



Housing Act 1969

1969 CHAPTER 33

PART III

RENT OF DWELLINGS IN GOOD REPAIR AND PROVIDED WITH STANDARD AMENITIES

Conversion of controlled tenancies

43 Conversion of controlled tenancies of dwellings provided with standard amenities and in good repair

- (1) The following provisions of this section shall have effect with respect to a controlled tenancy of a dwelling which is certified by the local authority, on the application of the landlord, to satisfy the following conditions, that is to say, that it is provided with all the standard amenities for the exclusive use of its occupants, that it is in good repair, having regard to its age, character and locality and disregarding internal decorative repair, and that it is in all other respects fit for human habitation.
- (2) Except in the case mentioned in subsection (3) of this section the tenancy shall become a regulated tenancy on the issue of the certificate or (unless the tenancy has then become a regulated tenancy apart from this Act or has ceased to exist) on such later date as is specified in section 50 of this Act or an order made thereunder.
- (3) If the controlled tenancy is one to which Part II of the Act of 1954 would apply, apart from section 9(3) of the Rent Act 1968, or would so apply if the controlled tenancy were a tenancy within the meaning of the Act of 1954, it shall, on the issue of the certificate, cease to be a controlled tenancy and shall then be treated as a tenancy continuing by virtue of section 24 of the Act of 1954 after the expiry of a term of years certain.
- (4) Section 46 of the Rent Act 1968 (determination of fair rent) shall apply in relation to a controlled tenancy which becomes a regulated tenancy by virtue of this Part of this Act as if the references in subsection (3) thereof to the tenant under the regulated tenancy included references to the tenant under the controlled tenancy.

- (5) The conditions mentioned in subsection (1) of this section are in this Part of this Act referred to as the qualifying conditions and a certificate issued in accordance with this section as a qualification certificate.
- (6) In this section " the Act of 1954 " means the Landlord and Tenant Act 1954.

44 Application for qualification certificate

- (1) Except where an application for a qualification certificate is made under subsection (2) of this section it shall not be entertained unless either—
 - (a) the dwelling has at all times since the commencement of this Act been provided with all the standard amenities; or
 - (b) any of the standard amenities previously lacking were provided by means of works begun before the commencement of this Act;and shall not be entertained while the conditions of Schedule 4 to the Housing (Financial Provisions) Act 1958 fail to be observed with respect to the dwelling.
- (2) An application for a qualification certificate may be made with respect to a dwelling notwithstanding that at the time of the making of the application the dwelling lacks one or more of the standard amenities, if the application is made (whether or not as part of or in conjunction with an application for a grant under Part I of this Act) before any works are begun for providing the dwelling with the standard amenities which it lacks.
- (3) An application for a qualification certificate must state the name of the tenant under the controlled tenancy and, if the application is made at a time when the dwelling does not satisfy the qualifying conditions, must state what works are required for those conditions to be satisfied and must be accompanied by plans and specifications of those works.
- (4) Before considering an application for a qualification certificate a local authority shall send a copy of the application to the person named in the application as the tenant.

45 Procedure on applications under section 44(1)

- (1) Where an application for a qualification certificate is made under section 44(1) of this Act the local authority shall, before considering it, serve on the person named in the application as the tenant a notice in the prescribed form—
 - (a) informing him that he may, within twenty-eight days from the service of the notice or such other time as may be prescribed, make representations to the authority that the dwelling does not satisfy the qualifying conditions; and
 - (b) containing such other information or explanation of the effect of this Part of this Act as may be prescribed.
- (2) Where the local authority are satisfied, after considering any representations made in pursuance of subsection (1) of this section, that the dwelling satisfies the qualifying conditions, they shall issue to the applicant a qualification certificate, but if they are not so satisfied they shall give notice to the applicant of their refusal of his application; and they shall send a copy of the certificate or of the notice to the tenant.

46 Procedure on applications under section 44(2)

- (1) Subject to subsection (5) of this section, where an application for a qualification certificate in respect of any dwelling is made under section 44(2) of this Act and it appears to the local authority that the dwelling will satisfy the qualifying conditions when the works specified in the application have been carried out, the local authority shall approve the application provisionally and shall issue to the applicant a certificate of provisional approval and send a copy thereof to the tenant.
- (2) The provisions of Part I of Schedule 2 to this Act shall have effect for enabling a person who has obtained a certificate of provisional approval to apply for a certificate of fair rent.
- (3) On the production by the applicant of a certificate of fair rent and on being satisfied that the dwelling satisfies the qualifying conditions the local authority shall issue the qualification certificate and shall send a copy of it to the tenant.
- (4) If at the time the qualification certificate is issued the state of the dwelling differs in any respect from that which, at the time the application for the certificate was made, it could be expected to be in when the works specified in the application had been carried out, the local authority shall specify the differences in the certificate.
- (5) In the case mentioned in section 43(3) of this Act the local authority shall not issue a certificate of provisional approval but shall, notwithstanding that the application is made under section 44(2) of this Act, issue the qualification certificate as soon as they are satisfied that the dwelling satisfies the qualifying conditions and send a copy of the certificate to the tenant.

47 Registration of rent after issue of qualification certificate

- (1) Where a controlled tenancy of a dwelling has become a regulated tenancy by virtue of this Part of this Act an application by the landlord for the first registration of a rent for the dwelling under Part IV of the Rent Act 1968 must be accompanied by a copy of the qualification certificate and, if the certificate was issued under section 46(3) of this Act, also by a copy of the certificate of fair rent.
- (2) Part II of Schedule 2 to this Act shall have effect, in lieu of Schedule 6 to the Rent Act 1968, with respect to an application made in pursuance of this section in a case where a qualification certificate has been issued under section 46(3) of this Act.

48 Statement of reasons for refusing certificate

Where, on an application for a qualification certificate, a local authority refuse to issue the certificate or to issue a certificate of provisional approval, they shall give the applicant a written statement of their reasons for the refusal.

49 Appeal in certain cases against issue or refusal of qualification certificate

- (1) Within twenty-eight days of the service on him under section 45(2) of this Act of a notice of refusal or such longer period as the county court may allow the applicant for a qualification certificate may appeal to the county court on the ground that the certificate ought to be issued; and on such an appeal the court may confirm the refusal or order the local authority to issue the certificate.

- (2) Within twenty-eight days of the service on him under section 45(2) of this Act of a copy of a qualification certificate or such longer period as the county court may allow the tenant may appeal to the county court on either or both of the following grounds, that is to say—
- (a) that the certificate ought not to have been issued;
 - (b) that the certificate is invalid by reason of a failure to comply with any requirement of this Part of this Act or of some informality, defect, or error;
- and on any such appeal the court may confirm or quash the certificate, but if the appeal is on the ground mentioned in paragraph (b) of this subsection the court shall confirm the certificate unless satisfied that the interests of the appellant have been substantially prejudiced by the facts relied on by him.
- (3) The following provisions shall apply on an appeal under this section, that is to say—
- (a) the court shall have regard to the state of the dwelling at the time of the hearing as well as at the time of the issue or refusal of the certificate; and
 - (b) the court shall make no order for costs unless it appears to the court, having regard to the conduct of the parties and all other circumstances, that it would be equitable to do so.
- (4) Any certificate issued in pursuance of an order made under subsection (1) of this section shall be deemed to be issued on the date of the order.
- (5) Where a qualification certificate with respect to any dwelling is quashed by an order under this section after a rent for the dwelling has been registered in pursuance of this Part of this Act the registration shall be deemed never to have had effect and the rent officer shall delete it on being informed of the order.

50 Postponement in certain cases of effect of qualification certificate

- (1) Where a qualification certificate with respect to a dwelling is issued under section 45(2) of this Act before the date applicable to the dwelling under the following provisions of this section, the controlled tenancy of the dwelling shall not become a regulated tenancy by virtue of this Part of this Act until that date ; and in those provisions " value " means the rateable value on the appropriate day as ascertained for the purposes of Part I of the Rent Act 1968.
- (2) Subject to subsection (3) of this section—
- (a) 1st January 1971 is the date applicable to a dwelling in Greater London of a value of £90 or more and a dwelling elsewhere of a value of £60 or more ;
 - (b) 1st July 1971 is the date applicable to a dwelling in Greater London of a value of less than £90 but not less than £60 and a dwelling elsewhere of a value of less than £60 but not less than £40;
 - (c) 1st January 1972 is the date applicable to a dwelling in Greater London of a value of less than £60 and a dwelling elsewhere of a value of less than £40.
- (3) The Minister may by order substitute as the date applicable to a dwelling of such value as may be specified in the order a date earlier than that which would be applicable to it under subsection (2) of this section; and an order under this section may make different provision with respect to different registration areas.

51 Modification of Rent Act 1968 in relation to tenancies converted under this Part of this Act

- (1) Where an application for a qualification certificate has been made with respect to any dwelling any notice of increase under Part V of the Rent Act 1968 which is served after the date of the application shall be void so far as it relates to an increase authorised by section 56 of that Act (improvements) unless—
 - (a) the application was made under section 44(1) of this Act and the notice is served before the date applicable to the dwelling under section 50 of this Act; or
 - (b) the application has been withdrawn ; or
 - (c) the certificate has been refused and either the time for appealing against the refusal has expired or the refusal has been confirmed on appeal or the appeal has been abandoned; or
 - (d) the certificate has been quashed on appeal.
- (2) Where a controlled tenancy becomes a regulated tenancy by virtue of this Part of this Act—
 - (a) it shall be disregarded for the purposes of section 20(3)(a) of the Rent Act 1968 (limit of rent during contractual periods);
 - (b) sections 22 to 24 of that Act (limit of rent during statutory periods) shall have effect in relation to the tenancy as if references therein to the last contractual period were references to the last rental period beginning before the tenancy becomes a regulated tenancy; and
 - (c) sections 21(5) and 25(1) of that Act (effect of improvements on limit of rent before registration) shall not apply to any improvement effected before the tenancy becomes a regulated tenancy.

52 Recovery of rent increases due to provisions of this Part of this Act, etc.

Schedule 3 to this Act shall have effect for securing that where an increase in the rent payable under a regulated tenancy results from this Part of this Act or from works carried out with assistance provided under Part I of this Act it may be recovered only in such stages as are permitted under that Schedule.

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
 - (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
 - (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.