenancy, the works were also specified in an application for a grant under Part I of this Act and the application has been approved; and
 - (c) that the court is not precluded from making the order by section 55 of this Act.
- (4) An order under subsection (2) of this section may be made subject to such conditions as to the time at which the works are to be carried out and as to any provision to be made for the accommodation of the tenant and his household whilst they are carried out as the court may think fit; and where such an order is made subject to any condition as to time, compliance with that condition shall be deemed to be also compliance with any condition imposed by the local authority under section 4(4) or section 10 of this Act.
- (5) In determining whether to make such an order and, if it is made, subject to what, if any, conditions, the court shall have regard to all the circumstances and, in particular, to any disadvantage to the tenant that might be expected to result from the works, the accommodation that might be available for him whilst the works are carried out, his means in relation to the increase of rent that would result and the stages in which that increase would become recoverable under the provisions of this Part of this Act.

55 Restriction on powers of court under section 54

- (1) On an application under section 54(2) of this Act with respect to any dwelling the court shall not make an order empowering the landlord to enter and carry out any works if, not earlier than six months before the hearing, the rating authority for the area in which the dwelling is situated have certified that the tenant's income is within the limits for rate relief.
- (2) The rating authority shall, on the application of the tenant, certify that his means are within the limits for rate relief if—
- (a) he has been granted a rate rebate under section 49 of the General Rate Act 1967 for the rebate period in which his application for the certificate is made ; or
 - (b) he would, on an application duly made, be entitled to such a rebate for that period or would be so entitled but for section 16(2) of the Ministry of Social Security Act 1966; or
 - (c) his reckonable rates for that period do not exceed £3 15s. 0d. and his reckonable income does not exceed the appropriate limit;
- and for the purposes of this subsection a person's reckonable rates for any period and the question whether his reckonable income exceeds the appropriate limit shall be determined as on an application for a rate rebate.
- (3) An application for a certificate under this section must state the name and address of the landlord; and if on such an application the rating authority issue a certificate they shall send a copy of it to the person named in the application in pursuance of this subsection.
- (4) For the purposes of any proceedings under section 54(2) of this Act any document purporting to be a certificate issued by a rating authority under this section and to be signed by the clerk to that authority shall be deemed to be such a certificate unless the contrary is proved.
- (5) Any person who, for the purpose of obtaining such a certificate—
- (a) furnishes any information which he knows to be false in a material particular;
- or

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(b) withholds any material information ;
shall be liable on summary conviction to a fine not exceeding £20.

56 Supplemental

- (1) The power to make regulations under section 50 of the Rent Act 1968 for the purposes of Part IV of that Act shall extend to this Part of this Act and the power to modify by such regulations the provisions of Schedules 6 and 7 to that Act shall extend to the provisions of Schedule 2 to this Act.
- (2) The power of the Lord Chancellor under section 106 of the Rent Act 1968 to make rules and give directions for the purpose of giving effect to the provisions specified in subsection (3) of that section shall extend to sections 49 and 54 of this Act.

57 Interpretation

In this Part of this Act—

- " local authority " has the same meaning as in Part I of this Act;
- " qualification certificate " and " qualifying conditions " have the meanings assigned to them by section 43(5) of this Act;
- " registration area " means a registration area for the purposes of Part IV of the Rent Act 1968 ; and other expressions shall be construed as in the Rent Act 1968.