



Housing Finance Act 1972

CHAPTER 47

LONDON
HER MAJESTY'S STATIONERY OFFICE

Housing Finance Act 1972

CHAPTER 47

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ELIZABETH II



Housing Finance Act 1972

1972 CHAPTER 47

An Act to introduce a new system of housing subsidies for housing authorities, to provide for rent rebate and rent allowance schemes administered by housing authorities, to amend the law about rents of dwellings and in particular those subject to the Rent Act 1968 or provided by housing authorities, and to make other provision as to housing finance. [27th July 1972]

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

HOUSING SUBSIDIES

1.—(1) The eight subsidies set out in subsection (2) below shall be payable to local authorities in the circumstances, and subject to the conditions, set out in this Part of this Act.

(2) The said eight subsidies are—

Subsidy to be credited to Housing Revenue Account

1. The residual subsidy.

Subsidies to be credited to Housing Revenue Account, and subject to limitation by reference to state of the account

2. The transition subsidy.

3. The rising costs subsidy.

4. The operational deficit subsidy.

Subsidy to be credited to general rate fund, and subject to limitation by reference to state of Housing Revenue Account

5. The rent rebate subsidy.

PART I*Subsidies to be credited to general rate fund*

6. The rent allowance subsidy.
7. The town development subsidy.
8. The slum clearance subsidy.

(3) The subsidies set out in this subsection shall be payable to new town corporations in the circumstances, and subject to the conditions, set out in this Part of this Act.

The said subsidies are—

Subsidy to be credited to housing account

1. The residual subsidy.

Subsidies to be credited to housing account, and subject to limitation by reference to state of the account

2. The transition subsidy.
3. The rising costs subsidy.

Subsidy to be credited to general revenue account, and subject to limitation by reference to state of the housing account

4. The rent rebate subsidy.

(4) None of the eight subsidies shall be payable, whether to a local authority or to a new town corporation, for the year 1971-72, or for an earlier year, except that, in the circumstances, and subject to the conditions, set out in this Part of this Act, the slum clearance subsidy shall be payable to a local authority for the year 1971-72.

(5) The subsidies so receivable by local authorities or new town corporations shall be paid by the Secretary of State out of money provided by Parliament.

The residual
subsidy.

2.—(1) This section has effect as to the circumstances in which residual subsidy is payable to a local authority.

(2) A local authority shall be entitled to residual subsidy for any year if the authority's subsidies for the year 1971-72 exceed the sum specified for the year in column 2 of the following Table, and the amount of the residual subsidy shall be equal to the excess.

TABLE

1. Year	2. <i>Sum to be deducted from the authority's subsidies for the year 1971-72</i>
1972-73	The withdrawal factor.
1973-74	Twice the withdrawal factor.
1974-75	Two and a half times the withdrawal factor.
1975-76	Three times the withdrawal factor,

and so on, so that the amount of the residual subsidy for any subsequent year is the amount, if any, produced by deduct-

ing half the withdrawal factor from the amount of the residual subsidy for the immediately preceding year. **PART I**

(3) In this section "the withdrawal factor", in relation to a local authority, means the sum produced by multiplying £20 by the number of the local authority's Housing Revenue Account dwellings at the end of the year 1971-72, excluding any temporary dwellings made available under the Housing (Temporary Accommodation) Act 1944. **1944 c. 36.**

(4) In this section "the authority's subsidies for the year 1971-72" means payments made or to be made to the authority for the year 1971-72 in respect of property within their Housing Revenue Account, being payments made under any of the enactments described in Part I or Part II of Schedule 7 to this Act:

Provided that the said expression shall not include—

- (a) any payment, as being one made to a local authority, if, whether or not under any enactment described in Part III of Schedule 7 to this Act, the local authority on receipt of the payment is to make a payment of the same or a greater amount to any other person, or
- (b) any payment under section 11 of the Housing Subsidies Act 1967 (advances on account of expensive site subsidies) made on or after 1st December 1971 which is the first payment as respects the site or part of a site in question. **1967 c. 29.**

(5) For the purposes of this section, any question whether all or any part of any payment under any of the enactments described in Part I or Part II of Schedule 7 to this Act is to be regarded as made for the year 1971-72, or as made in respect of property within the authority's Housing Revenue Account, shall be determined by the Secretary of State.

(6) The provisions of this section shall apply to a new town corporation as they apply to a local authority.

3.—(1) This section has effect as to the circumstances in which—

- (a) transition subsidy is payable to a local authority, and
- (b) the rate fund contribution associated with transition subsidy is to be made by the local authority.

The transition subsidy, and associated rate fund contribution.

(2) A local authority shall be entitled to transition subsidy if for the year 1972-73, or for any subsequent year, there is a shortfall in the local authority's rent increases.

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(3) If there is such a shortfall for any such year (in this Act called, in relation to the shortfall, "the base year") then for the base year and for each subsequent year—

- (a) transition subsidy shall be payable to the local authority of an amount equal to the percentage of the amount of the shortfall specified, in relation to the base year, in column 2 of the Table below, and
- (b) the local authority shall make an associated rate fund contribution of an amount equal to the percentage of that shortfall specified, in relation to that base year, in column 3 of the said Table,

and, accordingly, transition subsidy, and the associated rate fund contribution, for any year (later than 1972-73) may comprise elements by reference to shortfalls for two or more different base years.

TABLE

<i>Base year for which there is a shortfall in the local authority's rent increases</i>	<i>Amount of transition subsidy by reference to shortfall for the base year to be the following percentage of the amount of the shortfall</i>	<i>Amount of associated rate fund contribution by reference to shortfall for the base year to be the following percentage of the amount of the shortfall</i>
1.	2.	3.
1972-73	90 per cent.	10 per cent.
1973-74	85 per cent.	15 per cent.
1974-75	80 per cent.	20 per cent.
1975-76 to 1981-82 ...	75 per cent.	25 per cent.
1982-83 and subsequent years.	75 per cent., or such other percentage as may be substituted for 75 per cent. for the year in question by an order under subsection (4) below.	The percentage which, with the relevant percentage in column 2, adds up to 100 per cent.

(4) The Secretary of State may from time to time by order, for such years after 1981-82 as may be specified in the order, in column 2 of the Table above for 75 per cent. substitute such other percentage, not being less than 66 $\frac{2}{3}$ per cent., as may be specified in the order.

Section 16 of this Act shall apply to orders under this subsection.

(5) For the purposes of this section the amount of a local authority's "rent increases" for any year means the amount by which the income from rents (exclusive of any amounts included

in the rents in respect of rates or water rates or charges, and exclusive of any rent remitted by way of rebate) in respect of Housing Revenue Account dwellings for the year exceeds such income from rents for the immediately preceding year, and if there is no such excess the amount shall be taken as zero.

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(6) For the purposes of this section there is a shortfall in a local authority's rent increases for any year if the amount of those increases is less than the local authority's standard amount for that year as defined below, and the amount of the shortfall shall be equal to the difference (or, if the amount of those increases is zero, of an amount equal to the local authority's standard amount for the year).

(7) For the purposes of this section a local authority's standard amount is—

- (a) for the year 1972-73, the withdrawal factor or the authority's subsidies for the year 1971-72 (as ascertained for the purposes of section 2 above) whichever is the less,
- (b) for the year 1973-74, the residual subsidy payable to the local authority for the year 1972-73, or the withdrawal factor, whichever is the less,
- (c) for the year 1974-75 and subsequent years, the amount of the residual subsidy payable to the local authority for the immediately preceding year, or half the withdrawal factor, whichever is the less.

(8) The preceding provisions of this section shall apply to a new town corporation as they apply to a local authority.

(9) The provisions of this section as to the circumstances in which any subsidy or rate fund contribution is to be paid or made, and as to the amount of the subsidy or contribution, have effect subject to Part III of Schedule 1, and to Schedule 2 to this Act.

4.—(1) This section has effect as to the circumstances in which—

- (a) rising costs subsidy is payable to a local authority, and
- (b) the rate fund contribution associated with rising costs subsidy is to be made by the local authority.

(2) Subject to the provisions of this section, a local authority shall be entitled to rising costs subsidy if for the year 1972-73 or any subsequent year there is any increase in the local authority's reckonable expenditure; and, subject to subsection (3) below, in this section "qualifying amount" means, in relation to any year, the increase for the year in the local authority's reckonable expenditure.

The rising costs subsidy, and associated rate fund contribution.

PART I

(3) The Secretary of State may by order direct that, for such years after 1981-82 as may be specified in the order, the qualifying amount shall be determined in accordance with a formula specified in the order, being a formula designed to reduce the amount of rising costs subsidy, so far as based on any year after 1981-82 specified in the order.

(4) If there is a qualifying amount for any year (in this Act called, in relation to the qualifying amount, "the base year") then for the base year and for each subsequent year—

- (a) rising costs subsidy shall be payable to the local authority of an amount equal to the percentage of the qualifying amount specified, in relation to the base year, in column 2 of the Table below, and
- (b) the local authority shall make an associated rate fund contribution of an amount equal to the percentage of the qualifying amount specified, in relation to that base year, in column 3 of the said Table,

and, accordingly, rising costs subsidy, and the associated rate fund contribution, for any year (later than 1972-73) may comprise elements by reference to qualifying amounts for two or more different base years.

TABLE

<i>Base year for which the local authority has a qualifying amount</i>	<i>Amount of rising costs subsidy by reference to base year to be the following percentage of the qualifying amount</i>	<i>Amount of associated rate fund contribution by reference to base year to be the following percentage of the qualifying amount</i>
1.	2.	3.
1972-73	90 per cent.	10 per cent.
1973-74	85 per cent.	15 per cent.
1974-75	80 per cent.	20 per cent.
1975-76 to 1981-82 ...	75 per cent.	25 per cent.
1982-83 and subsequent years.	75 per cent., or such other percentage as may be substituted for 75 per cent. for the year in question by an order under subsection (5) below.	The percentage which, with the relevant percentage in column 2, adds up to 100 per cent.

(5) The Secretary of State may from time to time by order, for such years after 1981-82 as may be specified in the order, in column 2 of the Table above for 75 per cent. substitute such other percentage, not being less than $66\frac{2}{3}$ per cent., as may be specified in the order.

(6) Subject to the next following subsection—

PART I

- (a) rising costs subsidy, so far as based on any of the years 1972-73 to 1976-77, shall not be payable for the year 1982-83 or any subsequent year,
- (b) rising costs subsidy, so far as based on the year 1977-78 or on any subsequent year, shall not be payable for more than five years (including the base year).

(7) The Secretary of State may by order direct, as respects such base years as may be specified in the order, that the relevant limitation in subsection (6) above shall not apply, and may by order substitute such other limitation, less restrictive than the relevant limitation in subsection (6) above, as may be specified in the order.

(8) Where, under either of the two last preceding subsections, rising costs subsidy based on any year is not to be payable, the associated rate fund contribution based on that year shall not be made.

(9) Section 16 of this Act shall apply to orders under this section.

(10) For the purposes of this section there is an increase in a housing authority's reckonable expenditure for the year 1972-73 if the expenditure debited to the authority's Housing Revenue Account for the year exceeds the expenditure so debited for the year 1971-72.

(11) For the purposes of this section there is an increase in reckonable expenditure for the year 1973-74 or any later year if the authority's reckonable expenditure for the year exceeds their reckonable expenditure for the immediately preceding year, and for the purposes of this subsection "reckonable expenditure" for any year (beginning with 1972-73) means so much of the expenditure debited to the authority's Housing Revenue Account as the Secretary of State may from time to time determine as being reasonable and appropriate having regard to all the circumstances.

(12) Any such determination may be one applying generally to housing authorities, or any class or description of housing authorities or to a specified kind of expenditure, or may be a determination applying in a particular case, and the Secretary of State in exercising his powers under subsection (11) above shall follow such methods and principles, and take account of such matters, as he may from time to time decide after consultation with such associations of housing authorities as appear to him to be concerned, and with any housing authority with whom consultation appears to him to be desirable.

PART I (13) The provisions of this section shall apply to a new town corporation as they apply to a local authority, but as if for any reference to the authority's Housing Revenue Account there were substituted a reference to the authority's housing account.

(14) The provisions of this section as to the circumstances in which any subsidy or rate fund contribution is to be paid or made, and as to the amount of the subsidy or contribution, have effect subject to Part III of Schedule 1, and to Schedule 2, to this Act.

The operational deficit subsidy, and associated rate fund contribution.

5.—(1) This section has effect as to the circumstances in which—

- (a) operational deficit subsidy is payable to a local authority, and
- (b) the rate fund contribution associated with operational deficit subsidy is to be made by the local authority.

(2) Subject to the provisions of this section, a local authority shall be entitled to operational deficit subsidy—

- (a) if for the year 1971-72 the local authority sustain an operational deficit, or
- (b) if both for the year 1970-71 and for the year 1971-72 the local authority made rate fund contributions to their Housing Revenue Account.

In this section "the qualifying amount" means the amount, if any, of the local authority's operational deficit for the year 1971-72, plus, where relevant, whichever is the smaller of the two following amounts, that is—

- (i) the local authority's rate fund contribution for the year 1970-71,
- (ii) the local authority's rate fund contribution for the year 1971-72,

and "rate fund contribution" means any sum carried to the credit of the Housing Revenue Account under sub-paragraph (5) or sub-paragraph (6) of paragraph 1 of Schedule 5 to the Housing (Financial Provisions) Act 1958 (contributions to meet a deficit, and voluntary contributions), so however that the Secretary of State may give directions as to the manner in which a sum so credited is to be taken into account for the purposes of this section.

1958 c. 42.

(3) If, under subsection (2) above, a local authority are entitled to operational deficit subsidy, then, subject to the provisions of this section, for the year 1972-73 and each subsequent year—

- (a) operational deficit subsidy shall be payable to the local authority of an amount equal to 50 per cent. of the qualifying amount, and

(b) the local authority shall make an associated rate fund contribution of the same amount.

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(4) Operational deficit subsidy shall not be payable for the year 1982-83 or any subsequent year, unless the Secretary of State by order so directs, either as respects all such years, or as respects such number of years beginning with the year 1982-83 as may be specified in the order.

Where, under this subsection, operational deficit subsidy is not to be payable for any year, the associated rate fund contribution shall not be made for that year.

Section 16 of this Act shall apply to orders under this subsection.

(5) For the purposes of this section a local authority sustain an operational deficit for the year 1971-72 if—

(a) the local authority's reckonable expenditure for the year 1971-72 divided by the number of the local authority's Housing Revenue Account dwellings as at the end of that year exceeds the local authority's reckonable expenditure for the year 1970-71 divided by the number of such dwellings as at the end of that year, and

(b) the difference exceeds £15,

and the amount of the operational deficit shall be the said excess over £15 multiplied by the number of the said dwellings as at the end of the year 1971-72.

(6) In this section references to a local authority's reckonable expenditure for any year are references to the total expenditure required to be debited to the local authority's Housing Revenue Account for that year.

(7) For the purposes of subsection (2) above any contribution made to the local authority under section 4 or section 8 of the Town Development Act 1952 (contributions to councils of receiving districts) for the year 1970-71 or 1971-72, so far as the effect of the contribution is to relieve the local authority from making all or any part of a rate fund contribution, shall be treated as a rate fund contribution made by the local authority for the year. 1952 c. 54.

(8) The provisions of this section as to the circumstances in which any subsidy or rate fund contribution is to be paid or made, and as to the amount of the subsidy or contribution, have effect subject to Part III of Schedule 1 to this Act.

6.—(1) This section has effect as to the circumstances in which rent rebate subsidy is payable to a local authority (for the credit of their general rate fund). The rent rebate subsidy.

(2) The amount of rent rebate subsidy payable to a local authority for any year shall be a percentage of the amount

PART I of the model rent rebate contribution (as defined in section 7(2) below) made by the local authority for the year.

(3) The said percentage shall be that specified for the year in column 2 of the following Table.

TABLE	
1.	2.
<i>Year for which subsidy is payable</i>	<i>Percentage of local authority's model rent rebate contribution for the year</i>
1972-73	90 per cent.
1973-74	85 per cent.
1974-75	80 per cent.
1975-76 to 1981-82 ...	75 per cent.
1982-83 and subsequent years.	75 per cent., or such other percentage as may be substituted for 75 per cent. for the year in question by an order under subsection (4) below.

(4) The Secretary of State may from time to time by order, for such years after 1981-82 as may be specified in the order, in column 2 of the Table above for 75 per cent. substitute such other percentage, not being less than 66 $\frac{2}{3}$ per cent., as may be specified in the order.

Section 16 of this Act shall apply to orders under this subsection.

(5) The provisions of this section shall apply to a new town corporation as they apply to a local authority.

Rate fund
contributions
in respect of
rent rebates.

7.—(1) This section has effect as to the rate fund contributions (to the Housing Revenue Account) to be made by a local authority in respect of rent rebates granted by the local authority for the year 1972-73 or any subsequent year.

(2) The amount of the contributions to be so made for any year shall be the total of—

- (a) the local authority's standard amount of rent rebates for the year, as defined by section 20(8) of this Act, and
- (b) the amount, if any, by which the rent rebates granted by the local authority for the year exceed the said standard amount, and
- (c) the local authority's costs of administering their rebate scheme under Part II of this Act for the year.

The contribution to be made under paragraph (a) above is referred to in this Act as "the model rent rebate contribution".

(3) Subsection (2) above has effect subject to Part III of Schedule 1, and to Schedule 2, to this Act.

(4) A local authority's costs of administering their rebate scheme under Part II of this Act for any year shall be arrived

at by the local authority in accordance with such formula as the Secretary of State may from time to time determine.

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Before making any such determination the Secretary of State shall consult with such associations of housing authorities as appear to him to be concerned, and with any housing authority with whom consultation appears to him to be desirable.

(5) In arriving at the rate fund contributions to be made for the year 1972-73, this section shall have effect subject to the following modifications—

(a) the local authority's standard amount of rent rebates shall be that for the part of the year for which the local authority were operating their rebate scheme under Part II of this Act,

(b) if the local authority were, for any other period in the year, operating other arrangements for granting rent rebates—

(i) there shall be included in subsection (2)(a) above the local authority's standard amount of rent rebates for that period, or the rent rebates granted by them for that period, whichever is the less, and

(ii) if the amount of rent rebates granted by the local authority for that period exceeds the said standard amount for that period, the excess shall be included in subsection (2)(b) above.

(6) The provisions of this section shall apply to a new town corporation as they apply to a local authority.

8.—(1) This section has effect as to the circumstances in which rent allowance subsidy is payable to a local authority (for the credit of their general rate fund). The rent allowance subsidy.

(2) The amount of rent allowance subsidy payable to a local authority for any year shall be a percentage of the local authority's standard amount of rent allowances for the year, as defined by section 20(8) of this Act.

(3) The said percentage shall be that specified for the year in column 2 of the following Table.

TABLE	
1.	2.
<i>Year for which subsidy is payable</i>	<i>Percentage of standard amount in subsection (2) above for the year</i>
1972-73 to 1975-76 ...	100 per cent.
1976-77 to 1981-82 ...	80 per cent., or such other percentage as may be substituted for 80 per cent. for the year by an order under subsection (4)(a) below.
1982-83 and subsequent years.	80 per cent., or such other percentage as may be substituted for 80 per cent. for the year by an order under subsection (4)(b) below.

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(4) The Secretary of State may from time to time by order—

(a) for all or any of the years 1976-77 to 1981-82, substitute in column 2 of the Table above for 80 per cent. such other percentage, greater than 80 per cent., as may be specified in the order,

(b) for all or any of the years 1982-83 and subsequent years, substitute in column 2 of the Table above for 80 per cent. such other percentage, not less than $66\frac{2}{3}$ per cent., as may be specified in the order.

Section 16 of this Act shall apply to any order under this subsection.

(5) In arriving at the amount of rent allowance subsidy for the year 1972-73, this section shall have effect subject to the following modifications—

(a) the local authority's standard amount of rent allowances shall be that for the part of the year for which the local authority were operating their allowance scheme under Part II of this Act ;

(b) if the local authority were, for any other period in the year, operating a scheme under a local Act for granting rent allowances, there shall be added to the said standard amount in subsection (2) above the local authority's standard amount of rent allowances for that period, or the rent allowances granted by them for that period, whichever is the less.

The town
development
subsidy.

9.—(1) Town development subsidy shall be payable to a sending authority, as defined in subsection (1) of the next following section, and shall be so payable for the credit of their general rate fund where any sum becomes payable by the sending authority under subsection (2) or subsection (3) of the next following section, or under any agreement under subsection (4) of that section.

(2) The amount of town development subsidy shall be 25 per cent. of the sum so becoming payable by the sending authority, and the subsidy shall be payable for the year for which the sending authority pay that sum.

Town
development:
payments
by sending
authority to
receiving
authority.

10.—(1) This section has effect where a receiving authority have provided houses for letting in the course of a scheme of town development which in the opinion of the Secretary of State is on a substantial scale, and the Secretary of State has, in relation to that scheme, designated some other local authority as being a sending authority which has arranged or may arrange for some of its population to move into dwellings so provided (or into other dwellings becoming available because the new ones were provided).

PART I

(2) Subject to the provisions of this section, the sending authority shall, for each year, pay to the receiving authority an amount equal to the sum of the rate fund contributions made by the receiving authority for the year, being rate fund contributions associated with the transition subsidy or the rising

costs subsidy, multiplied by the fraction $\frac{X}{Y}$, where—

X is the number of receiving authority dwellings available for tenants from the sending authority on the last day of the year immediately preceding the year for which the payments are made to the receiving authority (in this section called “the relevant date”),

Y is the total number of receiving authority dwellings on the relevant date,

but excluding from both numbers any dwelling which is vacant on the relevant date and has not been let before that date.

(3) Subject to the provisions of this section, the sending authority shall, for each year, pay to the receiving authority an amount equal to the excess of—

(a) the model rent rebate contribution made by the receiving authority for the year over

(b) the rent rebate subsidy payable to the receiving authority for the year,

multiplied by the fraction $\frac{X}{Y}$, where—

X is the amount of rent rebates granted for the year by the receiving authority to tenants from the sending authority who are occupying receiving authority dwellings available for such tenants in the rental period for which the rebate is granted; and

Y is the total amount of rent rebates granted by the receiving authority for that year.

(4) Where in the opinion of the receiving authority the trouble and expense of calculating and collecting amounts payable under this section to the receiving authority by a sending authority is disproportionately large, the receiving authority and the sending authority may enter into an agreement for the payment by the sending authority to the receiving authority of a lump sum in discharge of all or any of the obligations of the sending authority, or for the remission of any sum payable to the receiving authority.

(5) Where the sending authority are the council of a London borough or the Common Council of the City of London, any amount due under this section to a receiving authority shall be

PART I

payable, and any agreement with the receiving authority under subsection (4) above or subsection (11)(d) below shall be made, by the Greater London Council.

1952 c. 54,

(6) References in this section to receiving authority dwellings available for tenants from a sending authority shall be taken as references to receiving authority dwellings as respects which the sending authority have the right to nominate tenants by virtue of section 4 or section 8 of the Town Development Act 1952.

(7) If the sending authority have no right to nominate tenants of the receiving authority by virtue of section 4 or section 8 of the Town Development Act 1952, this section shall have effect subject to the modifications set out below.

(8) The number X in subsection (2) above shall be the number of receiving authority dwellings which, at any time in the period of ten years ending immediately before the relevant date, have been let to a tenant from the sending authority who had not before that time been a tenant of a receiving authority dwelling, but excluding—

(a) any dwelling previously let to another tenant from the sending authority, or from any other sending authority, and

(b) any dwelling which was let to a tenant from any sending authority at a time before the beginning of the said period of ten years.

(9) The number X in subsection (3) above shall be the amount of rent rebates granted for the year by the receiving authority to tenants from the sending authority who are occupying receiving authority dwellings, but excluding any rebate to a person who first occupied a receiving authority dwelling as a tenant from the sending authority more than ten years before the beginning of the rental period for which the rebate is granted.

(10) In this section—

“receiving authority” means the council of a receiving district,

“receiving authority dwelling” means a Housing Revenue Account dwelling of the receiving authority to whom sums are payable under this section,

“receiving district” has the meaning given by section 1(2) of the Town Development Act 1952 as extended by section 34(1) of the Housing Act 1961,

“sending authority” has the meaning given by subsection (1) of this section,

“town development” has the same meaning as in the Town Development Act 1952.

1961 c. 65.

(11) For the purposes of this section a person to whom a receiving authority dwelling is let is a tenant from a sending authority if that person—

PART I

(a) immediately before the dwelling was let to him by the receiving authority—

(i) occupied a dwelling within the sending authority's Housing Revenue Account, or

(ii) occupied a dwelling in an area which the sending authority have declared to be a clearance area or on any land which they have determined to purchase under section 43 of the Housing Act 1957 or any premises in respect of which they have made a demolition order or closing order under Part II of that Act, or

(iii) was on the sending authority's list of persons to be offered, when opportunity arose, tenancies of dwellings within their Housing Revenue Account, or

(b) was nominated by the sending authority in question as a person to be offered a tenancy in the area of the receiving authority, or

(c) was selected from a list maintained by the sending authority in question of persons available for employment in the area of the receiving authority, or

(d) is included in any class of persons defined by agreement between the sending authority and the receiving authority or, in default of such agreement, by the Secretary of State as being a class for whom dwellings in the area of the receiving authority may be provided as part of the development referred to in subsection (1) above.

(12) This section shall not have effect as respects the year 1971-72 or any earlier year.

(13) Subsection (1) of this section shall apply to schemes begun or completed before the passing of this Act or later, and any designation of a local authority as a sending authority under section 9(1)(b) of the Housing Subsidies Act 1967 shall have effect as if made under subsection (1) of this section.

11.—(1) Subject to the provisions of this section, slum clearance subsidy shall be payable to a local authority (for the credit of their general rate fund) for any year (beginning with the year 1971-72) for which the local authority incur a loss in or in connection with the exercise of their slum clearance functions.

(2) Subject to the provisions of this section, where a local authority incur such a loss for any year, the amount of slum

PART I clearance subsidy payable to the local authority for the year shall be 75 per cent. of the amount of the loss.

(3) Subject to the provisions of this section, the method of determining whether a local authority has incurred such a loss, and of determining the amount of any such loss, shall be prescribed by regulations made under this section.

(4) The regulations may require expenditure or receipts to be treated, or not to be treated, as of a capital nature for the purposes of this section and of the regulations, and may, in the case of any item of a capital nature, determine the method for arriving at the appropriate equivalent annual amounts to be taken into account, and their number, or may specify classes of cases in which an item of a capital nature is to be taken into account for a single year.

(5) The number of equivalent annual amounts prescribed under subsection (4) above shall not in any case exceed 60, and the regulations may provide that, where the prescribed number of equivalent annual amounts in respect of any item of a capital nature exceeds 15, all equivalent annual amounts in respect of that item shall be left out of account from such year, not being less than 15 years after the year in which the item arises and not earlier than 1986-87, as may be specified in the regulations.

(6) Without prejudice to the generality of subsection (3) above, regulations under this section—

(a) may direct that expenditure of any class or description shall not be taken into account unless, and except so far as, the Secretary of State has approved the expenditure,

(b) may, in order to prevent subsidy or other payments out of money provided by Parliament being made in respect of the same loss or expenditure, or in respect of the same land, both under this section and under section 7 of the Local Government Act 1966 or section 250 of the Town and Country Planning Act 1971 (both of which sections relate to grants for development and re-development), or under any other enactment (including any other provision of this Act) provide for the exclusion of any item of expenditure, or the making of any other adjustment,

(c) may contain such transitional and other supplemental or incidental provisions as appear to the Secretary of State to be necessary or expedient,

(d) may make different provision for different classes of authorities, or special provision for particular local authorities.

1966 c. 42.
1971 c. 78.

(7) In this section "slum clearance functions" means functions under— PART I

- (a) sections 16 to 32 of the Housing Act 1957 (unfit premises beyond repair at reasonable cost), and
- (b) the provisions of Part III of that Act (clearance and re-development), other than sections 53 and 54 (clearance orders made before 30th August 1954) and other than sections 68 to 70 (re-development and re-conditioning by owners),

but no account shall be taken under this section of any expenditure or receipt under section 18 or sections 30 to 32 of the Housing Act 1957 so far as those provisions relate to section 9, section 10 or section 12 of that Act (unfit premises), and no account shall be taken under this section of any expenditure under section 67 of the Housing Act 1957 (costs of opposing orders) in respect of expenses of any person other than the Secretary of State.

(8) Where in the period of six years beginning on 1st April 1965 and ending on 31st March 1971 the local authority have acquired any land for the purposes of their slum clearance functions, and continue to hold that land for those purposes until the end of that period, regulations under this section may take into account the equivalent annual amounts (for the year 1971-72 and later years) in respect of capital expenditure incurred, or capital receipts becoming due, in that period in connection with that land.

(9) Regulations under this section shall not take into account—

- (a) any expenditure or receipts (whether capital or not, and whether incurred or due before 1st April 1971 or later) in connection with land acquired by the local authority before 1st April 1965, or
- (b) subject to subsection (8) above, any expenditure or receipts incurred or due before 1st April 1971.

(10) Any regulations under this section—

- (a) shall be made by the Secretary of State with the concurrence of the Treasury, and
- (b) shall be contained in a statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament.

PART I

Housing Revenue Accounts

The Housing
Revenue
Account.

12.—(1) Every local authority shall keep an account (to be called the Housing Revenue Account) of the income and expenditure of the authority in respect of—

- 1957 c. 56.
- (a) all houses and other buildings which have been provided by a local authority under Part V of the Housing Act 1957,
- (b) all houses purchased by a local authority under section 12 of the Housing Act 1957 (unfit premises),
- 1926 c. 56.
- (c) all dwellings in respect of which a local authority have received assistance under section 1 or section 4(2A) of the Housing (Rural Workers) Act 1926,
- (d) all land which a local authority have acquired or appropriated for the purposes of the said Part V, including—
- (i) all land which a local authority were deemed to have acquired under the said Part V by virtue of section 57(6) of the Housing Act 1957, and
- (ii) any structures on such land which were made available to a local authority under section 1 of the Housing (Temporary Accommodation) Act 1944,
- 1944 c. 36.
- (e) such houses or other buildings, not comprised in the preceding paragraphs, as the local authority with the consent of the Secretary of State may from time to time determine.

(2) Buildings, or parts of buildings, provided or converted for use as lodging-houses (that is to say houses not occupied as separate dwellings), or as hostels, shall not be included among the buildings to which the requirements in subsection (1) above relate except in the case of a building or part of a building which has ceased to be used as a lodging house or hostel.

(3) A local authority not possessing any property falling within subsection (1) above shall, notwithstanding that, be required to keep a Housing Revenue Account if they are entitled to receive any income arising from an investment or other use of money borrowed by them for the purpose of—

- (a) the provision of housing accommodation under Part V of the Housing Act 1957, or
- (b) the purchase by them of, or carrying out of works on, any houses purchased under section 12 of the Housing Act 1957, or
- (c) the execution of works in respect of which a Minister has made a contribution under section 4(2A) of the

Housing (Rural Workers) Act 1926, or in respect of which the local authority for the purposes of that Act have given assistance thereunder, PART I
1926 c. 56.

or if they are entitled to receive any income arising from an investment or other use of money derived from the sale or other disposal of houses or other property which have at any time been within their Housing Revenue Account.

(4) The provisions of Schedule 1 to this Act shall have effect as respects—

- (a) the keeping of the Housing Revenue Account,
- (b) the limitation of certain subsidies and rate fund contributions by reference to the state of the account, and
- (c) the disposal of any surplus in the account.

New town corporations

13.—(1) This Part of this Act has effect subject to Schedule 2 to this Act which— Application
of Part I of
this Act to
new town
corporations.

- (a) limits certain subsidies payable to new town corporations by reference to the state of their housing accounts, and
- (b) adapts the provisions of this Act to the Commission's system of separate accounting for each of their towns.

(2) In this Part of this Act, in relation to a new town corporation "general revenue account" means the general revenue account to be kept by them under section 46 of the New Towns Act 1965.

14.—(1) In section 42 of the New Towns Act 1965 (advances and grants for new town corporations) after subsection (3) there shall be inserted— Amendments
of New Towns
Act 1965.

"(3A) For the purpose of enabling the Commission to meet any housing expenditure the Secretary of State may, out of moneys provided by Parliament, make grants to the Commission of such amount as may be approved by the Treasury."

(2) After section 45 of the said Act there shall be inserted—

45A.—(1) Where it appears to the Secretary of State, after consultation with the Treasury and the development corporation, that a development corporation have a surplus, whether on capital or on revenue account, after making allowance by way of transfer to reserve or otherwise for their future requirements, the development corporation shall, if the Secretary "Disposal
of surplus
funds of de-
velopment
corpora-
tions.

PART I

of State after such consultation as aforesaid so directs, pay to the Secretary of State such sum not exceeding the amount of that surplus as may be specified in the direction; and any sum received by the Secretary of State under this section shall, subject to subsection (3) of this section, be paid into the Consolidated Fund.

(2) The whole or part of any payment made to the Secretary of State by a development corporation under subsection (1) above shall, if the Secretary of State with the approval of the Treasury so determines, be treated as made by way of repayment of such part of the principal of advances under section 42(1) of this Act, and as made in respect of the repayments due at such times, as may be so determined.

(3) Any sum treated under subsection (2) above as a repayment of a loan shall be paid by the Secretary of State into the National Loans Fund."

(3) In section 46 of the said Act after subsection (1) there shall be inserted—

"(1A) Without prejudice to the generality of subsection (1) of this section, the Secretary of State may, with the approval of the Treasury, give directions to the Commission or a development corporation as to—

- (a) the kind or number of accounts which they are to keep,
- (b) the amounts which are or are not to be credited or debited to any account,
- (c) the manner of rectifying any account,
- (d) provision for working balances,

and any such direction may be a general direction or a direction for a particular case."

Supplemental

Payment of
subsidies, and
accounting
provisions.

15.—(1) Any subsidy to be paid by the Secretary of State under this Part of this Act shall be payable at such times and in such manner as the Treasury may direct, and subject to such conditions as to records, certificates, audit or otherwise as the Secretary of State may, with the approval of the Treasury, impose.

(2) Without prejudice to the generality of subsection (1) above, the making of any such payment shall be subject to the making of a claim for the payment in such form, and containing such

particulars, as the Secretary of State may from time to time determine.

PART I

(3) Any provision of this Part of this Act requiring a deduction of one amount from another shall, if the amount to be deducted is greater than the other, be taken as a requirement that the other amount shall be reduced to zero.

(4) Any provision of this Part of this Act under which a sum is to be "whichever is the less" of two amounts shall, if they are of equal amount, be taken as referring to that amount.

(5) The amount of any one subsidy payable under this Part of this Act to a local authority or new town corporation for any year shall be calculated to the nearest pound, by disregarding an odd amount of 50 new pence, or less, and by treating an odd amount exceeding 50 new pence as a whole pound.

16.—(1) This section has effect as respects orders to which this section is applied by any provision of this Act. Provisions as to certain orders.

(2) An order under any such provision may be varied or revoked by a subsequent order made under that provision.

(3) An order made under any such provision—

(a) shall be made by the Secretary of State with the concurrence of the Treasury,

(b) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Any such order may be made to apply to any description of local authorities or new town corporations specified in the order, or to a specified local authority or new town corporation.

(5) Before making an order under any such provision the Secretary of State shall consult with such associations of local authorities as appear to him to be concerned, and with any local authority with whom consultation appears to him to be desirable.

17.—(1) In this Part of this Act, unless the context otherwise requires:— Interpretation of Part I.

"associated rate fund contribution", in relation to transition subsidy, rising costs subsidy or operational deficit subsidy, has the meaning given by sections 3, 4 and 5 of this Act respectively,

"hase year", in relation to transition subsidy or rising costs subsidy, has the meaning given by sections 3 and 4 of this Act respectively,

PART I

“ model rent rebate contribution ” has the meaning given by section 7 of this Act,

“ rate fund contribution ” means a contribution made by a local authority out of their general rate fund, or by a new town corporation out of their general revenue account,

“ withdrawal factor ” has the meaning given by section 2(3) of this Act.

(2) For the purposes of this Part of this Act, any rebate or allowance granted to a person who is not a tenant of a Housing Revenue Account dwelling of the authority granting the rebate or allowance shall be treated as a rent allowance, and not as a rent rebate.

PART II**RENT REBATES AND RENT ALLOWANCES****Rent rebates.**

18.—(1) It shall be the duty of every housing authority to bring into operation not later than 1st October 1972 a scheme for granting to persons who occupy as their homes Housing Revenue Account dwellings let to them by the authority rebates from rent, calculated in accordance with the provisions of the scheme by reference to their needs and their resources.

(2) A scheme under this section is referred to in this Part of this Act as a “ rebate scheme ”.

(3) No rebate from the rent of a dwelling shall be granted by virtue of this section to any person—

(a) if there is attributable to the use of furniture a proportion of the rent which is substantial, having regard to the value of that use to the tenant, or

(b) if he occupies the dwelling in pursuance of a contract of service with the authority the terms of which require that he shall be provided with a dwelling at a rent specified in the contract or without payment of rent, or

1954 c. 56.

(c) if Part II of the Landlord and Tenant Act 1954 (security of business tenants) applies to his tenancy.

Rent allowances.

19.—(1) It shall be the duty of every local authority to bring into operation not later than 1st January 1973 a scheme for granting to private tenants who occupy as their homes dwellings in the authority's area allowances, calculated in accordance with the provisions of the scheme by reference to their needs and their resources, towards the rent payable under their tenancies.

(2) A scheme under subsection (1) of this section is referred to in this Part of this Act as an "allowance scheme". PART II

(3) No allowance towards the rent of a dwelling shall be granted by virtue of this section to any person who occupies a dwelling in pursuance of a contract of service the terms of which require that he shall be provided with a dwelling at a rent specified in the contract or without payment of rent.

(4) In this Part of this Act "private tenant" means, subject to subsection (7) below, a person who is a protected tenant or a statutory tenant for the purposes of the Rent Act 1968. 1968 c. 23.

(5) A person is also a private tenant if he occupies a dwelling let to him—

- (a) by a county council ;
- (b) by the Housing Corporation ;
- (c) by a housing association ;
- (d) by a housing trust within the meaning of section 5 of the Rent Act 1968,

and if his tenancy, being a tenancy to which paragraph (a), (b), (c) or (d) above applies, would be a protected tenancy but for that section.

(6) A person is also a private tenant if he occupies a dwelling let to him by the Crown Estate Commissioners and his tenancy would be a protected tenancy but for section 4 of the Rent Act 1968.

(7) A person is not a private tenant if—

- (a) section 9(3) of the Rent Act 1968 applies in his case, and
- (b) Part II of the Landlord and Tenant Act 1954 (security of business tenants) would apply if the said section 9(3) did not apply. 1954 c. 56.

(8) A local authority may treat as if he were a private tenant any person who occupies a dwelling let by them other than a Housing Revenue Account dwelling and who would be entitled to a rebate if he occupied a Housing Revenue Account dwelling, and accordingly may provide in their allowance scheme for the grant to any such person of a rebate from his rent equal in amount to the allowance which they would have granted if he had been a private tenant.

(9) Any rebate granted by virtue of subsection (8) above shall be treated for the purposes of this Part of this Act as if it had been an allowance granted by virtue of subsection (1) above.

(10) The Greater London Council may make a scheme for the granting to persons who occupy dwellings let by them other than Housing Revenue Account dwellings and who would be entitled

PART II to rebates if they occupied Housing Revenue Account dwellings of rebates from rent calculated as if they were rebates granted by virtue of section 18 above; but a scheme made under this subsection shall be treated as an allowance scheme for the purposes of this Part of this Act.

(11) In this section "local authority" does not include the Greater London Council.

The model schemes.

20.—(1) Subject to the provisions of this Act, every rebate scheme and every allowance scheme shall conform with the provisions of Schedule 3 and Schedule 4 to this Act.

(2) Regulations made by the Secretary of State with the consent of the Treasury may from time to time vary the provisions of Schedule 3 and Schedule 4 to this Act.

(3) Where the Secretary of State proposes to make regulations under subsection (2) above he shall refer the proposals to the Advisory Committee on Rent Rebates and Rent Allowances constituted under section 23 below in order that that Committee may consider them and advise on them.

(4) Regulations under subsection (2) above shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) If the Secretary of State considers—

- (a) that the general level of the rents of the Housing Revenue Account dwellings of any housing authority is exceptionally high by comparison with the general level of the rents of the Housing Revenue Account dwellings of other housing authorities,
- (b) that the general level of the rents paid by private tenants in the area of a local authority is exceptionally high by comparison with the general level of the rents paid by private tenants elsewhere, or
- (c) that the general level of the rents of a class of Housing Revenue Account dwellings of a housing authority, or of the rents paid by private tenants for a class of dwellings in the area of a local authority, is exceptionally high by comparison with the general level of the rents of the Housing Revenue Account dwellings of other housing authorities or, as the case may be, with the general level of the rents paid by private tenants elsewhere,

he may, on the application of the authority made before or after the passing of this Act, authorise them to treat Schedule 3 to

this Act, as it applies in relation to their rebate scheme or their allowance scheme, but in a case under paragraph (c) above only as it applies to the relevant class of dwellings, as providing, during such period as may be specified in the direction, for such lower minimum rent or higher maximum rebate or allowance as he may direct.

PART II

(6) The Secretary of State may make an authorisation under subsection (5) above conditional upon compliance by the authority with such terms as he may specify in granting it.

(7) In this Act, the "model scheme" of an authority means a rebate scheme, or as the case may be an allowance scheme, containing such provisions, and only such provisions, as the authority are for the time being required by this section to include in their scheme:

Provided that if and so long as the authority's scheme contains any provision included in pursuance of subsection (5) above, section 19(8) of this Act or paragraph 16 of Schedule 3 to this Act, the model scheme shall also be assumed to include that provision.

(8) In this Act an authority's "standard amount of rent rebates" or "standard amount of rent allowances" means for any period—

- (a) if the authority have been operating the model scheme for that period, the amount of rebates, or, as the case may be, allowances which they have granted for that period otherwise than under subsection (1) or subsection (2) of section 21 below;
- (b) if the authority have not been operating the model scheme for that period, the amount of rebates, or, as the case may be, allowances, which they would have granted for that period otherwise than under subsection (1) or subsection (2) of section 21 below if they had been operating it;

and in this subsection "period" includes a period in the year 1972-73.

(9) The said standard amount shall be calculated or estimated by reference to the rebates or allowances actually granted by following such methods and principles as the Secretary of State may direct, either generally or in any particular case.

21.—(1) A housing authority may grant to a person to whom their rebate scheme applies a rebate of a greater amount than they would otherwise grant if they consider that his personal or domestic circumstances are exceptional. Extent to which authorities may depart from model schemes.

(2) A local authority may grant to a person to whom their allowance scheme applies an allowance of a greater amount than they would otherwise grant if they consider that his personal or domestic circumstances are exceptional.

PART II

(3) A housing authority may vary the provisions of Schedule 3 to this Act as they apply in relation to their rebate scheme, but no variation under this subsection shall be such that a person to whom the scheme applies receives less rebate than he would have received under the model scheme, and if a variation is made in a rebate scheme by a local authority the authority making it shall make a variation in their allowance scheme which appears to them to correspond to it.

(4) A local authority may vary the provisions of Schedule 3 to this Act as they apply in relation to their allowance scheme, but no variation under this subsection shall be such that a person to whom the scheme applies receives a smaller allowance than he would have received under the model scheme, and if a variation is made in an allowance scheme the authority making it shall make a variation in their rebate scheme which appears to them to correspond to it.

(5) The powers conferred by this section shall not be exercised by any authority in such a way that, on the best estimate which they can make, they are likely as a result to grant a greater amount of rebates or allowances than the amount which is for the time being the permitted total for the authority.

The permitted totals of rebates and allowances.

22.—(1) For any authority the permitted total of rebates or allowances for any year or part of a year is 110 per cent. of the authority's standard amount of rent rebates or, as the case may be, standard amount of rent allowances.

(2) The chief financial officer of every housing authority shall send to the Secretary of State as soon as possible after the end of each year a certificate stating whether the amount of rebates granted by the authority for that year did or did not exceed the sum which was the permitted total of rebates for the authority for that year and, together with the certificate, a copy of the authority's rebate scheme for that year.

(3) The chief financial officer of every local authority shall also send to the Secretary of State as soon as possible after the end of each year a certificate stating whether the amount of allowances granted by the authority for that year did or did not exceed the sum which was the permitted total of allowances for the authority for that year and, together with the certificate, a copy of the authority's allowance scheme for that year.

(4) If the amount of rebates or allowances granted for a year by an authority exceeds the amount which was the permitted total for that authority for that year, it shall be the duty of the authority, subject to subsections (9) and (10) below, to send to the Secretary of State, together with their certificate under subsection (2) or, as the case may be, subsection (3) above, proposals that their rebate scheme, or, as the case may be, their

allowance scheme, shall have effect from a specified date with such variations as will in the opinion of the authority make it probable that the amount of rebates or, as the case may be, allowances, granted by the authority for the year in which the proposals are made will be not greater than the amount which is the permitted total for the authority for that year.

PART II

(5) If in the opinion of the Secretary of State an authority's proposals will make it probable that the amount of rebates or allowances granted by the authority for the year in which it is proposed that the scheme shall be varied will be not greater than the amount which is the permitted total for that authority for that year, he shall approve the proposals.

(6) If in the opinion of the Secretary of State an authority's proposals will not make it probable that the amount of rebates or allowances granted by the authority for the year in which it is proposed that the scheme shall be varied will be not greater than the amount which is the permitted total for that authority for that year, he shall direct the authority to make such further or other variations in the scheme, to have effect from such date as he may specify, as will in his opinion have that result.

(7) It shall be the duty of an authority to make any variations in a scheme which are approved by the Secretary of State under subsection (5) above or directed by him under subsection (6) above and to operate the scheme as varied for any period which the Secretary of State may specify.

(8) If a variation under subsection (7) above is made in one of a local authority's schemes the authority shall make a variation in their other scheme which appears to them to correspond to it.

(9) If the amount of rebates or allowances granted for a year by an authority exceeds the amount which was the permitted total for that authority for that year, but the authority satisfy the Secretary of State during the following year that it is improbable that the amount of rebates or, as the case may be, allowances granted by the authority for that year will exceed the amount which is the permitted total for the authority for that year, he may direct that subsections (4) to (8) above shall not apply to that authority for that year.

(10) If the amount of rebates or allowances granted for the year 1972-73 by a local authority exceeds the amount which was the permitted total for that authority for that year, but the authority satisfy the Secretary of State that, because of the changes in local authorities or local government areas made by any Act of the present Session to make provision with respect to local government and the functions of local authorities in England and Wales, it is undesirable that the provisions of their

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PART II rebate scheme, or as the case may be their allowance scheme, should be varied in accordance with subsections (4) to (8) above, he may direct that the said subsections shall not apply to that authority for the year 1973-74.

(11) Where an authority are under a duty to vary a scheme in accordance with this section the Secretary of State may direct that they shall exercise the discretion conferred on them by subsection (1) or, as the case may be, subsection (2), of section 21 above in such manner and subject to such limitations as may be specified in the direction.

The Advisory Committee on Rent Rebates and Rent Allowances.

23.—(1) There shall be a committee, which shall be called the Advisory Committee on Rent Rebates and Rent Allowances and shall have the function of advising the Secretary of State on any question relating to the operation of rebate schemes and allowance schemes in general, or of particular rebate schemes or allowance schemes, or to the advisability of varying the provisions of Schedule 3 or Schedule 4 to this Act.

(2) The Committee shall consist of a chairman appointed by the Secretary of State and such number of other members so appointed as the Secretary of State may from time to time determine; and every member shall hold and vacate office in accordance with the terms of his appointment.

(3) The Committee shall consist of persons with experience of local government and other persons (with or without such experience) whom the Secretary of State considers to be specially qualified to advise him on the matters mentioned in subsection (1) above.

(4) The expenses of the Committee to such an amount as may be approved by the Minister for the Civil Service shall be paid by the Secretary of State out of money provided by Parliament.

(5) There may be paid as part of the expenses of the Committee—

(a) to all or any of the members of the Committee, such salaries or other remuneration and travelling and other expenses,

(b) to persons attending their meetings at the request of the Committee, such travelling and other allowances (including compensation for loss of remunerative time),

as the Secretary of State may with the consent of the Minister for the Civil Service determine.

Publicity for schemes.

24.—(1) An authority shall deposit copies of their rebate scheme and allowance scheme at their principal office, not later than the dates on which the schemes come into operation, and shall make copies available for public inspection at that office at all reasonable hours without payment, and shall furnish a copy

to any person on payment of such reasonable sum as the authority may determine.

PART II

(2) It shall be the duty of every authority and every landlord of a private tenant to furnish the statutory particulars of a scheme in accordance with the following provisions of this section.

(3) It shall be the duty of every authority, in addition to furnishing the statutory particulars of a rebate scheme or an allowance scheme in pursuance of subsection (2) above, to take such further steps as may appear to them best designed to secure that the provisions of the scheme come to the notice of any persons who may be entitled to a rebate or allowance under the scheme.

(4) In this section "statutory particulars", in relation to a scheme, means such particulars as the Secretary of State may direct of the following matters, namely—

- (a) the procedure for making an application for a rebate or allowance;
- (b) the information to be included in such an application;
- (c) the circumstances in which a rebate or allowance is likely to be granted;

and a duty to furnish statutory particulars of a scheme shall include a duty to give examples of cases in which a rebate or allowance is likely to be granted under the scheme and of the amount of rebate or allowance likely to be granted in different cases.

(5) Every authority shall furnish the statutory particulars of their rebate scheme in writing and in a convenient form to each of their tenants—

- (a) not later than the date on which the scheme comes into operation;
- (b) within a period of three months before the date on which it is proposed that any variation in the scheme shall come into operation;
- (c) on the date on which that tenant is given notice of an increase in his rent; and
- (d) at such other times as will ensure that each tenant is furnished with the particulars at least once in any twelve months.

(6) An authority shall also furnish the statutory particulars of their rebate scheme to any person who becomes a tenant of

PART II one of their Housing Revenue Account dwellings, on or before the date on which his tenancy commences.

(7) A local authority other than the Greater London Council shall publish the statutory particulars of their allowance scheme or such abridged particulars of that scheme as the Secretary of State may direct under subsection (8) below in two or more newspapers circulating in their area (of which one at least shall, if practicable, be a local newspaper)—

(a) not later than the date on which the scheme comes into operation ;

(b) at intervals thereafter each of not more than twelve months from the previous insertion.

(8) The Secretary of State may give directions as to abridged particulars of allowance schemes which authorities are to publish under subsection (7) above.

(9) A local authority shall furnish the statutory particulars of their allowance scheme on request to a tenant of a dwelling in their area or a landlord of such a tenant, free of charge and in a form convenient to be kept in a rent book.

(10) It shall be the duty of a landlord who grants a new tenancy of a dwelling to a private tenant on or after 1st January 1973 to furnish to the tenant in writing and in a convenient form the statutory particulars of the allowance scheme currently operated by the local authority in whose area the dwelling is situated.

1962 c. 50.

(11) Where by virtue of section 1(1) of the Landlord and Tenant Act 1962 (provision of rent books for tenants whose rent is payable weekly) a landlord is under a duty to provide for a private tenant of a dwelling a rent book or other similar document, he shall insert the statutory particulars of the allowance scheme currently operated by the local authority in whose area the dwelling is situated in any rent book or similar document issued to the tenant.

If the rent book or other document in which a landlord is required to insert statutory particulars by this subsection was issued to the tenant before 1st January 1973, the landlord shall insert the statutory particulars in it not later than 30th June 1973 ; but he shall insert them in any rent book or similar document issued to the tenant on or after 1st January 1973 before issuing it to the tenant.

(12) Any landlord who refuses or wilfully neglects to perform a duty imposed on him by subsection (10) or subsection (11) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(13) Where an offence under subsection (12) above which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of, any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

PART II

Where the affairs of a body corporate are managed by its members this subsection shall apply in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(14) Subsections (12) and (13) above do not apply to a county council or to the Housing Corporation.

25.—(1) In Schedule 3 to this Act “rent which is eligible to be met by a rebate or an allowance” means the occupational element of the rent less, where part of the dwelling is sub-let, the occupational element of any rent payable by the sub-tenant.

Treatment for purposes of Part II of sums payable in respect of rates or for use of furniture or for services.

(2) For the purposes of subsection (1) above “the occupational element” of any rent means the amount of the rent—

- (a) exclusive of any sum attributable to rates, and
- (b) subject to any regulations made under this section, exclusive of any sum attributable to the use of furniture or the provision of services.

(3) The Secretary of State may by regulations—

- (a) prescribe circumstances in which amounts are to be reckoned or not reckoned for the purposes of this section as payable for the use of furniture or the provision of services, and
- (b) prescribe circumstances in which amounts payable by the tenant are to be treated for the purposes of this section as rent notwithstanding that they are expressed to be something other than rent.

(4) Regulations under this section shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Any question whether any rent includes any sum payable in respect of rates or for the use of furniture or for the provision of services, or as to the amount so payable, shall be determined for the purposes of a rebate scheme or an allowance scheme by the authority who made the scheme.

(6) In order to assist the authority to give effect to this section, where a rent is registered under Part IV of the Rent Act 1968 there shall be noted on the register the amount, if any, of the registered rent which, in the opinion of the rent officer or rent

PART II assessment committee, is fairly attributable to the use of furniture or the provision of services, but excepting any amount which in the opinion of the rent officer or, as the case may be, the rent assessment committee is negligible.

The provisions of this subsection shall be applied in accordance with any regulations for the time being in force under this section.

Interpretation
of Part II.

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

“allowance” means an allowance under an allowance scheme, but also includes a rebate granted by virtue of subsection (8) or subsection (10) of section 19 above;

“allowance period” means a period for which an allowance is or may be granted;

“allowance scheme” has the meaning assigned to it by section 19 of this Act and includes a scheme made under subsection (10) of that section;

“authority” means, in relation to a rebate scheme, a housing authority, and in relation to an allowance scheme, a local authority;

1968 c. 23.

“landlord” includes any person from time to time deriving title under the original landlord and also includes, in relation to any dwelling, any person other than the tenant who is, or but for Part II of the Rent Act 1968 would be, entitled to possession of the dwelling;

1965 c. 51.

“pensionable age” has the meaning assigned to it by section 114(1) of the National Insurance Act 1965;

“private tenant” has the meaning assigned to it by section 19 of this Act;

“rates” includes water rates and charges;

“rebate” means a rebate under a rebate scheme;

“rebate period” means a period for which rebate is or may be granted;

“rebate scheme” has the meaning assigned to it by section 18 of this Act;

“sub-let”, as regards a tenant’s dwelling, includes a case where part of the dwelling is held by another person under a statutory tenancy as defined in the Rent Act 1968, and references to a sub-tenant of part of a tenant’s dwelling shall be construed accordingly;

1966 c. 20.

“supplementary benefit” means benefit under Part II of the Ministry of Social Security Act 1966, except that it does not include benefit under section 6 (benefit to meet medical and similar requirements) or section 7 (benefit to meet exceptional requirements) of that Act;

“tenant” means—

PART II

(a) in relation to a rebate scheme, a person who occupies a dwelling as mentioned in section 18 of this Act, including a successor in title of the person to whom the dwelling was originally let;

(b) in relation to an allowance scheme, a private tenant;

(c) a person who is granted a rebate by virtue of subsection (8) or subsection (10) of section 19 of this Act,

and “tenancy” shall be construed accordingly.

(2) Where part of a tenant’s dwelling is sub-let then, in this Part of this Act, unless the context otherwise requires—

(a) references to that tenant’s dwelling do not include references to the part which is sub-let (but without prejudice to the application of this Part of this Act where the sub-tenant is himself a tenant as defined above);

(b) references to a person who resides in the dwelling occupied by the tenant are references to a person who resides in the part which is not sub-let.

(3) In construing any reference in this Part of this Act to the amount of rebates or allowances granted by an authority account shall be taken of paragraph 17(6) of Schedule 4 to this Act.

PART III

RENT OF DWELLINGS IN GOOD REPAIR AND PROVIDED WITH STANDARD AMENITIES

Conversion of controlled tenancies

27.—(1) The following provisions of this section shall have effect with respect to a controlled tenancy of a dwelling-house which is certified by the local authority, on the application of the landlord, to satisfy the following conditions, 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.

Conversion of controlled tenancies.

(2) On the issue of the certificate the tenancy shall cease to be a controlled tenancy and, except in the case mentioned in subsection (3) below, shall become a regulated tenancy.

(3) If the controlled tenancy is one to which Part II of the 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

PART III tenancy within the meaning of the Act of 1954, it shall, when it ceases to be a controlled tenancy, be treated as a tenancy continuing by virtue of section 24 of the Act of 1954 after the expiry of a term of years certain.

1954 c. 56. In this subsection "the Act of 1954" means the Landlord and Tenant Act 1954.

(4) 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".

Application for
qualification
certificate.

1969 c. 33.

28.—(1) An application for a qualification certificate must state the name of the tenant under the controlled tenancy, and may be combined with an application for a grant under Part I of the Housing Act 1969.

(2) Before considering an application for a qualification certificate the local authority shall serve on the person named in the application as the tenant a copy of the application and, where subsection (3) below applies, the notice required by that subsection.

(3) Subject to subsection (4) below, and to the next following section, the local authority shall serve on the person so named a notice in the prescribed form—

(a) informing him that he may, within 28 days from the service of the notice or such other period as may be prescribed, make representations to the authority that the dwelling does not satisfy the qualifying conditions, and

(b) containing such other information or explanation of the effect of this Part of this Act as may be prescribed.

(4) Subsection (3) above shall not apply where the local authority approved an application for a grant under section 2(1) or section 9(1) of the Housing Act 1969 in respect of a dwelling and the work specified in the application for the grant has been carried out.

(5) Where, after considering any representations made in pursuance of subsection (3) above (where that subsection applies), the local authority are satisfied that the dwelling satisfies the qualifying conditions, they shall issue to the applicant a qualification certificate, but if they are not so satisfied they shall give notice to the applicant of their refusal of his application containing a written statement of their reasons for the refusal.

(6) The local authority shall send a copy of the certificate or of the notice of refusal to the tenant. PART III

29.—(1) If an application for a qualification certificate is made at a time when the dwelling-house lacks one or more of the standard amenities, the application must state what works are required for the qualifying conditions to be satisfied, and must be accompanied by plans and specifications of those works. Application for qualification certificate: issue of certificate of provisional approval.

(2) Where the application contains such a statement, subsection (3) of the last preceding section shall not apply.

(3) If it appears to the local authority that the dwelling-house will satisfy the qualifying conditions when the works specified in the application have been carried out, the local authority shall approve the application provisionally and shall issue to the applicant a certificate of provisional approval, and send a copy thereof to the tenant.

(4) Where the local authority decide not to issue a certificate of provisional approval, they shall give the applicant a written statement of their reasons for the refusal, and the application for a qualification certificate shall be dismissed.

(5) When it is shown to the satisfaction of the local authority, after issue of a certificate of provisional approval—

- (a) that the works specified in the relevant application have been carried out, and
- (b) that the dwelling-house is then in the state in which it would be expected to be after the carrying out of the works,

they shall issue the qualification certificate applied for (but without prejudice to their power of issuing a qualification certificate where the qualifying conditions are satisfied although the specified works have not been carried out in whole or in part).

30.—(1) Where an application for a qualification certificate is or is to be made in respect of a dwelling-house which lacks one or more of the standard amenities, the applicant may apply for a certificate of fair rent. Certificate of fair rent.

(2) The application shall be accompanied by plans and specifications of the works required for the qualifying conditions to be satisfied.

(3) A certificate of fair rent issued on the application shall specify the rent which would be a fair rent under the regulated

PART III tenancy that might arise by virtue of section 27 of this Act if the works shown in the plans and specifications were carried out.

1968 c. 23.

(4) Schedule 7 to the Rent Act 1968 shall have effect with respect to such an application as if—

(a) paragraphs 1(c) and 3 were omitted, and

(b) in paragraph 4(1) for the words from the beginning to “he shall serve” there were substituted the words “The rent officer shall serve”, and

(c) in paragraph 9 the words preceding sub-paragraph (a) were omitted.

(5) If the applicant for a qualification certificate has obtained a certificate of fair rent on an application under this section, and supplies to the local authority a copy of that certificate, and—

(a) certifies to the local authority that the plans and specifications accompanying the application for the certificate of fair rent were the same as those which accompanied his application for a qualification certificate, or

(b) supplies to the local authority copies of the plans and specifications which accompanied his application for the certificate of fair rent,

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

**Registration
of rent.**

31.—(1) Where a controlled tenancy of a dwelling-house has become a regulated tenancy on the issue of a qualification certificate, an application for the first registration of a rent for the dwelling-house, if made before the date applicable to the dwelling-house under section 35 of this Act, shall be accompanied by a copy of the qualification certificate.

(2) Where a certificate of fair rent has been issued under this Part of this Act and an application for the first registration of a rent for the dwelling-house is made not later than two

years after the issue of the certificate of fair rent, Schedule 5 to this Act shall have effect with respect to the application instead of Schedule 6 to the Rent Act 1968.

PART III

1968 c. 23.

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

Appeal to
county court.

(2) Within twenty-eight days of the service on him under section 28(6) of this Act of a copy of a qualification certificate, or such longer period as the county court may allow, the tenant may appeal to the county court on either or both of the following grounds, 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-house 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-house has been registered in pursuance of this Part of this Act the registration shall be deemed never to have

PART III bad effect and the rent officer shall delete it on being informed of the order.

Miscellaneous

Consent of tenant.

33.—(1) 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 his consent, then, if the condition specified in paragraph (a), or the condition specified in paragraph (b), of subsection (2) of this section is satisfied, the county court may, on the application of the landlord, make an order empowering him to enter and carry out the works.

(2) The said condition is—

1969 c. 33.

(a) that the works were specified in an application for a grant under Part I of the Housing Act 1969 and the application has been approved, or

(b) that the works are specified in a certificate issued by a local authority (which may be a certificate of provisional approval under the preceding provisions of this Part of this Act) and stating that the dwelling will satisfy the qualifying conditions when the works have been carried out.

(3) An order under subsection (1) 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 the Housing Act 1969.

(4) 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—

(a) any disadvantage to the tenant that might be expected to result from the works, and

(b) the accommodation that might be available for him whilst the works are carried out, and

(c) the age and health of the tenant,

but the court shall not take into account the means or resources of the tenant.

34.—(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 5 to this Act. PART III
Supplemental.
1968 c. 23.

(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 of that Act shall extend to sections 32 and 33 of this Act.

(3) In this Part of this Act—

“local authority” means a local authority to whom section 107 of the Rent Act 1968 applies,

“prescribed” means prescribed by regulations under section 50 of the Rent Act 1968,

“qualification certificate” and “qualifying conditions” have the meanings assigned to them by section 27 of this Act,

“standard amenities” has the meaning assigned to it by section 7 of the Housing Act 1969,

1969 c. 33.

and other expressions shall be construed as in the Rent Act 1968.

(4) Section 4 of the Housing Act 1957 (standard of fitness for human habitation) shall apply for the purposes of this Part of this Act. 1957 c. 56.

(5) Part III of the Housing Act 1969 (which is superseded by this Part of this Act) shall cease to have effect.

(6) This Part of this Act shall come into force at the expiration of a period of one month beginning with the date on which this Act is passed.

PART IV

CONTROLLED AND REGULATED TENANCIES

35.—(1) Where, on the date applicable to the dwelling-house under the following provisions of this section, a 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 on that date cease to be a controlled tenancy and, except in the case mentioned in subsection (8) below, shall become a regulated tenancy. Conversion
of controlled
tenancies:
general
decontrol.

(2) Subject to the provisions of this section, the date applicable to a dwelling-house shall be that given by the following Table, where the amounts in columns 1 and 2 refer to the value of the dwelling-house.

PART IV

TABLE

1. Dwelling-house in Greater London Rateable value of dwelling-house	2. Dwelling-house elsewhere in England and Wales Rateable value of dwelling-house	3. Applicable date
£95 or more	£60 or more	1st January 1973.
£80 or more but less than £95.	£45 or more but less than £60.	1st July 1973.
£70 or more but less than £80.	£35 or more but less than £45.	1st January 1974.
£60 or more but less than £70.	£25 or more but less than £35.	1st July 1974.
£50 or more but less than £60.	£20 or more but less than £25.	1st January 1975.
Less than £50	Less than £20	1st July 1975.

(3) The Secretary of State may by order substitute as the date applicable to a dwelling-house of such value as may be specified in the order a date earlier or later than that which would be applicable to it under subsection (2) above.

(4) An order under this section—

- (a) may make different provision with respect to different registration areas,
- (b) may be varied or revoked by a subsequent order under this section, and
- (c) shall be made by statutory instrument.

(5) In subsection (2) above “value” means the rateable value on 31st March 1972.

(6) Subject to subsection (7) below, the rateable value shall be ascertained for the purposes of this section in accordance with subsections (1) and (2) of section 6 of the Rent Act 1968:

1968 c. 23.

Provided that any question arising under the said section 6 as applied by this subsection as to the proper apportionment or aggregation of any value or values may be determined by the landlord and tenant by agreement in writing, instead of being determined by the county court under subsection (2) of the said section 6.

(7) Where the date applicable to the dwelling-house is uncertain because it depends on an apportionment of a rateable value which has not been determined and it appears to the rent officer, on an application for registration of a rent for the dwelling-house that, if a proper apportionment of the rateable value had been

made, the application could properly be entertained, he may proceed on that assumption unless, before the rent officer disposes of the application, the tenant informs the rent officer that he proposes to apply for an apportionment to be made by the county court and, within two weeks of so informing the rent officer, brings proceedings in the county court for an apportionment of the said rateable value.

PART IV

Any decision of the rent officer under this subsection shall, unless the tenant brings proceedings in the county court in accordance with this subsection, be conclusive on any question as to the date applicable to the dwelling-house.

(8) 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, when it ceases to be a controlled tenancy, be treated as a tenancy continuing by virtue of section 24 of the Act of 1954 after the expiry of a term of years certain. 1968 c. 23.

In this subsection "the Act of 1954" means the Landlord and Tenant Act 1954. 1954 c. 56.

(9) This section has effect subject to the next following section, which excludes unfit houses in certain circumstances.

(10) No application to a local authority shall be made under paragraph 4 or paragraph 6 of Schedule 9 to the Rent Act 1968 (application by tenant for certificate of disrepair, and application by landlord for cancellation of certificate of disrepair) in respect of a dwelling later than six months before the date applicable to the dwelling under this section.

36.—(1) If at some time not later than three months before the date applicable to a dwelling-house under the last preceding section a notice or order applying to the dwelling-house has been served or made, and the notice or order is— Unfit houses excluded from general decontrol.

- (a) a notice under section 16 of the Housing Act 1957 (unfit premises), or 1957 c. 56,
- (b) a compulsory purchase order under section 43 of the Housing Act 1957 (clearance areas), or
- (c) a clearance order under section 44 of the Housing Act 1957 (clearance areas), or
- (d) an order under paragraph 2 of Schedule 2 to the Land Compensation Act 1961 declaring the dwelling-house unfit, 1961 c. 33.

the dwelling-house shall, subject to the provisions of this section, be excluded from the last preceding section.

PART IV

(2) Subsection (1) above shall not apply where on or before the date applicable to the dwelling-house under the last preceding section—

1957 c. 56.

(a) in the case of a notice under section 16 of the Housing Act 1957, the dwelling-house was rendered fit to the satisfaction of the local authority or of a court,

(b) in the case of any order, the Secretary of State decides not to confirm the order, or the relevant part of the order, or the order or the relevant part of the order is quashed by a court,

(c) in the case of a compulsory purchase order or clearance order under section 43 or 44 of the Housing Act 1957, the dwelling-house is excluded from the clearance area,

or, in the case of a compulsory purchase order under the said section 43, where (because the purchase was under subsection (2) of that section) the dwelling-house was never in the clearance area, and if any such event as is mentioned in paragraph (a), (b) or (c) above occurs after the date applicable to the dwelling-house under the last preceding section, that section shall apply as if the date of the event were the date applicable to the dwelling-house.

Conversion
of controlled
tenancies:
general
provisions.

37.—(1) The provisions of this section shall apply to a tenancy (in this section called a “converted tenancy”) which is or becomes a regulated tenancy by virtue of—

(a) Part III of this Act, or

(b) section 35 of this Act, or

1968 c. 23.

(c) paragraph 5 of Schedule 2 to the Rent Act 1968 (conversion on death of first successor),

and “the conversion” means the time when the tenancy became a regulated tenancy.

(2) In relation to any rental period beginning after the conversion, sections 22 to 24 of the Rent Act 1968 (rent limit and adjustments) shall have effect as if references therein to the last contractual period were references to the last rental period beginning before the conversion.

(3) Section 25(1) of the Rent Act 1968 (increase of rent for improvements) shall not apply to any improvement completed before the conversion, but if the rent recoverable for the last rental period beginning before the conversion was less than it would have been if all notices of increase authorised by virtue of section 56 of the said Act had been served, the rent recoverable under section 22(1) of that Act, as modified by subsection (2) above, shall be increased by the amount of that difference:

Provided that that increase shall not take effect except in pursuance of a notice of increase served by the landlord on the tenant and specifying the date, which may be any date after the service of the notice, from which it is to take effect.

Section 26 of the Rent Act 1968 shall apply to a notice of increase under this proviso as it applies to a notice of increase described in that section. PART IV
1968 c. 23.

(4) Section 2(1)(a) of the Rent Act 1968 (exclusion of tenancies where rent is less than two thirds of the rateable value) shall not apply to the converted tenancy after the conversion.

(5) Section 46 of the Rent Act 1968 (determination of fair rent) shall apply in relation to the converted tenancy as if the references in subsection (3) of the said section 46 to the tenant under the regulated tenancy included references to the tenant under the tenancy before the conversion.

(6) The enactments mentioned in subsection (1) above shall not be taken as affecting any court proceedings instituted under the Rent Act 1968 before the conversion which may affect the recoverable rent before the conversion, or the rent under the regulated tenancy after the conversion so far as that depends on the previous rent.

(7) Any court order in any proceedings to which subsection (6) above applies which is made after the time of the conversion may exclude from the effect of the order rent for any rental period beginning before the conversion, or for any later rental period beginning before the making of the order.

(8) Any right conferred on a tenant by section 62 of, or by paragraph 7(4) of Schedule 9 to, the Rent Act 1968 to recover any amount by deducting it from rent shall be exercisable by deducting it from rent for any rental period beginning after the conversion to the same extent as the right would have been exercisable if the conversion had not taken place.

(9) No certificate of disrepair shall be issued or cancelled by the local authority after the time of the conversion.

(10) Subject to subsection (7) above, where the court is satisfied that a local authority have failed to issue a certificate of disrepair and make an order under paragraph 4(5) of the said Schedule 9 after the conversion, the order shall be that a certificate of disrepair shall be deemed to have been issued immediately before the conversion.

38.—(1) Schedule 6 to this Act shall have effect for securing that, on first registration of a rent after the conversion of a controlled tenancy into a regulated tenancy, an increase in rent may, in certain circumstances, be recovered only in stages. Phasing of
rent increases
towards
registered
rent.

(2) Section 25(1) of the Rent Act 1968 (increase for improvements) shall not apply to any improvements with respect to which a grant under Part I of the Housing Act 1969 is payable or has been paid, and Schedule 6 to this Act shall have effect for securing that, on first registration of a rent after such an improvement, an increase in rent may, in certain circumstances, be recovered only in stages. 1969 c. 33.

PART IV

Registration of rent for regulated tenancies

Application
to rent officer
by local
authority.
1968 c. 23.

39.—(1) In the Rent Act 1968 after section 44 there shall be inserted the following section:—

“ 44A—(1) A local authority may apply to the rent officer for consideration of the fair rent for any dwelling-house within their area for which a rent may be or has been registered under this Part of this Act.

(2) If on the application the rent officer is satisfied that the rent, or the highest rent, payable for the dwelling-house under any lease or agreement exceeds what in his opinion is a fair rent, the rent officer shall register a rent for the dwelling-house.

(3) The rent officer may under subsection (2) above take account of the rent payable under any lease or agreement whether or not that exceeds the recoverable rent and whether or not the lease or agreement has taken effect.

(4) Where a rent for a dwelling-house has been registered under this Act no application under this section shall be entertained before the expiry of three years from the relevant date (as defined in section 44(4) above) 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.

(5) For the purposes of section 44(4)(a) above, a case where the rent officer does not register a rent on an application under this section shall not be treated as a confirmation of any rent already registered.

(6) Section 44(5) above shall apply to an application under this section as it applies to an application for the registration of a rent.

(7) Regulations shall be made under section 50 of this Act prescribing the procedure on an application under this section, and the regulations shall prescribe the notices to be given to, and the rights to make representations of, the landlord and tenant.

(8) The said regulations shall confer on the landlord and the tenant a right to object to the determination of a rent by the rent officer on an application under this section and, on receipt of such an objection in circumstances prescribed by the regulations, shall provide for the reference of the matter to a rent assessment committee.

(9) In this section “local authority” means a local authority to whom section 107 of this Act applies.”

(2) In section 44(4) of the said Act (definition of the relevant date) for the words "the next following section" there shall be substituted the words "section 44A and section 45 below."

PART IV

(3) This section shall come into force at the expiration of a period of one month beginning with the date on which this Act is passed.

40.—(1) Subject to the provisions of this section, any application under section 44 or section 44A of the Rent Act 1968 may be made at a time when the dwelling-house is subject to a controlled tenancy.

Early application for registration of rent.
1968 c. 23.

(2) An application under the said section 44 shall not be made earlier than three months before the date applicable to the dwelling-house under section 35 of this Act.

(3) An application under section 44A of the Rent Act 1968 shall only be made by virtue of this section if before the application the local authority have been given a document relating to the dwelling-house in compliance with the provisions of section 44 of this Act.

(4) Where an application is made by virtue of this section the regulated tenancy for which the rent is registered shall be assumed to be a tenancy on the same terms (other than terms relating to rent) as the terms applicable to the controlled tenancy.

(5) Where a rent is registered on an application made by virtue of this section—

- (a) the date from which the registration takes effect under section 48(1) of the Rent Act 1968 shall not be earlier than the date when the dwelling-house ceases to be subject to a controlled tenancy,
- (b) any registration before that date shall be provisional only until that date, and
- (c) any reference in this Act, or in the Rent Act 1968, or in any other enactment, to the date of registration shall, where paragraph (b) applies, be taken as a reference to the date when the registration ceases to be provisional.

41.—(1) In the Rent Act 1968 after section 48 there shall be inserted the following section—

Cancellation of registration of rent.

"48A.—(1) An application may be made in accordance with this section for the cancellation of the registration of a rent for a dwelling-house where—

- (a) a rent agreement as respects the dwelling-house takes effect, or is to take effect, after the expiration of a period of three years beginning with the relevant date as defined in section 44(4) of this Act, and

PART IV

- (b) the period for which the tenancy has effect cannot end, or be brought to an end by the landlord (except for non-payment of rent or a breach of the terms of the tenancy), earlier than twelve months after the date of the application, and
- (c) the application is made jointly by the landlord and the tenant under the agreement.
- (2) The rent agreement may be one providing that the agreement does not take effect unless the application for cancellation of registration is granted.
- (3) An application under this section must be in the prescribed form and contain the prescribed particulars, and must be accompanied by a copy of the rent agreement.
- (4) Regulations shall be made under section 50 of this Act prescribing the procedure on an application under this section.
- (5) If the rent officer is satisfied that the rent, or the highest rent, payable under the rent agreement does not exceed a fair rent for the dwelling, he shall, subject to subsection (6) below, cancel the registration.
- (6) Where under the terms of the rent agreement 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 rent officer shall not cancel the registration unless he is satisfied that those terms are reasonable.
- (7) The cancellation shall not take effect until the date when the agreement takes effect; and if the cancellation is registered before that date, the date on which it is to take effect shall be noted on the register.
- (8) The cancellation of the registration shall be without prejudice to a further registration of a rent at any time after cancellation.
- (9) The rent officer shall notify the applicants of his decision to grant, or to refuse, any application under this section.
- (10) In this section "rent agreement" means—
- (a) an agreement increasing the rent payable under a protected tenancy which is a regulated tenancy, or
- (b) where a regulated tenancy is terminated, and a new regulated tenancy is granted at a rent exceeding the rent under the previous tenancy, the grant of the new tenancy."

(2) No application shall be made under the said section 48A before 1st January 1973. PART IV

Regulated tenancies where no rent is registered

42.—(1) Section 20(3) and section 21 of the Rent Act 1968 (which fix a limit for contractual periods of a regulated tenancy where no rent is registered) shall, subject to subsection (2) below, cease to have effect. Repeal of rent limit for contractual periods.
1968 c. 23.

(2) The repeal by this Act of the said sections 20(3) and 21 shall not apply to—

- (a) rent for a rental period beginning before 1st January 1973, or
- (b) rent under a regulated tenancy granted before 1st January 1973 if the rent under the tenancy, as varied by any agreement made before that date, exceeded the rent limit under the said section 20(3) (with any adjustment under the said section 21).

(3) Paragraph (b) of subsection (2) above shall cease to apply if the landlord and the tenant enter into an agreement which is a rent agreement with a tenant having security of tenure as defined by the next following section which complies with the requirements of subsection (3) of that section, or if they provide that the said paragraph (b) is not to apply by an agreement conforming with the requirements of subsection (3) of the next following section.

43.—(1) In this Part of this Act a “rent agreement with a tenant having security of tenure” means— Protection for tenant with security of tenure.

- (a) an agreement increasing the rent payable under a protected tenancy which is a regulated tenancy, or
- (b) the grant to the tenant under a regulated tenancy, or to any person who might succeed him as a statutory tenant, of another regulated tenancy of the dwelling-house at a rent exceeding the rent under the previous tenancy:

Provided that there shall be disregarded for the purposes of this definition any increase of rent if (where any rates in respect of the dwelling-house are borne by the landlord or a superior landlord) the increase is no more than one corresponding to an increase in the rates borne by the landlord or a superior landlord in respect of the dwelling-house.

(2) If—

- (a) a rent agreement with a tenant having security of tenure takes effect on or after 1st January 1973, and was made at a time when no rent is registered for the dwelling-house under Part IV of the Rent Act 1968, and

PART IV

(b) it is not an agreement to which section 44 of this Act applies,

the requirements of subsection (3) below shall be observed as respects the agreement.

(3) The said requirements are that—

(a) the agreement is in writing signed by the landlord and the tenant, and

(b) the document containing the agreement contains a statement, in characters not less conspicuous than those used in any other part of the agreement, that the tenant's security of tenure under the Rent Act 1968 will not be affected if he refuses to enter into the agreement, and that entry into the agreement will not deprive the tenant or landlord of the right to apply at any time to the rent officer for the registration of a fair rent under Part IV of the Rent Act 1968, or words to that effect, and

(c) the statement mentioned in paragraph (b) above is set out at the head of the document containing the agreement.

1968 c. 23.

Protection
of tenant
with security
of tenure:
special
provisions
following
conversion.
1969 c. 33.

44.—(1) This section applies where a protected or statutory tenancy of a dwelling-house becomes a regulated tenancy by virtue of—

(a) Part III of this Act, or section 43 of the Housing Act 1969 (which is superseded by Part III of this Act), or

(b) section 35 of this Act, or

(c) paragraph 5 of Schedule 2 to the Rent Act 1968 (conversion on death of first successor),

and in this section "the conversion" means the time when the tenancy became a regulated tenancy.

(2) If a rent agreement with a tenant having security of tenure of the dwelling-house takes effect—

(a) on or after 1st January 1973, and after the conversion, and

(b) at a time when no rent is registered for the dwelling-house under Part IV of the Rent Act 1968,

the requirements of subsection (5) below shall be observed as respects the agreement.

(3) This section shall not apply to any agreement where the tenant is neither the person who, at the time of the conversion, was the tenant, nor a person who might succeed the tenant at that time as a statutory tenant, and where this section has

applied to any agreement, it shall not apply to any subsequent agreement relating to the dwelling-house which takes effect more than three years after the first such agreement took effect.

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(4) Where a rent is registered for the dwelling-house and the registration is subsequently cancelled, this section shall not apply to the agreement submitted to the rent officer in connection with the cancellation nor to any agreement which takes effect after the cancellation.

(5) The requirements mentioned in subsection (2) above are that not later than 28 days before the date when the agreement takes effect—

(a) the landlord gives to the local authority at the offices of the local authority a document in a prescribed form, and containing—

- (i) the prescribed particulars as respects the agreement and the dwelling-house to which it relates, and
- (ii) a statement, in characters not less conspicuous than those used in any other part of the document, which is the same as that required by section 43(3)(b) of this Act,

signed by the landlord and by the tenant, and

(b) the landlord has served a copy of the document on the tenant.

(6) Not later than the expiration of 21 days beginning with the date on which the document is given to the local authority in accordance with this section the local authority shall serve on the landlord, and on the tenant, a notice acknowledging receipt of the document, and stating that the rent of the dwelling-house is not to be increased for any period beginning before the expiration of a period of 28 days beginning with the date on which the document was given to the local authority.

(7) Any document given to the local authority in accordance with this section shall be open to public inspection without charge from 7 days after receipt:

Provided that the local authority may withdraw the right of inspection at the expiration of a period of three years beginning with the date when the agreement (or if this section is applied to more than one agreement relating to the dwelling-house, the first of them) took effect.

(8) No stamp duty shall be chargeable on any document executed in accordance with this section.

(9) In this section—

“local authority” means a local authority to whom section 107 of the Rent Act 1968 applies, and

1968 c. 23.

“prescribed” means prescribed by regulations under section 37 of the Rent Act 1968.

PART IV
Protection of
tenant with
security of
tenure where
grant-aided
improvement
is carried out.
1969 c. 33.

45.—(1) This section applies where a grant under Part I of the Housing Act 1969 has been approved in respect of works to be carried out in a dwelling-house subject to a regulated tenancy.

(2) If a rent agreement with a tenant having security of tenure of the dwelling-house takes effect—

(a) on or after 1st January 1973, and in the period beginning with the time when the tenant's consent to the works was sought by the landlord and ending one year after the completion of the works, and

(b) at a time when no rent is registered for the dwelling-house under Part IV of the Rent Act 1968,

and the increase of rent effected by the agreement is wholly or partly to take account of the carrying out of the works, the requirements of subsection (4) below shall be observed as respects the agreement.

(3) The provisions of this section are without prejudice to the requirements imposed by section 43 above.

(4) The requirements mentioned in subsection (2) above are that the statement in the document containing the agreement—

(a) says that a grant has been approved, and

(b) explains that, if a rent were to be registered following improvements for which a grant was payable, the rent increase up to the registered rent would be phased as follows, that is—

(i) if the increase exceeded £1.50 per week, the rent would be increased by three annual increments, each of one-third of the total increase,

(ii) if the rent increase did not exceed £1.50 per week, the rent would be increased by annual increments of up to £0.50 per week up to the registered rent.

Failure to
comply with
provisions for
protection
of tenant.

46.—(1) If, in the case of a variation of the terms of a regulated tenancy, there is a failure to observe any of the requirements of section 43, 44(5) or 45 of this Act, any excess of the rent payable under the terms as varied over the terms without the variation shall be irrecoverable from the tenant.

(2) If, in the case of the grant of a tenancy, there is a failure to observe any of the requirements of section 43, 44(5) or 45 of this Act, any excess of the rent payable under the tenancy so granted (for any contractual or any statutory period of the tenancy) over the previous limit shall be irrecoverable from the tenant.

(3) In subsection (2) above the "previous limit" shall be taken to be the amount which (taking account of any previous operation of this section) was recoverable by way of rent for the last rental period of the previous tenancy of the dwelling-

house, or which would have been so recoverable if all notices of increase authorised by the Rent Act 1968, or by section 37(3) of this Act, had been served. PART IV
1968 c. 23.

(4) A default which consists only in delay in complying with the requirements of paragraph (a) of section 44(5) above shall only affect rent for any rental period beginning before the expiration of a period of 28 days beginning with the date when the requirements in the said paragraph (a) are complied with and a default in complying with paragraph (b) of the said section 44(5) shall not apply to rent for any rental period beginning after the default is made good.

(5) Section 33 of the Rent Act 1968 (enforcement provisions) shall apply as if any amount made irrecoverable by this section were irrecoverable by virtue of Part III of that Act.

Miscellaneous

47.—(1) At the end of Schedule 1 to the Rent Act 1968 there shall be inserted the following paragraph:— Statutory
tenants by
succession.

“ 10.—(1) Where after a succession the successor becomes the tenant of the dwelling-house by the grant to him of another tenancy, “the original tenant” and “the first successor” in this Schedule shall, in relation to that other tenancy, mean the persons who were respectively the original tenant and the first successor at the time of the succession, and accordingly—

(a) if the successor was the first successor, and, immediately before his death he was still the tenant (whether protected or statutory), paragraphs 6 and 7 above shall apply on his death,

(b) if the successor was not the first successor, no person shall become a statutory tenant on his death by virtue of this Schedule.

(2) Sub-paragraph (1) above applies—

(a) even if a successor enters into more than one other tenancy of the dwelling-house, and

(b) even if both the first successor, and the successor on his death, enter into other tenancies of the dwelling-house.

(3) In this paragraph “succession” means the occasion on which a person becomes the statutory tenant of a dwelling-house by virtue of this Schedule and “successor” shall be construed accordingly.”

(2) Subsection (1) above shall apply as respects a succession which took place before the date of the coming into force of this section if and only if the tenancy granted after the succession,

PART IV or the first of those tenancies, was granted on or after that date, and where it does not apply as respects a succession, no account should be taken of that succession in applying subsection (1) above as respects any later succession.

(3) This section shall come into force at the expiration of a period of one month beginning with the date on which this Act is passed.

Supplemental. **48.** In this Part of this Act—

“ rates ” includes water rates and charges,

“ rent agreement with a tenant having security of tenure ” has the meaning given by section 43(1) of this Act,

1968 c. 23. and other expressions shall be construed as in the Rent Act 1968.

PART V

FAIR RENTS FOR HOUSING AUTHORITY DWELLINGS

Duty of
authorities
to charge
fair rents.

49.—(1) Subject to the provisions of this Part of this Act and of Part VI below, it shall be the duty of every local authority and of every new town corporation to charge for each of their Housing Revenue Account dwellings a fair rent determined on the principles set out in sections 50 and 57 below.

(2) Nothing in this Part of this Act shall impose any obligation as to the amount to be charged to a person—

(a) who occupies a dwelling in pursuance of a contract of service with the authority the terms of which require that he shall be provided with a dwelling at a rent specified in the contract or without payment of rent ;

1954 c. 56. (b) who occupies a dwelling comprised in a tenancy to which Part II of the Landlord and Tenant Act 1954 (security of business tenants) applies.

(3) Fair rents for Housing Revenue Account dwellings shall be determined in accordance with the procedure set forth in this Part of this Act.

(4) For the purposes of a determination under this Part of this Act, subject to section 57(2) below,—

(a) the rent for a dwelling shall be expressed as a weekly amount, whether or not the tenancy of the dwelling is a weekly tenancy ; and

(b) any arrangements made for administrative convenience such as are mentioned in section 70(6) below shall be disregarded.

(5) In this Part of this Act “ authority ” means a local authority or a new town corporation.

50.—(1) In determining a fair rent for a dwelling under this Part of this Act, 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 and to its state of repair. PART V
Principles
for the
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 dwellings in the locality on the terms (other than those relating to rent) of the tenancy is not substantially greater than the number of such dwellings in the locality which are available for letting on such terms, and that no person seeking to become such a tenant can expect any special preference.

(3) There shall be disregarded—

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

and any improvement carried out by a previous tenant may be disregarded if a member of that tenant's family who then resided with him is the present tenant.

(4) In any case where, if the rent of a dwelling were being determined under Part IV of the Rent Act 1968, consideration would be given to the return that it would be reasonable to expect on it as an investment, the like consideration shall be given in determining a fair rent for it under this Part of this Act, and the fact that it is vested in a public body shall be disregarded. 1968 c. 23

(5) In this section "improvement" includes the replacement of any fixture or fitting.

51.—(1) The panel of persons drawn up for any area under paragraph 1 of Schedule 5 to the Rent Act 1968 (panels for the constitution of rent assessment committees) shall also be a panel for the constitution of rent scrutiny boards for that area; and the Secretary of State may accordingly appoint to any panel drawn up under that paragraph such number of persons as he considers necessary to enable the members of the panel to carry out the functions of rent scrutiny boards for their area. scrutiny
boards.

(2) The terms of appointment of a person appointed to a panel under subsection (1) above shall state that he is appointed under that subsection.

(3) The president of a panel shall constitute rent scrutiny boards to act for such areas as he may determine, comprising together the whole of the panel's area.

PART V

(4) Subject to subsection (6) below, each rent scrutiny board shall consist of a chairman and at least six other members, at least two of whom shall be persons appointed to the panel under subsection (1) above.

(5) The chairman and other members of a board shall be nominated and may be removed by the president of the panel.

(6) If a member of a board for any reason ceases to be a member, the president shall nominate another member of the panel to replace him, and in doing so shall have regard to subsection (4) above; but he shall not be obliged to make a nomination until he regards it as expedient.

(7) A board may continue to carry out their functions during a vacancy in their membership, and no act performed by them during such a vacancy shall be invalidated by reason of it.

(8) The president of the panel may be chairman or an ordinary member of a board.

(9) The president of the panel may appoint, with the approval of the Secretary of State as to numbers, such clerks and other officers and servants of rent scrutiny boards as he thinks fit, and there shall be paid to the clerks and other officers and servants out of moneys provided by Parliament such salaries and allowances as the Secretary of State, with the consent of the Minister for the Civil Service, may determine.

(10) The functions of the president of a panel under this section may be exercised, 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.

Provisional
assessment
of fair rent.

52.—(1) It shall be the duty of every authority provisionally to assess a fair rent for each of their dwellings which is a Housing Revenue Account dwelling when this Act comes into force.

(2) The duty provisionally to assess a fair rent imposed by subsection (1) above shall be construed, in relation to a dwelling which is not let when the authority perform it, as a duty provisionally to assess the rent which would be a fair rent for that dwelling if it were let by the authority on the terms on which they normally let comparable dwellings.

1968 c. 23.

(3) For the purpose of provisionally assessing a fair rent for a dwelling an authority may consult any rent officer appointed by virtue of section 40 of the Rent Act 1968 for the registration area in which the dwelling is situated.

(4) It shall be the duty of an authority, for the purpose of provisionally assessing fair rents for dwellings which are situated in the area of another authority, to consult that authority.

53.—(1) An authority shall publish their provisional assessment of fair rents within six months of the coming into force of this Act, by depositing a copy of it at their principal office.

PART V
Publication
and alteration
of provisional
assessments.

(2) In addition to publishing their provisional assessment in accordance with subsection (1) above, an authority shall take, not later than the date of publication, such further steps as may appear to them best designed to secure that it is brought to the notice of their tenants, and for that purpose may in particular deposit copies of it—

- (a) at any office other than their principal office which their tenants normally attend for the purpose of dealing with matters arising out of the authority's management of their Housing Revenue Account dwellings ;
- (b) at the principal office of any other authority in whose area any of their Housing Revenue Account dwellings are situated,

and shall notify in writing each individual tenant of a dwelling to the rent of which the assessment relates of the rent provisionally assessed for his dwelling and also—

- (i) that copies of the authority's provisional assessment of fair rents for their dwellings have been deposited at the offices mentioned in the notice and are available for inspection there, and
- (ii) that every tenant of such a dwelling has the right under subsection (5) below to make representations relating to the assessment.

(3) Where an authority have Housing Revenue Account dwellings which are situated in the area of another authority, it shall be the duty of those authorities to consult together with a view to depositing copies of their assessments on the same day both in their principal offices and in any other office in which it is proposed that they should be deposited under subsection (2) above.

(4) Copies of assessments which have been deposited at an office shall be made available for inspection at that office at all reasonable times.

(5) If within two months of the date of publication of a provisional assessment an authority receive representations in writing relating to the assessment from any tenant of a dwelling

PART V

to the rent of which the assessment relates, they shall consider the representations, and according to the circumstances may re-assess the rent of the dwelling and of any other dwelling the rent of which in their opinion should in consequence also be re-assessed, or confirm the rent previously assessed.

(6) If an authority re-assess the rent of a dwelling under subsection (5) above, they shall notify the tenant of the dwelling in writing of the amount of the rent as re-assessed.

(7) If an authority re-assess the rent of a dwelling under subsection (5) above—

(a) they shall amend the entry relating to the rent of that dwelling in the copy of the assessment deposited at their principal office;

(b) they shall take such steps as they may consider reasonable—

(i) to amend copies deposited at any other of their offices;

(ii) to inform any other authority at whose offices copies have been deposited that those copies ought to be amended.

(8) Any reference to a copy of an assessment in the provisions of this section other than subsection (1) above or in section 54 below includes a reference to a copy of part of an assessment.

Submission
of provisional
assessment
and supple-
mentary
information
to rent
scrutiny
board.

54.—(1) Not later than four months from the date on which an authority publish a provisional assessment under subsection (1) of section 53 above, they shall submit it (amended where necessary pursuant to subsection (7) of that section) to the rent scrutiny board.

(2) An assessment may be submitted to the rent scrutiny board under subsection (1) above by sending it to the office of the panel for the constitution of that board.

(3) The board may, by notice in writing to the authority, require the authority, in addition to submitting copies of their provisional assessment, to give them, within such period (which shall be not less than fourteen days from the date of service of the notice) as may be specified in the notice, such further information so specified as they may reasonably require for the purpose of fulfilling their functions in relation to that assessment.

(4) Without prejudice to subsection (3) above, the Secretary of State may direct that the information to be supplied to rent scrutiny boards by authorities in general or by any description of authority or particular authority specified in the direction shall include such information as may be specified in the direction.

(5) A notice under subsection (3) above may be served upon an authority by delivering it to their clerk or principal officer, or by leaving it at their principal office with some person employed there, or by sending it by post in a registered letter or by the recorded delivery service addressed to the authority or their clerk or principal officer at their principal office.

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55.—(1) It shall be the duty of the rent scrutiny board to consider any provisional assessment submitted to them and to confirm the rents assessed by the authority or substitute other rents for them. Functions
of rent
scrutiny
board.

(2) The board shall not be obliged to consider individually the rent of any particular dwelling to which an assessment relates.

(3) The board shall be taken to have considered an assessment if they have considered it by reference to—

(a) the rents of certain dwellings to which it relates and which in their opinion are representative of types or descriptions of such dwellings ; or

(b) the rents of reasonable samples of dwellings to which it relates but which in their opinion are not sufficiently similar to each other to fall within the same type or description.

(4) Subject to any direction given under subsection (5) below, the board—

(a) may consider a provisional assessment partly by the method specified in paragraph (a) and partly by that specified in paragraph (b) of subsection (3) above ;

(b) may determine the criteria by reference to which a type or description of dwellings is to be defined or a sample of dwellings is to be chosen ;

(c) may apply different criteria in the definition of different types or descriptions of dwellings or the choice of different samples.

(5) The Secretary of State may give directions to rent scrutiny boards, or to any such boards as are specified in a direction, as to the manner in which they are to apply the provisions of subsections (3) and (4) above.

(6) A rent scrutiny board shall not be required to have regard to any representations made to them with respect to provisional assessments which have been submitted to them.

56.—(1) If the rent scrutiny board agree with a provisional assessment, they shall send to the authority a report confirming the assessment. Determination
of fair rent.

(2) If the board have confirmed a provisional assessment, the fair rent for any dwelling to which the assessment relates shall be the rent which the authority assessed in that assessment.

PART V

(3) If the board do not agree with the rents assessed for any dwellings to which a provisional assessment relates, they shall send to the authority a report on that assessment specifying the rents (if any) with which they agree and the rents with which they do not agree and giving their reasons for disagreeing with the rents with which they do not agree and stating the rents which in their opinion ought to be substituted for them.

(4) If within two months of the receipt of a report under subsection (3) above the authority make representations in writing to the board as to any of the rents to which the report relates, the board shall have regard to those representations and send to the authority either amendments to their report or a notice that they do not propose to make any amendments.

(5) The authority shall deposit any report under subsection (1) or subsection (3) above, and any amendments under subsection (4) above of a report under subsection (3) above, at their principal office.

(6) The fair rent of any dwelling to which a report under subsection (3) above relates shall be the rent specified in the report as originally sent to the authority or, as the case may be, as amended under subsection (4) above.

(7) For the purposes of this Act a fair rent of a dwelling is determined under this section—

(a) in a case to which subsection (2) above applies, on the date when the authority receive the board's report under subsection (1) above ;

(b) in a case to which subsection (3) above applies—

(i) if the authority make no representations under subsection (4) above concerning any of the rents to which the report under subsection (3) above relates, at the end of two months from the date when the authority receive the board's report ;

(ii) if the authority make such representations, on the date when the authority receive from the board either amendments to their report or a notice that they do not propose to make any amendments.

(8) The authority shall notify in writing each individual tenant of a dwelling of the rent which has been determined for his dwelling.

(9) A list of the fair rents of an authority's Housing Revenue Account dwellings shall be deposited by that authority at their principal office.

(10) Where an authority have deposited copies of a provisional assessment of fair rents for dwellings at any office

other than their principal office, they shall also deposit at that office— **PART V**

- (a) any report on that assessment made by the rent scrutiny board under subsection (1) or (3) above ;
- (b) any amendments under subsection (4) above of a report under subsection (3) above ;
- (c) a list of the fair rents determined for the dwellings.

(11) Any report, amendments or list deposited at an office under subsection (5), (9) or (10) above shall be made available for public inspection at that office at all reasonable times ; and the authority shall furnish a copy to any person on payment of such reasonable sum as they determine.

57.—(1) In connection with the determination of the fair rent of a Housing Revenue Account dwelling the authority and the rent scrutiny board— Treatment for purposes of Part V of sums payable in respect of rates or for use of furniture or for services.

- (a) shall take account of any sums payable by the tenant to the authority 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 or are payable under separate agreements ;
- (b) shall not take account of any liability to pay rates.

(2) Where under the terms of a tenancy the sums payable by the tenant to the authority include any sums varying according to the cost from time to time of any services provided by the authority, the fair rent may be determined as an amount variable in accordance with those terms.

58.—(1) Subject to the provisions of this section, it shall be the duty of an authority to assess from time to time for any of their Housing Revenue Account dwellings for which a fair rent has previously been determined such a new fair rent as in their opinion will be sufficient to take account of any change in the condition of the dwelling or the terms of the tenancy, or in the other circumstances taken into account when the fair rent was previously determined. Determination of a new fair rent in case of change of circumstances.

(2) Subsection (1) above applies even if the change, although not taken into account, occurred before the fair rent was previously determined, but shall not apply to a change later than three months before the beginning of the next review under section 59 of this Act.

(3) Where an authority assess a new fair rent for a dwelling under this section at a time when the dwelling is let, their assessment shall be provisional.

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(4) If within two months of the date of notification under subsection (3) above the authority receive representations in writing from the tenant relating to the rent provisionally assessed, they shall consider the representation and may re-assess the rent or confirm the rent provisionally assessed according to the circumstances.

(5) The Secretary of State may direct authorities in general or any description of authority or particular authority specified in the direction to submit to the rent scrutiny board particulars of the new fair rent of a dwelling which they propose under this section, their reasons for the proposal and any other information specified in the direction as being information which in his opinion is relevant.

(6) In any case where a direction has been given under subsection (5) above—

(a) the rent scrutiny board shall have the like functions for the purpose of determining a fair rent of dwellings particulars of which are submitted to them in accordance with the direction as they have for the purpose of the first determination of a fair rent for a dwelling which is a Housing Revenue Account dwelling when this Act comes into force ; and

(b) subsections (2) and (6) of section 56 above shall have the like effect as they have in relation to such a first determination of a fair rent.

(7) The authority shall notify the tenant of a dwelling in writing of any rent which has been assessed or determined for his dwelling under subsection (3), (4) or (6) above.

(8) For the purposes of this Act a new fair rent of a dwelling is determined under this section, subject to subsections (9) and (10) below—

(a) in a case to which subsection (3) above does not apply, on the date when the authority assess it ;

(b) in a case to which subsection (3) above applies but subsection (4) above does not apply, at the end of two months from the date of the notification under subsection (3) above ;

(c) in a case to which subsections (3) and (4) above both apply, on the date when the authority re-assess the rent or confirm the rent previously assessed.

(9) In a case to which subsection (6) above applies the date on which a fair rent is determined shall be ascertained in accordance with the provisions of section 56(7) of this Act.

(10) In any case where a new fair rent of a dwelling determined under this section is lower than the rent which was the fair rent of the dwelling immediately before the determination,

the authority may treat the date of determination of the new fair rent as having been such date as may in their opinion be appropriate, being either the date of the change in circumstances as a result of which the new fair rent was determined or a date after that change but before the date which would be the date of determination under subsection (8) or (9) above.

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59.—(1) Without prejudice to section 58 above, it shall be the duty of an authority to carry out from time to time a review of the fair rents of all their dwellings which are Housing Revenue Account dwellings on the date specified in subsection (2) below.

Triennial review of fair rents.

(2) The date mentioned in subsection (1) above is for each review a date six months before the date on which the authority are required by subsection (4) below to publish their provisional assessments.

(3) This Part of this Act shall apply in relation to a review of fair rents under this section as it applies in relation to the first determination of such rents for dwellings which are Housing Revenue Account dwellings when this Act comes into force.

(4) Subject to subsection (5) below, an authority shall publish their provisional assessments in accordance with section 53 of this Act on a date not later than three years after the date on which the fair rent of their Housing Revenue Account dwellings was last determined under section 56 above or this section.

(5) The Secretary of State may direct authorities in general or any description of authority specified in the direction or any authority so specified to publish any assessment under this section on a date earlier or later than it would otherwise fall to be published.

60.—(1) It shall be the duty of an authority to determine on the principles set out in sections 50 and 57 above a fair rent for any dwelling which becomes a Housing Revenue Account dwelling after the coming into force of this Act.

Dwellings which become Housing Revenue Account

(2) A determination under this section shall be made, subject to subsection (3) below, as soon as reasonably possible after the dwelling to which it relates becomes a Housing Revenue Account dwelling.

dwellings after Act comes into force.

(3) An authority shall not determine a fair rent under this section until, in connection with their first determination of fair rents under this Part of this Act—

- (a) the authority receive a report from the rent scrutiny board under subsection (1) of section 56 above, or
- (b) the authority receive a report under subsection (3) of the said section 56 and the authority decide to make no

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representations concerning the rents to which the report relates, or the two month time limit for making such representations expires without their making any representations, or

(c) the authority receive from the rent scrutiny board, after making any such representations, either amendments to the board's report or a notice that the board do not propose to make any amendments.

(4) The Secretary of State may direct that as respects an authority who have no Housing Revenue Account dwellings when this Act comes into force the provisions of this Part of this Act shall have effect subject to such exceptions or modifications as may be specified in the direction.

(5) For the purposes of this Act a fair rent is determined under this section on the date when the authority determine one.

Interpretation
of Part V.

1965 c. 59.

61.—(1) References in this Part of this Act to the area of a new town corporation are references—

(a) in relation to a development corporation, to any area designated under section 1 of the New Towns Act 1965 as the site of the proposed new town for the purpose of whose development the corporation was established (including any extension of that area);

(b) in relation to the Commission, to any area which immediately before the date on which the property of a development corporation vested in the Commission by virtue of an order under section 41 of that Act, was designated under the said section 1 for development as a new town by the development corporation (including any extension of such an area).

(2) The duties imposed on the Commission by this Part of this Act shall be taken to be duties severally imposed on them in relation to each such area as is mentioned in paragraph (b) of subsection (1) above, and not in relation to the aggregate of those areas.

(3) In this Part of this Act, references to a rent scrutiny board are, in relation to any assessment, references to the rent scrutiny board constituted under section 51(3) above for the area in which are situated the dwellings to which the assessment relates.

(4) Any reference to an assessment in the provisions of this Part of this Act, other than the provisions mentioned in subsection (5) below, includes a reference to a part of an assessment.

(5) The provisions referred to in subsection (4) above are section 53(1), section 53(7)(a), section 58 and section 59 of this Act.

(6) In this Part of this Act—

PART V

- “ authority ” means a local authority or a new town corporation ;
- “ rates ” includes water rates and charges ;
- “ tenant ” includes a person occupying premises under a licence ; and
- “ tenancy ” and other cognate expressions shall be construed accordingly.

PART VI

HOUSING AUTHORITY DWELLINGS: PROGRESSION TO FAIR RENTS

62.—(1) Every local authority, and every new town corporation shall, subject to the provisions of this section, make the increases (in this Part of this Act called “ increases towards fair rents ”) required by sections 63 and 64 below. Increases towards fair rents.

(2) The increases shall be in the rents of some or all of such of the authority's Housing Revenue Account dwellings as are—

- (a) dwellings for which a fair rent has been determined (or redetermined) under Part V of this Act which exceeds the rent for the time being charged, or
- (b) dwellings for which no fair rent has been determined, but excluding from paragraph (a) and paragraph (b) above—
 - (i) any dwelling for the time being occupied by a person within section 49(2) of this Act, and
 - (ii) a dwelling for the time being subject to a tenancy which was granted, by the authority or any predecessor in title of the authority, before 19th July 1971 and which is not a periodical tenancy, and
 - (iii) a dwelling which, whether before the coming into force of this Act or later, was acquired by the authority from a person other than another housing authority, which when acquired was regarded by the authority as only likely to be available for use as a dwelling for a period not exceeding ten years and—
 - (aa) which is for the time being subject to a tenancy which was granted before it was so acquired and which is not a periodical tenancy, or
 - (bb) which for the time being is subject to a periodical tenancy and is a dwelling for which a fair rent has not been determined, and
 - (iv) a dwelling which is for the time being excluded from section 69 of this Act by a direction given by the Secretary of State.

The authority's dwellings for the time being within paragraphs (a) and (b) of this subsection are in this Part of this Act called “ qualifying dwellings ”.

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(3) Nothing in the following provisions of this Part of this Act shall authorise the authority at any time to increase a rent to an amount in excess of the fair rent for the dwelling and accordingly no increase towards fair rents shall be made in any year if on the relevant date in that year the rents for all the authority's Housing Revenue Account dwellings are fair rents.

In this subsection "the relevant date" means—

- (a) in the year 1972-73, 1st October 1972, and
- (b) in any later year the relevant date as defined in section 64 below.

(4) If it appears to the Secretary of State that the amount of an authority's increase towards fair rents in the year 1972-73 or 1973-74, as determined under the following provisions of this Part of this Act, is such that, whatever the way in which the increase is distributed or apportioned among the authority's qualifying dwellings, that increase towards fair rents is likely to bring the rents of 2 per cent. or more of the authority's qualifying dwellings substantially above the fair rents for those dwellings, the Secretary of State may direct that the authority's increase towards fair rents in the year 1972-73, or as the case may be in the year 1973-74, shall be such lower amount as is specified in the direction.

(5) An increase towards fair rents may be up to 1 per cent. more or less than the exact amount required by section 63 or 64 below, or as the case may be by subsection (4) above.

(6) Subject to section 65 below, the way in which an increase towards fair rents is distributed or apportioned among the authority's qualifying dwellings shall be such as the authority may determine.

(7) Where the weekly or other periodical amount of rent for a qualifying dwelling which the authority would have to collect to conform with their determination under subsection (6) above would not be an exact multiple of 5 new pence, it may be increased or reduced by not more than $2\frac{1}{2}$ new pence so as to produce an exact multiple of 5 new pence; and the power conferred by this subsection shall be exercisable notwithstanding that the total increase towards fair rents is then more or less than the exact amount mentioned in subsection (5) above as adjusted under that subsection, but this subsection has effect subject to section 65 below.

(8) Subsection (7) above shall be applied by reference to the methods of rent collection adopted by the authority and without regard to subsection (2) or subsection (6) of section 70 of this Act.

63.—(1) If the authority made a general rent increase in the first half of 1972-73 which produces £26 or more per dwelling in 1972-73 they shall not make an increase towards fair rents in that year.

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Increase
towards
fair rents
before
1973-74.

(2) Subject to subsection (1) above, an increase towards fair rents shall be made in the year 1972-73, and the increase in the rent of any qualifying dwelling shall take effect for the rental period, or the first rental period, beginning on or after 1st October 1972.

(3) Subject to subsection (1) above, if the authority made a general rent increase in the first half of 1972-73, or in the second half of 1971-72, the amount of the increase towards fair rents shall be that specified in column 2 of the Table below.

(4) If the authority made no general rent increase in the first half of 1972-73 or in the second half of 1971-72, the amount of the increase towards fair rents in the year 1972-73 shall be an amount which, in the first week, produces additional rental income of an amount equal to £1 times the number of the authority's qualifying dwellings on 1st October 1972.

(5) If in the period beginning with 19th July 1971 and ending immediately before the coming into force of this Act decreases, whether simultaneous or not, were made in the rents of more than one per cent. of the authority's Housing Revenue Account dwellings as at the coming into force of this Act, the increase towards fair rents in the year 1972-73, as ascertained in accordance with the preceding provisions of this section and the Table below, shall be increased by an amount which produces a total weekly rental equal to the total weekly rental lost by the decreases.

This subsection applies whether or not the decreases were wholly or partly restored before the coming into force of this Act.

(6) If the authority made a general rent increase in the first half of 1972-73 which produces £26 or more per dwelling in 1972-73, and subsection (5) above applies, subsection (1) of this section shall not apply, and an increase towards fair rents in the year 1972-73 under subsection (2) above shall be made equal to the said amount which produces a total weekly rental equal to the total weekly rental lost by the decreases described in subsection (5) above.

(7) The Secretary of State may in any case direct—

- (a) that subsections (5) and (6) above shall not apply, or
- (b) that those subsections shall have effect as if for the reference to the total weekly rental lost by the decreases there were substituted a reference to such fraction of that total weekly rental as is specified in the direction.

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Any direction under this subsection may be either a general direction as respects specified classes or descriptions of authorities, or specified circumstances, or a direction as respects a particular authority or a particular case.

(8) Subject to section 70(6) below, the decreases to which subsections (5) and (6) above apply include any case where there is a reduction of rents (affecting more than one per cent. of the dwellings in question) for any period, however short and, for the purposes of the said subsections (5) and (6), rebates from rent, or waivers of rent, unrelated to the particular personal or domestic circumstances of the tenants, granted for a week or other period, and not granted for prior periods, shall be treated as decreases of rent.

(9) For the purposes of this and the next following section—

- (a) there is a general rent increase in a specified period if in that period increases, whether simultaneous or not, are made in the rent of more than one per cent. of the authority's Housing Revenue Account dwellings as at 31st March 1972,
- (b) where a rental period begins before, but ends after, the beginning of a specified period, an increase taking effect from the beginning of that rental period shall be regarded as made in the specified period,
- (c) "second half of 1971-72" means the last six months of that year,
- (d) "first half of 1972-73" means the first six months of that year, or the period beginning with 1st April 1972 and ending with the coming into force of this Act, whichever is the shorter,
- (e) "£26 per dwelling" means £26 times the number of the authority's Housing Revenue Account dwellings as at 31st March 1972, but excluding any dwelling within paragraph (i), (ii) or (iii) of section 62(2) above,
- (f) it shall be assumed that a dwelling is always let, and that the increased rent is paid in full.

For the purposes of paragraph (a) above the termination of any such rebates from rent, or waivers of rent, as are referred to in subsection (8) above shall not be regarded as giving rise to increases of rent.

(10) Any reference in this section to additional rental income "in the first week", as respects additional rental income from an increase towards fair rents, is a reference to the additional rental income produced by the increase in question for the weekly rental period, or first weekly rental period, for each dwelling in question beginning on or after 1st October 1972.

TABLE

PART VI

<i>General rent increase</i>	<i>Amount of increase towards fair rents on 1st October 1972</i>
1	2
If the authority made a general rent increase in the first half of 1972-73, but it did not produce £26 or more per dwelling in 1972-73—	
1. If the general rent increase produced an additional rental income of an amount which was not less than £0.50 times the number of the qualifying dwellings as at 31st March 1972 for the first week in which the rent increase was completed.	The least amount which secures that the amount produced in 1972-73 by the general rent increase plus the increase towards fair rents is not less than £26 per dwelling.
2. If head 1 above does not apply.	The least amount which secures— (a) that the amount produced in 1972-73 by the general rent increase plus the increase towards fair rents is not less than £26 per dwelling, and (b) that, in the first week, the said two increases together produce additional rental income of an amount equal to £0.75 times the number of qualifying dwellings on 1st October 1972.
If the authority made a general rent increase in the second half of 1971-72, and no general rent increase in the first half of 1972-73—	
1. If the amount produced in 1971-72 and 1972-73 taken together by the general rent increase is not less than £26 per dwelling.	An amount which, in the first week, produces an additional rental income of an amount equal to £0.50 times the number of the authority's qualifying dwellings on 1st October 1972.
2. If head 1 above does not apply.	The least amount which secures— (a) that the amount produced in 1971-72 and 1972-73 taken together by the general rent increase plus the amount produced in 1972-73 by the increase towards fair rents is not less than £26 per dwelling, and

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General rent increase

Amount of increase towards
fair rents on 1st October 1972

1	2
2. If head 1 above does not apply. (continued)	(b) the production in the first week of an additional rental income of an amount equal to £0.50 times the number of the authority's qualifying dwellings on 1st October 1972, and (c) that, in the first week, the said two increases together produce additional rental income of an amount equal to £0.75 times the number of qualifying dwellings on 1st October 1972.

Increase towards fair rents in 1973-74 and subsequent years.

64.—(1) An increase towards fair rents shall be made in the year 1973-74 and in each subsequent year, and the increase in the rent of any qualifying dwelling shall take effect for the rental period, or the first rental period, beginning on or after the relevant date as defined in the following provisions of this section.

(2) The amount of any such increase shall be that which, in the first week, produces additional rental income of an amount equal to £0.50 times the number of the authority's qualifying dwellings on the said relevant date.

(3) The relevant date in the year 1973-74 shall, subject to subsection (4) below, be fifty-two weeks after 1st October 1972.

(4) If the authority made a general rent increase in the first half of 1972-73 which produced in 1972-73 £26 or more per dwelling, the relevant date is fifty-two weeks after that general rent increase took effect.

(5) If the general rent increase was not made simultaneously, the relevant date shall be fifty-two weeks after the increase in the largest number of rents made simultaneously, taking, if there are two or more equally large, the latest of them.

(6) If the general rent increase was made at the beginning of a rental period beginning before 1st April 1972, and was taken into account by virtue of section 63(9)(b) of this Act, it shall be regarded for the purposes of subsection (4) above as taking effect at the beginning of that rental period.

(7) The relevant date in any year after the year 1973-74 shall be fifty-two weeks after the relevant date in the last preceding year (whether or not any increase towards fair rents was required in that preceding year).

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(8) An authority may substitute for the relevant date as determined under the preceding provisions of this section any of the next seven days, and shall exercise the power conferred by this subsection where otherwise there would be two relevant dates in the same year.

(9) The Secretary of State may on the application of any authority direct that this section shall apply, for any year specified in the direction, with such adjustments as appear to the Secretary of State desirable for the convenience of the authority in the administration of the increase towards fair rents, and any such adjustment may be as respects all or any of the authority's qualifying dwellings.

(10) Any reference in this section to additional rental income "in the first week" is a reference to the additional rental income produced by the increase in question for the weekly rental period, or first weekly rental period, for each dwelling in question beginning on or after the relevant date.

65.—(1) An increase towards fair rents made in the year 1972-73—

- (a) shall not increase the rent of any qualifying dwelling by more than £1 per week, and
- (b) if there was a general rent increase in the first half of 1972-73, shall not make an increase in the rent of any qualifying dwelling which, taken together with that general rent increase, is more than £1 per week.

Maximum annual increase for any dwelling.

(2) An increase towards fair rents made in the year 1973-74 or any later year shall not increase the rent of any qualifying dwelling by more than £0.75 per week.

(3) This section shall be applied before giving effect to subsection (5) of section 63 of this Act, and shall not apply to any increase required by subsection (5) or subsection (6) of that section.

(4) In this section "first half of 1972-73" and "general rent increase" have the same meanings as in section 63 of this Act.

66.—(1) Subject to the preceding provisions of this Part of this Act, the authority, in determining the rents to be charged for their qualifying dwellings shall act on the principles set out in this section.

Variations of rent apart from annual increases towards fair rents.

(2) Subject to subsection (3) below, rents shall not be increased or reduced during the currency of a tenancy, and if—

- (a) the tenant is granted a new tenancy, or
- (b) on the death of a tenant, a member of that tenant's family who was then residing with him is granted a new tenancy, or

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- (c) there is a change of tenant, or a new tenancy, and the tenant is the wife or husband of the previous tenant, and is treated by the authority as deserted by the other,

the rent of the dwelling shall not exceed the rent for the last rental period before the change of tenant or the new tenancy.

(3) Rents may be increased to reflect—

- (a) any change in the condition of the dwelling, but disregarding any improvement carried out, otherwise than in pursuance of the terms of the tenancy, by the tenant or any predecessor in title of his, or
- (b) any change in the terms of the tenancy (other than terms as to rent), or
- (c) any other change of circumstances.

This subsection applies both during the currency of a tenancy and on the grant of a new tenancy.

(4) Except to prevent a rent being above the fair rent, a rent shall not be reduced, rent under a new tenancy shall not be less than the rent under the previous tenancy and the rent of a dwelling not previously let shall not be less than that of the most nearly comparable Housing Revenue Account dwelling of the authority.

(5) In determining a rent no account shall be taken of a tenant's means or resources.

(6) This section, so far as it applies during the currency of a tenancy, has effect as respects tenancies granted before the coming into force of this Act or later.

(7) In this section "improvement" includes the replacement of any fixture or fitting.

Rent exceeding a fair rent.

67.—(1) This section has effect where a fair rent is determined, or redetermined, for a Housing Revenue Account dwelling at a time when it is let at a rent exceeding the fair rent.

(2) The authority shall reduce the rent to the fair rent with effect from the first rental period beginning after the time of the determination, but without prejudice to the application of this Part of this Act on any redetermination of the fair rent.

(3) If the fair rent is the first determined for the dwelling, the amount, if any, by which the rent paid for any rental period which began before the time of the determination (that is to say a rental period which began at a time when there was no fair rent) exceeded the fair rent so determined shall be recoverable from the authority by the tenant who paid the rent.

This subsection applies whether or not the tenant was the person who is the tenant when the fair rent is determined, and

applies to any rental period ending not earlier than 1st October 1971.

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(4) Where rent was paid under a tenancy the terms of which (other than terms as to rent) are different from the terms of the tenancy for which the fair rent is determined, the fair rent to be taken into account under subsection (3) above shall be the actual amount of the fair rent with such adjustment as properly reflects the difference in the terms.

(5) Where a rent rebate was granted to the tenant for any rental period taken into account under subsection (3) above, and, if the tenant had paid no more than the fair rent, with any adjustment under subsection (4) above, the rent rebate would have been less, the difference between the amounts of the respective rent rebates shall be deducted from the excess as arrived at under subsection (3) above.

(6) If a person entitled to recover any amount under the preceding provisions of this section is not the tenant on the date when the fair rent is determined, the authority shall, in the twelve months after that date, take all reasonable steps to trace him or his personal representatives, and to refund what is due.

(7) If the authority receives a statutory declaration that—

- (a) the person entitled to recover any amount under the preceding provisions of this section has died, and
- (b) the claimant specified in the declaration is entitled to receive that amount,

and the authority has obtained satisfactory evidence of the death, the authority may pay that amount to the said claimant.

(8) Where the power conferred by subsection (7) above has been exercised, the payment shall be valid and effectual with respect to any claim against the authority, but without prejudice to any right of recourse by any personal representative or beneficiary against the person who received the payment.

(9) No proceedings shall be instituted to recover any amount made recoverable by this section after the expiry of a period of three years beginning with the date on which the fair rent was determined.

68.—(1) An increase of rent to reflect any such change of circumstances as is described in section 66(3) above (whether for a rental period beginning before the coming into force of this Act or later)—

- (a) shall be disregarded in determining whether there has been a general rent increase or in determining the amount of that increase, and
- (b) shall not count towards the increases towards fair rents which the authority is to make.

Increases towards fair rents: supplemental provisions.

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(2) An authority shall not in the case of any of the authority's Housing Revenue Account dwellings grant a long periodical tenancy, or agree to alter the terms of a short periodical tenancy so as to convert it into a long periodical tenancy, unless the authority is satisfied that it will still be possible to make all increases towards fair rents without imposing an unfair burden on other tenants, and that in other respects to do so will not conflict with the duties imposed on them by the provisions of this Part of this Act about increases towards fair rents.

(3) If in the period beginning with 19th July 1971 and ending immediately before the coming into force of this Act any authority has, as respects 1 per cent. or more of their Housing Revenue Account dwellings as at the coming into force of this Act, converted a short periodical tenancy (by the grant of a new tenancy or a variation of its terms) into a long periodical tenancy, then as from the coming into force of this Act each periodical tenancy so converted, or any other long periodical tenancy to which the dwelling is then subject, shall become a tenancy which, except as respects the rent, is the same as the tenancy which was converted, and is at a rent equivalent to the current rent.

This subsection shall not apply if the Secretary of State so directs as respects all or any of the dwellings.

(4) In this section "short periodical tenancy" means a periodical tenancy of a month or of a shorter period, and "long periodical tenancy" means any other periodical tenancy.

Tenancies
at a rent
unalterable
over a long
period.

69.—(1) This section applies to a tenancy of any of the authority's Housing Revenue Account dwellings (including a tenancy granted before the coming into force of this Act) other than—

- (a) a dwelling for the time being subject to a weekly or other periodical tenancy,
- (b) a dwelling for the time being subject to a tenancy granted, by the authority or any predecessor in title, before 19th July 1971,
- (c) a dwelling which, whether before the coming into force of this Act or later, was acquired by the authority from a person other than another housing authority, which when acquired was regarded by the authority as only likely to be available for use as a dwelling for a period not exceeding ten years and which is for the time being subject to a tenancy which was granted before it was so acquired, or
- (d) a dwelling for the time being excluded from this section by a direction of the Secretary of State subject to such conditions, if any, and for such period, as may be

specified in the direction, being a general direction, or a direction given on the application of an authority for a particular case,

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if, apart from this section, the authority would not have the rights conferred by subsection (2) of this section.

(2) It shall be an implied term of the tenancy that the authority may increase the rent payable under the tenancy with effect from the beginning of any rental period by a notice given to the tenant not less than four weeks before the beginning of the rental period (or any earlier day on which the payment of rent in respect of that period falls to be made).

Where in accordance with this section a term is to be so implied for the benefit of the landlord, it shall also be an implied term of the tenancy that the tenant may terminate the tenancy with effect from the beginning of any rental period by a notice given not later than two weeks before the beginning of that rental period.

(3) Where an authority gives a notice of increase under subsection (2) above for the beginning of a rental period and the tenancy continues into that period, the notice shall nevertheless not have effect if the tenancy is terminated by notice given by the tenant in accordance with the provisions, express or implied, of the tenancy, and—

- (a) the notice to terminate the tenancy is given before the end of the period of two weeks following the date on which the notice of increase is given, or such longer period as may be allowed by the notice of increase, and
- (b) the date on which the tenancy is made to terminate is not later than the earliest day on which the tenancy could be terminated by a notice given by the tenant on the last day of that period.

(4) An authority's notice of increase under subsection (2) above shall not be valid unless it tells the tenant of his right to terminate the tenancy and of the steps to be taken by him if he wishes to do so, and it also gives him the dates by which, if the increase is not to be effective, the notice to terminate the tenancy must be received by the authority and the tenancy be made to terminate.

(5) If any rental period exceeds six weeks, this section shall apply as if references to the beginning of the rental period included references to the beginning of the second or any subsequent week in the rental period.

(6) Where the rent for any rental period beginning after the coming into force of this Act would, apart from this subsection, be less than the rent for any previous rental period of the tenancy

PART VI (including in the case of a tenancy granted before the date of the coming into force of this Act a rental period beginning before that date) it shall be the duty of the authority to exercise the rights conferred by this section so as to increase the rent up to the highest rent for any previous rental period of the tenancy.

(7) Subject to subsection (6) above, the rights conferred on the authority by this section have effect subject to the other provisions of this Part of this Act about the circumstances in which rent is to be, or may be, increased.

Supplemental. **70.**—(1) In this Part of this Act, unless the context otherwise requires—

“authority” means a local authority or a new town corporation;

“general rent increase” has the meaning given by section 63(9) of this Act;

“increases towards fair rents” has the meaning given by section 62(1) of this Act;

“qualifying dwellings” has the meaning given by section 62(2) of this Act;

“rates” includes water rates and charges;

“tenant” includes a person occupying premises under a licence, and “tenancy” and other cognate expressions shall be construed accordingly.

(2) Any reference in this Part of this Act to the amount of any rent shall be taken as a reference to the amount exclusive of any sum attributable to rates, or the use of furniture, or the provision of services; and if the terms of the tenancy do not identify the portion of any rent for a dwelling for which the authority provide furniture or services which is attributable to the use of furniture or the provision of services, the authority shall determine the proportion fairly attributable to the use of furniture or the provision of services:

Provided that this subsection shall not prevent any sum being taken into account in comparing a rent with a fair rent where otherwise the comparison would not be of like with like.

(3) Without prejudice to the generality of the provisions of subsection (2) above, an increase of the part of any rent attributable to rates, or to the use of furniture, or to the provision of services—

(a) shall be disregarded in determining whether there has been a general rent increase or in determining the amount of that increase, and

(b) shall not count towards the increases towards fair rents which the authority is to make. PART VI

(4) Subject to subsection (2) above, any reference in this Part of this Act to the amount of any rent shall, in a case where (before the coming into force of section 66(5) of this Act) the authority charged the tenant an amount payable at a rate varying according to the tenant's means or resources from time to time (including in particular the earnings of other persons in the dwelling or of members of his family, or the presence of a lodger in the dwelling), be taken as a reference to the whole of the amount charged whether or not the charge is expressed as being in whole or in part something other than rent.

(5) Section 36 of the Rent Act 1968 (adjustment for differences in lengths of rental periods) shall apply for the purposes of this Part of this Act. 1968 c. 23.

(6) Where an authority for administrative convenience arrange for the year's rents to be paid irregularly, or so that no rent is payable for, or collected in, certain periods, or so that rents for different periods in the year are of different amounts, the provisions of this Part of this Act shall be applied, and all calculations shall be made, by reference to the rents which would have been paid if the arrangements had not been made.

(7) Any reference in this Part of this Act to the amount of a rent shall, if at the relevant time the dwelling is not let, but was previously let, be taken as a reference to the rent for the last previous rental period for which it was let.

(8) The Secretary of State may direct that, as respects all or any of the Housing Revenue Account dwellings of a new town corporation, the provisions of this Part of this Act shall have effect subject to such exceptions or modifications as may be specified in the direction.

A direction under this subsection as respects the Commission may be one applying differently to different new towns of the Commission, or one not applying to all of them.

PART VII

HOUSING ASSOCIATIONS

Subsidies

71.—(1) The following three subsidies shall be payable to housing associations in the circumstances, and subject to the conditions, set out in this Part of this Act, namely—

- (a) the basic residual subsidy ;
- (b) the special residual subsidy ;
- (c) the new building subsidy.

Introduction
of new
subsidies
for housing
associations.

PART VII (2) None of the three subsidies may be paid for the year 1971-72, or for an earlier year.

(3) The subsidies shall be paid by the Secretary of State out of money provided by Parliament.

(4) Subsections (1) to (3) and subsection (5) of section 15 of this Act shall apply in relation to the payment of subsidies under this Part of this Act as they apply in relation to the payment of subsidies under Part I of this Act.

The basic residual subsidy.

72.—(1) This section has effect as to the circumstances in which basic residual subsidy is payable to housing associations and also, subject to section 74 below, as to the amount of basic residual subsidy so payable.

(2) A housing association shall be entitled to basic residual subsidy for the year 1972-73 if the association's subsidies for the year 1971-72 exceed the withdrawal factor, and the amount of the basic residual subsidy for that year shall be equal to the excess.

(3) A housing association which is entitled to basic residual subsidy for the year 1972-73 shall also be entitled to the subsidy for any subsequent year for which the amount of basic residual subsidy payable to the association for the immediately preceding year exceeds the withdrawal factor, and the amount of the basic residual subsidy shall for each such year be equal to the amount obtained by deducting the withdrawal factor from the amount of the basic residual subsidy payable to the association for the immediately preceding year.

(4) In this section "the association's subsidies for the year 1971-72" means the aggregate of such sums received or to be received by the association as the Secretary of State determines and notifies the association as representing payments made or to be made by him for the year 1971-72 under or by reference to any of the enactments described in Part I or Part III of Schedule 7 to this Act.

1930 c. 39. (5) For the purpose of determining the association's subsidies for the year 1971-72 the Secretary of State shall only take into account payments made in pursuance of section 29(1) of the Housing Act 1930 so far as he has made contributions in respect of them under section 29(3) of that Act.

(6) The withdrawal factor for the purposes of this section shall be determined, in relation to each housing association, by the Secretary of State.

(7) For the purposes of subsection (6) above, the Secretary of State shall determine the number of dwellings as at 31st March 1972 in respect of which the association's subsidies for the year 1971-72 are payable.

PART VII

(8) For the year 1972-73, the withdrawal factor is the sum produced by multiplying £5 by the number of dwellings determined under subsection (7) above.

(9) For each year subsequent to the year 1972-73, the withdrawal factor is the sum produced by multiplying £20 by the number of dwellings determined under subsection (7) above.

73.—(1) This section has effect as to the circumstances in which special residual subsidy is payable to a housing association and also, subject to section 74 below, as to the amount of special residual subsidy so payable.

(2) A housing association shall be entitled to special residual subsidy for dwellings (in this section called "relevant dwellings") which—

- (a) were approved by the Secretary of State for the purposes of Part I of the Housing Subsidies Act 1967 before the coming into force of this Act, and
- (b) were completed during the year 1972-73, 1973-74 or 1974-75.

(3) If an association complete any relevant dwellings during any one of the three years 1972-73, 1973-74 and 1974-75, they shall be entitled for that year to special residual subsidy of such an amount as the Secretary of State may determine; and in making a determination under this subsection the Secretary of State—

- (a) shall have regard to the amount of the financial assistance which in his opinion the association would have been likely to receive for that year in respect of those dwellings under Part I of the Housing Subsidies Act 1967 if the said Part I had been in force throughout the year; and
- (b) may adopt, after consultation with such bodies representative of housing associations as appear to him to be appropriate, a rate of interest which is to be treated as if it had been specified for that year by an order made under section 2(2) of the Housing Subsidies Act 1967 (which relates to the calculation of aggregate cost subsidies).

PART VII (4) An association entitled under subsection (3) above to an amount of special residual subsidy for the year 1972-73 shall, in addition, be entitled—

(a) for the year 1973-74 to the said amount of subsidy less the reduction factor for dwellings completed during the year 1972-73, and

(b) for the year 1974-75 to the amount of subsidy payable to the association under paragraph (a) above less the reduction factor for dwellings completed during the year 1972-73.

(5) An association entitled under subsection (3) above to an amount of special residual subsidy for the year 1973-74 shall, in addition, be entitled for the year 1974-75 to the said amount of subsidy less the reduction factor for dwellings completed during the year 1973-74.

(6) For the year 1975-76 and subsequent years the amount of an association's special residual subsidy shall be the amount, if any, produced by deducting the reduction factor for dwellings completed during the three years 1972-73, 1973-74 and 1974-75 from the amount of their special residual subsidy for the immediately preceding year.

(7) In this section the "reduction factor for dwellings completed" during any specified year or years means the sum produced by multiplying £20 by the total number of relevant dwellings completed by the association during the year or years.

Residual
subsidies—
supplemental.

74.—(1) If a housing association, by furnishing to the Secretary of State such information as to their financial position as he may require, satisfy him that for the year 1972-73 or for any year subsequent to that year their income from their dwellings will be inadequate, having regard to their normal sources of income, to meet such expenditure (including loan charges) as in his opinion it would be reasonable for them to incur for that year in the exercise of their housing functions, he may direct that section 72 or section 73 above shall have effect in relation to that association for that year as if for any references to £5 or £20 there were substituted references to such smaller amount as may be specified in the direction; and the amounts which may be so substituted shall include zero.

(2) The Secretary of State may reduce, suspend or discontinue the payment of basic residual subsidy or special residual subsidy to a housing association if they lease or otherwise dispose of any

of their dwellings in respect of which they are entitled to such a payment. PART VII

(3) If any of the dwellings of a housing association—

(a) are leased to or become vested in another housing association, or trustees for another housing association, or

(b) are leased to or become vested in the Housing Corporation,

the Secretary of State may pay to them the whole or any part of any basic residual subsidy or special residual subsidy which he would otherwise have paid to the former association for any year beginning with the year in which the dwellings are so leased or come to be so vested.

(4) For the purposes of this section dwellings are leased if and only if they are leased for a term exceeding seven years, or for a term not exceeding seven years granted by a lease which confers on the lessee an option for renewal for a term which, together with the original term, exceeds seven years.

(5) In this section and section 75 below—

“housing functions” means constructing, improving or managing or facilitating or encouraging the construction or improvement of dwellings, the provision of dwellings by conversion and the acquisition of dwellings, and includes functions which are supplemental or incidental to any of those functions,

“loan charges” includes any loan charges made by a housing association (including charges for debt management) whether in respect of borrowing from any capital fund kept by the housing association, or in respect of borrowing between accounts kept by the housing association for different functions, or otherwise.

75.—(1) This section has effect, subject to section 76 below, as to the circumstances in which new building subsidy is payable to a housing association and the amount of new building subsidy so payable. The new building subsidy.

(2) A housing association shall be entitled to new building subsidy, as provided by the following provisions of this section and section 76 below, in respect of a building scheme approved

PART VII by the Secretary of State for the purposes of this section, if they incur an initial deficit on it.

(3) In this section and section 76 below "building scheme" means a scheme for the erection by a housing association of a group of dwellings or a single dwelling for the purpose of letting, or for any purpose which in the opinion of the Secretary of State is comparable, and also includes the provision of other buildings or land connected with the requirements of the occupiers of the dwellings or dwelling comprised in the scheme.

(4) Subject to subsections (12) and (13) below, and to subsections (2) and (3) of section 76 below, new building subsidy shall be paid to a housing association for ten years, namely the year of completion of the last or only dwelling comprised in a building scheme (in this section referred to as the "year of completion") and the nine years immediately following, and the amount of subsidy for a year shall be the percentage of the initial deficit shown for that year in the Table in subsection (6) below.

(5) For the purposes of this section—

- (a) a housing association incur an initial deficit on a building scheme if their income from the scheme for the year immediately following the year of completion is less than their reckonable expenditure on the scheme for that year;
- (b) the income from a building scheme for the year immediately following the year of completion is the income which would be obtained for that year from all the buildings and land comprised in the scheme, assuming, subject to subsection (8) below, that every dwelling so comprised were let for the whole of that year at a rent equal to the amount which would be registered as a fair rent for the dwelling pursuant to Part VIII of this Act;
- (c) the reckonable expenditure on a building scheme for the year immediately following the year of completion is any expenditure on the part of the association which in the opinion of the Secretary of State is attributable to the scheme and reasonable and appropriate having regard to all the circumstances, and, without prejudice to the generality of this paragraph, may include expenditure on the preparation of the scheme and the maintenance and management of the buildings and land comprised in the scheme and on the loan charges which the association are liable to pay for that year in respect of money borrowed by them for the purpose of the scheme.

PART VII

(6) The following is the Table referred to in subsection (4) above:—

TABLE

<i>Year for which subsidy is payable</i>						<i>Percentage of initial deficit to be met by subsidy</i>
Year of completion	...	...	...	...	...	100
Second	...	...	...	...	...	100
Third	...	...	...	...	...	100
Fourth	...	...	...	...	...	60
Fifth	...	...	...	...	...	60
Sixth	...	...	...	...	...	60
Seventh	...	...	...	...	...	30
Eighth	...	...	...	...	...	30
Ninth	...	...	...	...	...	30
Tenth	...	...	...	...	...	10

(7) Income from and reckonable expenditure on a building scheme shall be estimated in such manner and on such evidence as the Secretary of State may from time to time direct in the case of associations in general or any individual association or description of associations.

(8) The Secretary of State may direct under subsection (7) above that paragraph (b) of subsection (5) above shall have effect with the substitution for the assumption specified in that paragraph of such other assumption as may be specified in the direction.

(9) In any case where a housing association are entitled to new building subsidy but are precluded by their rules or constituent instrument from granting tenancies for some or all of their dwellings, the reference in paragraph (b) of subsection (5) above to the amount which would be registered as a fair rent shall be construed, in relation to those dwellings, as a reference to the amount which in the opinion of the Secretary of State would be registered as a fair rent if they were available for letting at a rent.

(10) In any case to which subsection (9) above applies the Secretary of State may assume, without prejudice to subsections (7) and (8) above, that the dwellings would be let on such terms and in such circumstances as he considers appropriate.

(11) The Secretary of State shall consult with such bodies representative of housing associations as he considers appropriate—

(a) before giving a general direction as to the method of estimating reckonable expenditure ;

PART VII

(b) before determining, in any case to which subsection (9) above applies, the assumptions as to letting which are to be made under subsection (10) above.

(12) If a housing association, by furnishing to the Secretary of State such information as to their financial position as he may require, satisfy him, in relation to a building scheme, that for any year except—

(a) the year of completion, or

(b) the second or third year for which new building subsidy is payable,

payment of an amount of subsidy equal to the percentage of the initial deficit shown in the Table in subsection (6) above will be inadequate, having regard to their normal sources of income, to enable them to meet such expenditure (including loan charges) as in his opinion it would be reasonable for them to incur for that year in the exercise of their housing functions, he may direct that for that year the percentage of the initial deficit to be met by subsidy shall be greater than that shown in the Table but not greater than 90 per cent., or than the percentage met by subsidy for the immediately preceding year if that was less than 90 per cent.

(13) The Secretary of State may by order, after consultation with such bodies representative of housing associations as appear to him to be appropriate, provide that in relation to building schemes approved by him and in relation either to all housing associations or to any description of such associations mentioned in the order—

(a) if the year of completion is later than the year 1981-82, the percentage of the initial deficit to be met by new building subsidy for any year shall be altered to such percentage other than that shown in the Table as may be specified in the order ;

(b) that new building subsidy shall be payable for a number of years other than ten ;

and an order under this subsection may make such consequential amendments in subsection (12) above as appear to the Secretary of State to be appropriate.

(14) An order under subsection (13) above shall be made with the concurrence of the Treasury by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament and may be varied or revoked by a subsequent order under that subsection.

76.—(1) The Secretary of State may make his approval of a building scheme subject to compliance by the association who apply for that approval with such conditions as he may specify. PART VII
New building
subsidy—
supple-
mental.

(2) The Secretary of State may make reduced payments of new building subsidy to a housing association in respect of a building scheme, or suspend or discontinue such payments—

- (a) if he made his approval of the building scheme subject to compliance with any conditions and is satisfied that any of those conditions has not been complied with ; or
- (b) if he is satisfied that a dwelling comprised in the scheme—
 - (i) has been converted, demolished or destroyed ;
 - or
 - (ii) is not fit to be used or is not being used for the purpose for which it was intended ; or
 - (iii) has been sold or leased ; or
 - (iv) has ceased for any reason whatsoever to be vested in the association or trustees for the association.

(3) If any of the dwellings comprised in a building scheme—

- (a) are leased to or become vested in a housing association or trustees for a housing association other than the association who received approval for the scheme, or
- (b) are leased to or become vested in the Housing Corporation,

the Secretary of State may pay them the whole or any part of any new building subsidy which he would otherwise have paid for any year beginning with the year in which they are so leased or come to be so vested to the association which received approval for the scheme.

(4) For the purposes of this section dwellings are leased if and only if they are leased for a term exceeding seven years, or for a term not exceeding seven years granted by a lease which confers on the lessee an option for renewal for a term which, together with the original term, exceeds seven years.

Miscellaneous

77.—(1) After subsection (1) of section 1 of the Housing Act 1964 (which established the Housing Corporation and imposed on it certain general duties relating to housing societies within the meaning of subsection (7) of that section) there shall be inserted—

“(1A) In addition to their general duty in relation to housing societies under subsection (1) above, it shall be the duty of the Corporation to assist housing associations, including housing associations which are not housing

Extension to all housing associations of Housing Corporation's power to make loans and extension of power to make loans to Corporation.
1964 c. 56

PART VII societies, by exercising the function assigned to them in relation to such associations by section 2 below.”

1964 c. 56. (2) In subsections (1) and (5) of section 2 of the Housing Act 1964 (power of Housing Corporation to make loans to housing societies) and in section 8 of that Act (building society advances to housing societies to which the Corporation has made loans) every reference to a housing society shall include a reference to a housing association (within the meaning of section 12 of that Act) which is not a housing society.

(3) In section 9(2) of that Act (which imposes a maximum which advances to the Housing Corporation out of the National Loans Fund are not together to exceed, but provides for the increase of that maximum by order), for the words from “exceed” to “one hundred million pounds” there shall be substituted the words “exceed £150 million or such greater sum, not exceeding £300 million.”

Housing agreements.

78.—(1) Any term of a housing agreement limiting the aggregate amount of rents payable in respect of dwellings to which the agreement relates or contributions towards the cost of maintaining such dwellings, or specifying a limit which the rent of a dwelling is not to exceed, shall cease to have effect on 1st January 1973.

(2) In this section “housing agreement” means any of the following, namely—

- 1957 c. 56.
- (a) an agreement for a loan or a grant to a housing association under section 119(3) of the Housing Act 1957 (loans and grants to housing associations by local authorities and county councils);
 - (b) an agreement made between a local authority and a housing association under section 120 of that Act (arrangements for provision of housing);
 - (c) an agreement made between a housing association and a local authority under section 121 of that Act (arrangements for improvement of housing);
 - (d) a scheme under section 123 of that Act (unification of conditions affecting housing associations' houses);
- 1961 c. 65.
- (e) an agreement made between the Secretary of State and a housing association under section 7 of the Housing Act 1961 (advances by Secretary of State for provision of housing accommodation for letting);
 - (f) an agreement for a loan to a housing association by the Housing Corporation under section 2 of the Housing Act 1964.

PART VII

(3) The enactments mentioned in paragraphs (b) and (d) of subsection (2) above shall cease to have effect.

(4) Any such term as is mentioned in subsection (1) above included in a housing agreement made under section 119 or section 121 of the Housing Act 1957 after the coming into force of this Act shall be void. 1957 c. 56.

(5) Subject to subsection (1) above and subsection (6) below, a housing agreement made before the coming into force of this Act shall continue to have effect after this Act comes into force.

(6) Upon the application of a party to a housing agreement, the Secretary of State may, if he thinks fit, direct—

(a) that the agreement shall have effect with such variations, determined by him or agreed by the parties, as may be specified in the direction ; or

(b) that the agreement shall be terminated ;
but no variation shall be directed which would have the effect of including in an agreement any term such as is mentioned in subsection (1) above.

79.—(1) Where an agreement in pursuance of which payments are to be made under or by reference to any of the enactments described in Part III of Schedule 7 to this Act (hereafter referred to as a “subsidy agreement”) has been made between a local authority and a housing association, the prohibition on the making of payments under or by reference to such an enactment contained in paragraph 1 of Schedule 8 to this Act shall be construed, subject to subsection (2) below and to the provisions of any order under section 80 below, as extending only to the payment of amounts which the authority are obliged to pay by the relevant enactment ; and accordingly, where such an agreement provides for the payment of greater amounts, the authority shall continue to pay to the housing association sums equal to the difference between the amounts for the payment of which the agreement provides and the amounts which they are obliged to pay by that enactment. Subsidy agreements.

(2) Upon the application of a party to a subsidy agreement, the Secretary of State may, if he thinks fit, direct—

(a) that the agreement shall have effect with such variations, determined by him or agreed by the parties, as may be specified in the direction ; or

(b) that the agreement shall be terminated ;
but no variation shall be directed which would have the effect of including in an agreement any term such as is mentioned in subsection (1) of section 78 above.

PART VII
Power to
apply to
certain
housing
associations
provisions
of Act relating
to local
authorities.

80.—(1) The Secretary of State may by order made with the consent of the Treasury provide—

- (a) that any housing association specified in the order shall be treated, to such an extent and subject to such conditions as may be so specified, as if it were for any specified purpose of this Act either the local authority or, as the case may in the opinion of the Secretary of State require, the agent of the local authority for an area in which, by carrying out agreements made with the approval of the Secretary of State, the association renders it substantially unnecessary in his opinion for that authority to perform some or all of the functions relating to the provision of housing accommodation conferred on them by any enactment;
- (b) that any dwellings provided under an agreement made with the approval of the Secretary of State between a local authority and an association to which paragraph (a) above applies shall be treated, to such an extent as may be specified in the order, as if they were Housing Revenue Account dwellings of the local authority in whose area they are situated;

and such an order may direct that any provision of this Act specified in the order shall apply in relation to the association and to any relevant authority subject to such exceptions, adaptations and modifications as may be so specified.

(2) Before making an order under this section, the Secretary of State shall consult—

- (a) any housing association to which it is intended that the order shall relate;
- (b) such local authorities or associations of local authorities as appear to him to be appropriate.

(3) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament and may be varied or revoked by a subsequent order so made.

(4) Without prejudice to the generality of subsection (1) above, an order under this section may, in relation to a housing association to which it applies—

- (a) provide for the payment, in substitution for the subsidies payable to housing associations in general under this Part of this Act, of subsidies calculated by such methods and on such principles as may be specified;

- (b) empower the Secretary of State to direct that a greater amount of subsidy than would otherwise be payable by virtue of the order shall be payable to the association in respect of the area of any local authority specified in the direction ;
- (c) provide for the keeping by the association of such kinds or numbers of accounts as may be specified in the order and empower the Secretary of State to give directions as to the amounts which are or are not to be credited or debited to any account ;
- (d) specify circumstances in which sums are to be transferred from one such account to another and empower the Secretary of State to determine from time to time whether or not circumstances have arisen in which any sums fall to be so transferred ;
- (e) provide for the making by the association of a scheme for the granting of rebates from rent to persons who occupy dwellings owned by the association in any area identical with the scheme for granting such rebates made by the local authority for that area under section 18 of this Act ;
- (f) require a local authority to make rate fund contributions to the association equal—
- (i) to any expenditure incurred in respect of the authority's area, being either expenditure towards which subsidy is payable to the association but which is not met by that subsidy, or expenditure which is not reckonable for the purpose of calculating the amount of that subsidy ;
 - (ii) to the amount of any deficit due to the granting of rebates from rent in an account kept by the association in respect of the area of that authority or to the association's costs of administering a scheme for the granting of such rebates in that area ;
- (g) provide that a rate fund contribution made in pursuance of the order shall be treated, for such purposes and to such extent as may be specified, as if it had been made under Part I of this Act ;
- (h) provide that Parts V and VI of this Act shall apply in relation to dwellings provided under an agreement made with the approval of the Secretary of State between the association and any local authority as if they were Housing Revenue Account dwellings of that authority ;

PART VII

PART VII

- (j) provide for the determination by agreement made with the approval of the Secretary of State between an authority who have no Housing Revenue Account dwellings and an association, or in default of such an agreement by the Secretary of State, of the manner in which dwellings provided by the association under an agreement made with the approval of the Secretary of State between the association and the authority are to be treated for any purpose relating to rebates from rent or for the purpose of applying Parts V and VI of this Act ;
- 1957 c. 56. (k) provide that the power to make grants to housing associations conferred by paragraph (a) of section 119(3) of the Housing Act 1957 on local authorities and county councils shall terminate ;
- (l) provide that payments for the year 1972-73 and subsequent years under the enactments described in Schedule 7 to this Act shall terminate in such manner as may be provided by the order in substitution for the provision made for their termination by this Act as it applies in relation to housing associations in general.

(5) In this section "rate fund contribution" means a contribution made by a local authority out of their general rate fund.

PART VIII

RENT LIMIT FOR DWELLINGS LET BY HOUSING ASSOCIATIONS,
HOUSING TRUSTS AND THE HOUSING CORPORATION

Tenancies to which this Part of this Act applies.

81.—(1) This Part of this Act applies to a tenancy where—

- (a) the interest of the landlord under that tenancy belongs to a housing association or housing trust, or to the Housing Corporation, and
- 1968 c. 23.
1954 c. 56. (b) the tenancy would be a protected tenancy but for section 5 of the Rent Act 1968, and is not a tenancy to which Part II of the Landlord and Tenant Act 1954 applies,

and in this Part of this Act "tenancy" means, unless the context otherwise requires, a tenancy to which this Part of this Act applies.

(2) In this Part of this Act "housing trust" has the meaning given by section 5(3) of the Rent Act 1968 (but "housing association" has the meaning given by this Act).

82.—(1) There shall be a part of the register under Part IV of the Rent Act 1968 in which rents may be registered for dwelling-houses which are let, or are, or are to be, available for letting, under a tenancy to which this Part of this Act applies.

PART VIII
Rents to be
registrable
under Part IV
of the Rent
Act 1968.

(2) In relation to that part of the register the following provisions of the Rent Act 1968, that is—

1968 c. 23

- (a) sections 44, 45 and 46,
- (b) section 47, except subsection (3), and
- (c) Schedules 6 and 7,

shall have effect as if for any reference in those provisions to a regulated tenancy there were substituted a reference to a tenancy to which this Part of this Act applies.

(3) Registration in the said part of the register shall take effect on the date of registration:

Provided that registration before 1st January 1973 shall be provisional only until that date, and the date of registration shall be 1st January 1973.

(4) From the date of registration any previous registration of a rent for the dwelling-house shall cease to have effect.

(5) A rent registered in any part of the register for a dwelling-house which becomes, or ceases to be, one subject to a tenancy to which this Part of this Act applies, shall be as effective as if it were registered in any other part of the register.

(6) Subject to subsection (5) above references in this Part of this Act to registration are, unless the context otherwise requires, references to registration pursuant to this section.

83.—(1) Where the rent payable under a tenancy would exceed the rent limit determined in accordance with this Part of this Act the amount of the excess shall be irrecoverable from the tenant.

The rent limit.

(2) Where a rent for the dwelling-house is registered, then, subject to sections 84 and 85 below, the rent limit is the rent so registered:

Provided that where any rates in respect of the dwelling-house are borne by the landlord, or a superior landlord, the amount of those rates for any rental period, ascertained in accordance with Schedule 4 to the Rent Act 1968, shall be added to the

PART VIII limit imposed by this subsection, and in this Part of this Act references to the amount of the registered rent include any amount to be added under this proviso.

(3) Where no rent for the dwelling-house is registered, then, subject to subsection (4) below, the rent limit shall be determined as follows—

- (a) if the lease or agreement creating the tenancy was made before 1st January 1973, the rent limit is the rent recoverable under the tenancy, as varied by any agreement made before that date (but not as varied by any later agreement),
- (b) if paragraph (a) above does not apply, and, not more than three years before the tenancy began, the dwelling-house was subject to another tenancy (whether before 1973 or later) the rent limit is the rent recoverable under that other tenancy (or, if there was more than one, the last of them) for the last rental period thereof,
- (c) if paragraph (a) and paragraph (b) above do not apply, the rent limit is the rent payable under the terms of the lease or agreement creating the tenancy (and not the rent so payable under those terms as varied by any subsequent agreement).

(4) Where for any 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 in the rental period on which the rent limit is based, the rent limit under this Part of this Act shall be increased or decreased by the amount of the difference.

1968 c. 23.

(5) Section 33 of the Rent Act 1968 (enforcement provisions) shall apply as if any amount made irrecoverable by this Part of this Act were irrecoverable by virtue of Part III of that Act.

(6) A tenancy commencing (whether before or after the coming into force of this Act) while there is in operation a condition imposed under any of the enactments specified in section 30(2) of the Rent Act 1968 (which impose rent limits on tenancies of subsidised private houses) shall be disregarded for the purposes of subsection (3)(b) above in determining the rent limit under any subsequent tenancy of the dwelling-house.

(7) Section 35 of the Rent Act 1968 (duty of landlord to supply statement of rent under previous tenancy) shall apply where the rent is subject to the rent limit under subsection (3)(b) above as it applies where rent under a regulated tenancy is subject to the contractual rent limit mentioned in that section.

(8) This section shall not apply to rent for any rental period beginning before 1st January 1973.

84.—(1) This section applies where a rent is registered for a dwelling-house (whether it is the first or any subsequent registration) unless at the date of registration there is no tenant and no person to whom a tenancy has been granted.

PART VIII
Phasing of
progression
to registered
rent.

(2) The rent limit shall progress from the rent limit immediately before the date of registration to the registered rent in stages, and—

- (a) for any rental period beginning in the first stage, the rent limit shall be the rent limit immediately before the date of registration plus £0.75 per week, or the registered rent, whichever is the less,
- (b) for any rental period beginning in the second or any subsequent stage, the rent limit shall be the rent payable for the first rental period of the last previous stage plus £0.75 per week, or the registered rent, whichever is the less.

(3) The first stage shall last for 52 weeks from the date of registration, or from the beginning of the first rental period for which the rent is first increased (by any amount) on or after that date, whichever is the later.

(4) Any subsequent stage shall last 52 weeks from the end of the last previous stage, or from the beginning of the first rental period for which the rent is first increased (by any amount) after the end of the last previous stage, whichever is the later.

(5) If a tenancy of the dwelling-house is granted at any time when the rent limit is less than the registered rent, and the tenant is neither the person who, at the time when the previous tenancy (or the last previous tenancy) ended, was the tenant under that tenancy nor a member of that tenant's family who resided with him, the registered rent shall become the rent limit from the beginning of the new tenancy, and the stages by which the rent limit was to progress shall terminate.

(6) The registration of a lower or higher rent during the progression from the rent limit in force before the prior registration shall not alter the stages by which the rent limit is to progress, and if a higher rent is registered in the 52 weeks beginning with the first rental period for which the rent is increased up to the rent registered on the prior registration, the first stage in the progression from that rent up to the later registered rent shall not begin until the end of that period of 52 weeks.

(7) If for any rental period beginning after the date of registration 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 immediately before the date of registration, any limit imposed by this section

PART VIII for that rental period shall be increased or decreased by the amount of the difference, but not so as to enable any rent to be increased above the rent limit under the last preceding section, and an increase of rent made solely to reflect an increase in the amount of rates borne by the landlord or a superior landlord shall be disregarded for the purposes of subsections (3) and (4) of this section.

Previous rent limit exceeding registered rent: special rent limit.

85.—(1) Where the rent limit for a dwelling-house immediately before the date of registration of a rent for that dwelling-house exceeded the rent so registered, the registration shall be provisional only until it takes effect in accordance with this section.

(2) If—

(a) no application is made under this section to the Secretary of State before the expiration of a period of 28 days beginning with the date of registration or, where a rent determined by a rent assessment committee is registered in substitution for a rent determined by the rent officer, and it is lower than the rent for which it is substituted, a period of 28 days beginning with the date of registration of the substituted rent, or

(b) an application duly made to the Secretary of State under this section is refused,

the registration shall cease to be provisional, and shall take effect as from the date of registration.

(3) The Secretary of State may, on an application made to him within the relevant period of 28 days mentioned in subsection (2)(a) above, grant the application and direct that the rent limit for the dwelling-house shall be such amount as is specified in the direction, being an amount not more than the said previous rent limit, but more than the rent which is provisionally registered.

The Secretary of State may include in a direction under this subsection such conditions as he thinks fit, and if any condition is not complied with the direction shall cease to have effect.

(4) The period for which the direction has effect shall begin with the date of the provisional registration, and the date when, subject to subsections (5) and (6) below, that period is to end shall be specified in the direction, being a date not more than three years and six months from the date of the provisional registration.

(5) The direction shall cease to have effect—

(a) if on a subsequent application for registration a different rent is registered for the dwelling-house, and that rent is equal to or exceeds the rent specified in the direction, or

(b) the rent assessment committee determine a rent in substitution for the rent registered by the rent officer, and

that rent is equal to or exceeds the rent specified in the direction, or PART VIII

(c) the applicant ceases to be the landlord of the dwelling-house.

(6) Subject to subsection (5) above, if on the date specified as the end of the period under subsection (4) above a subsequent application for registration is pending, the direction shall continue in force until that application has been disposed of by the rent officer.

(7) When the period for which a direction has effect ends, and the provisional registration is not superseded by a new registration under paragraph (a) or paragraph (b) of subsection (5) above, the registration shall cease to be provisional and, except for the purposes of section 44 of the Rent Act 1968 1968 c. 23. (right to apply for registration of a new rent after three years), shall take effect at the time when the period ends.

(8) The rent officer shall notify the tenant of any case where a registration is by virtue of this section a provisional registration.

(9) This section applies whether the registration mentioned in subsection (1) above is the first or any subsequent registration and, in the case of a subsequent registration, whether or not the rent limit immediately before the date of registration was that fixed by a direction under this section.

(10) A confirmation of a rent by the rent officer shall be treated for the purposes of this section as a registration of a rent which, whether or not it is a provisional registration, supersedes the registration in force prior to the confirmation.

86.—(1) An application under the last preceding section shall be in such form as the Secretary of State may direct either generally or in any particular case, and the applicant shall give notice of the application to the rent officer, and shall take all reasonable steps to give notice of the application to the tenant of each dwelling-house which would be affected by a direction given on the application. Special
rent limit:
procedure on
application.

(2) The Secretary of State in entertaining the application—

(a) shall take into consideration the information about the finances of the applicant given to him on the application, and any further information given by the applicant at his request, and

(b) shall not give a direction unless he is satisfied that the direction is necessary having regard to the applicant's normal sources of income, and to the expenditure (including loan charges as defined in section 74 of this Act) which in his opinion it is reasonable for the applicant to incur in the exercise of housing functions, as defined in the said section.

PART VIII

(3) The Secretary of State shall give notice in writing of his decision on the application to the applicant and to the rent officer and, where the decision is to grant the application, the notice shall include particulars of the direction given on the application.

(4) The rent officer shall note in the register—

- (a) any application notified to him by the applicant, and
- (b) any direction given and the period for which it is effective, and
- (c) any decision of the Secretary of State not to grant an application.

(5) The applicant shall take all reasonable steps to notify the tenant of each dwelling-house affected of any case where the Secretary of State decides to grant or not to grant an application and, where the decision is to grant the application, the notice shall include particulars of the direction given on the application.

Increase of
rent without
notice to quit.

87.—(1) Subject to subsections (2) and (3) below, where a tenancy to which this Part of this Act applies is a weekly or other periodical tenancy, the rent payable to the housing association or, as the case may be, the housing trust or the Housing Corporation (in this section called “the landlord”) may, without the tenancy being terminated, be increased with effect from the beginning of any rental period by a written notice of increase given by the landlord to the tenant—

- (a) not later than four weeks before the beginning of the rental period (or any earlier date on which the payment of rent in respect of that period falls to be made), and
- (b) not later than the time when a notice to quit would have to be served if it were to be effective to terminate the tenancy at the beginning of the said rental period.

(2) Where notice of increase is given under subsection (1) above for the beginning of a rental period and the tenancy continues into that period, the notice shall nevertheless not have effect if the tenancy is terminated by notice given by the tenant in accordance with the provisions express or implied of the tenancy and—

- (a) the notice to terminate the tenancy is given before the end of the period of two weeks following the date on which the notice of increase is given, or such longer period as may be allowed by the notice of increase, and
- (b) the date on which the tenancy is made to terminate is not later than the earliest day on which the tenancy could be terminated by a notice given by the tenant on the last day of that period.

(3) A notice of increase under subsection (1) above shall not be valid unless it tells the tenant of his right to terminate the tenancy and of the steps to be taken by him if he wishes to do so, and it also gives him the dates by which, if the increase is not to be effective, notice to terminate the tenancy must be received by the landlord and the tenancy be made to terminate.

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(4) This section shall apply to a tenancy notwithstanding that the letting took place before the coming into force of this Act.

(5) Nothing in this section shall authorise any rent to be increased above the rent limit, and any reference in section 83 of this Act to the variation by agreement of the rent recoverable under a tenancy shall include a reference to variation under this section.

88.—(1) In this Part of this Act—

Supplemental.

(a) "rates" includes water rates and charges,

(b) other expressions shall be construed as in the Rent Act 1968 c. 23. 1968.

(2) Where a rent determined by a rent assessment committee is registered in substitution for a rent determined by the rent officer, the date of registration shall be deemed for the purposes of this Part of this Act to be the date on which the rent determined by the rent officer was registered:

Provided that a landlord shall not by virtue of this subsection be entitled to recover any rent for a rental period beginning before the date when the rent determined by the rent assessment committee was registered.

(3) Section 36 of the Rent Act 1968 (adjustment for differences in lengths of rental periods) shall apply for the purposes of this Part of this Act.

(4) A county court shall have jurisdiction, either in the course of any proceedings relating to a dwelling-house or on an application made for the purpose by the landlord or the tenant, to determine any question as to the rent limit under this Part of this Act, or as to any matter which is or may become material for determining any such question.

PART IX

MISCELLANEOUS AND SUPPLEMENTAL

Rateable value limits for Rent Act 1968

89.—(1) Subsections (6) and (7) of this section shall come into force if and only if the Secretary of State so directs by an order made not later than 1st September 1973.

Power to increase rateable value limits for Rent Act 1968.

(2) For the purposes of the said subsections (6) and (7) (which, for dwellings first entered in the valuation list on or after 1st

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1968 c. 23.

April 1973, alter the rateable value limits in sections 1 and 71 of the Rent Act 1968) an order under subsection (1) above shall determine—

- (a) as the relevant amount for a dwelling-house in Greater London, such sum exceeding £400 as is specified in the order, and
- (b) as the relevant amount for a dwelling-house elsewhere, such sum exceeding £200 as is so specified.

(3) An order under this section shall be made by statutory instrument, and the Secretary of State shall not make an order under this section unless a draft of the order has been approved by a resolution of each House of Parliament.

(4) The date specified in an order under this section as the date when it is to come into force shall not be earlier than 1st April 1973.

(5) If the date so specified is later than 1st April 1973, the order may contain such transitional provisions as appear to the Secretary of State to be desirable.

(6) For paragraph (a) of section 1(1) of the Rent Act 1968 (protected tenancies) there shall be substituted the following paragraphs—

- “ (a) where the appropriate day in relation to the dwelling-house fell before 1st April 1973, the dwelling-house on the said appropriate day had a rateable value exceeding, if it is in Greater London, £400 or, if it is elsewhere, £200, or
- (aa) where the appropriate day in relation to the dwelling-house falls on or after 1st April 1973, the dwelling-house on the said appropriate day has or had a rateable value exceeding the relevant amount determined by an order under section 89 of the Housing Finance Act 1972, or”.

(7) In section 71(1) of the Rent Act 1968 for the words from “ which has or had ” to end of the subsection there shall be substituted the following words—

“ unless—

- (a) where the appropriate day in relation to the dwelling fell before 1st April 1973, the dwelling on the said appropriate day had a rateable value exceeding, if it is in Greater London, £400 or, if it is elsewhere, £200, or
- (b) where the appropriate day in relation to the dwelling falls on or after 1st April 1973, the dwelling on the said appropriate day has or had a rateable

value exceeding the relevant amount determined by an order under section 89 of the Housing Finance Act 1972.” PART IX

(8) It is hereby declared that in section 1(1)(a) and section 71(1) of the Rent Act 1968, as they have effect apart from the preceding provisions of this section, the expression “has or had on the appropriate day” requires, in all cases, the ascertainment of what the rateable value is or was on the appropriate day, and not on any other date. 1968 c. 23.

Service charges for flats

90.—(1) Where the service charges which are payable by the tenant of a flat in any calendar year, or which are demanded from the tenant as being so payable, exceed the amount specified in subsection (2) of this section, the tenant shall, in accordance with this section, be entitled to obtain a summary in writing of the relevant costs in the accounting year ending in or with that year, certified by a qualified accountant as being in his opinion—

- (a) a fair summary of those costs, set out in a way which shows how they are or will be reflected in demands for service charges, and
- (b) sufficiently supported by accounts, receipts and other documents which have been produced to the accountant,

and the certificate shall identify the accounting year to which the summary relates.

(2) The said amount is £80, but the Secretary of State may from time to time vary that amount by order.

An order under this subsection may contain such transitional or other supplemental or incidental provisions as appear to the Secretary of State to be necessary or expedient, and shall be contained in a statutory instrument of which a draft has been approved by a resolution of each House of Parliament.

(3) The rights conferred by subsection (1) of this section shall not be exercisable—

- (a) if the tenant has contractual rights exercisable in return for a reasonable payment, or without payment, enabling him to obtain from time to time statements of the relevant costs, certified by a qualified accountant, which afford all the information which could be obtained under this section, or
- (b) if there are accounts, certified by a qualified accountant, which afford all the information which could be obtained under this section, and the tenant is given reasonable facilities for inspecting them, and taking copies of or extracts from them, or

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- (c) where there are not more than five flats in the building, and the relevant costs relate only to that building, if the tenant is afforded reasonable facilities for inspecting the receipts and other records supporting the service charges, and for taking copies of or extracts from them.
- (4) The tenant shall exercise the rights conferred by this section by serving on the landlord a request in writing which states the calendar year to which the request relates, and which is so served not later than twelve months after the end of that year.
- (5) It shall be the duty of the landlord to comply with the request not later than one month after the service of the request, or six months after the end of the accounting year with which the summary is to deal, whichever is the later.
- (6) If the request relates in whole or in part to relevant costs incurred by or on behalf of a superior landlord, and the landlord on whom the request is served is not in possession of the relevant information about the costs so incurred—
- (a) he shall in turn serve a request for the relevant information on the person who is his landlord, and it shall be the duty of that person to comply with the request within a reasonable time, and
- (b) it shall be the duty of the landlord (that is to say the immediate landlord) to comply with the tenant's request, or the part of the request relating to the relevant costs incurred by or on behalf of the superior landlord, within the time allowed by subsection (5) above or within such further time, if any, as is reasonable in the circumstances.
- (7) If no accounts have been made up, or if for any other reason it is impracticable to deal with an accounting year, the summary specified in subsection (1) of this section shall be a summary of the relevant costs in the calendar year, and—
- (a) the accountant's certificate shall indicate that the summary deals with relevant costs in the calendar year, and
- (b) subsection (5) above shall apply with the substitution for the reference to the accounting year of a reference to the calendar year.
- (8) A request under this section shall be deemed to be duly served on a landlord if it is served on any agent of the landlord named as such in a rent book or other similar document, or on the person who receives the rent on behalf of the landlord; and it shall be the duty of a person on whom the request is so served to forward it as soon as may be to the landlord.
- (9) The assignment of a tenancy shall not affect the validity of a request served under this section before the assignment, but a landlord shall not be obliged to provide the summary specified

in subsection (1) of this section more than once for the same flat for the same period. PART IX

(10) If any person without reasonable excuse fails to perform any duty imposed upon him by this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(11) Proceedings for an offence under this section may be instituted by any local authority.

(12) In this section—

“accounting year” means a period of twelve months for which the accounts relating to the building in question are made up,

“flat” means a separate set of premises, whether or not on the same floor, constructed or adapted for use for the purposes of a dwelling and forming part of a building from some other part of which it is divided horizontally, being a set of premises occupied wholly or mainly as a private dwelling,

“landlord”, in relation to a flat occupied by a tenant under a right conferred by an enactment, includes the person who, apart from that right, would be entitled to possession of the flat,

“qualified accountant” means a member of—

(a) The Institute of Chartered Accountants in England and Wales,

(b) the Institute of Chartered Accountants of Scotland,

(c) The Association of Certified Accountants,

(d) The Institute of Chartered Accountants in Ireland, or

(e) any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Secretary of State,

1948 c. 38.

or a person who is for the time being authorised by the Secretary of State under section 161(1)(b) of that Act; but excludes, except in the case of a Scottish firm every partner of which is so qualified, any body corporate,

“relevant costs” means any costs (including charges for overheads) incurred or defrayed in the period in question by or on behalf of the landlord, or any superior landlord, which affect, or may affect, the amount of the service charges for the flat for that period or for any other period, earlier or later,

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“service charge” means any charge for services, repairs, maintenance or insurance, being a charge which is payable as part of, or in addition to, the rent, and which varies or may vary according to any costs (including charges for overheads) incurred from time to time by or on behalf of the landlord or any superior landlord,

“tenant” includes a tenant under a right conferred by an enactment, and, where the whole or any part of the flat is sub-let, includes both the tenant and the sub-tenant.

(13) This section shall come into force, for tenancies granted before the passing of this Act or later, on 1st November 1972, but subsection (1) of this section shall not apply to an accounting year ending before 1st August 1972.

Information
about service
charges:
exceptions.

91.—(1) The last preceding section shall not impose any duty on—

- (a) a local authority or a county council, or
- (b) a new town corporation, or
- (c) the Housing Corporation, or
- (d) a housing association as defined in section 189(1) of the Housing Act 1957.

1957 c. 56.

(2) The last preceding section shall not apply to service charges payable to an association or company the membership of which is wholly or mainly restricted to persons who are tenants in the same block or blocks of flats.

Hostel subsidy

Hostel subsidy. **92.**—(1) A subsidy, to be known as “hostel subsidy”, shall be payable to housing authorities and housing associations in the circumstances, and subject to the conditions, set out in this section.

(2) Hostel subsidy shall be paid by the Secretary of State out of money provided by Parliament.

(3) A housing authority or housing association shall be entitled to hostel subsidy if they complete a hostel scheme approved by the Secretary of State for the purposes of this section.

(4) In this section “hostel scheme” means a scheme for the erection or conversion by a housing authority or housing association of a building for use as a hostel or as part of a hostel.

(5) The Secretary of State may make his approval of a hostel scheme subject to compliance by the housing authority or housing association who apply for that approval with such conditions as he may specify.

(6) Subject to subsections (7) to (10) below, the hostel subsidy payable to a housing authority or housing association in respect of a hostel scheme—

- (a) shall be payable for such number of years, not exceeding ten, as the Secretary of State may determine, beginning with the year in which the scheme is completed ;
- (b) shall be of such amount, not exceeding the sum produced by multiplying £30 by the number of bedrooms contained in the building as the Secretary of State may determine having regard to the standard of construction and amenity of the building.

(7) Hostel subsidy shall not be payable for the year 1971-72, or for an earlier year.

(8) The Secretary of State may make reduced payments of hostel subsidy to a housing authority or housing association in respect of a hostel scheme, or suspend or discontinue such payments—

- (a) if he made his approval of the hostel scheme subject to compliance with any conditions and is satisfied that any of those conditions has not been complied with ; or
- (b) if he is satisfied that premises comprised in the scheme—
 - (i) have been converted, demolished or destroyed ;
 - or
 - (ii) are not fit to be used, or are not being used, for the purpose for which they were intended ; or
 - (iii) have been sold or leased ; or
 - (iv) have ceased for any reason whatsoever to be vested in the authority or association or trustees for the association.

(9) If premises comprised in a hostel scheme—

- (a) are leased to or become vested in a housing authority or housing association, or trustees for a housing association, other than the authority or association who received approval for the scheme, or
- (b) are leased to or become vested in the Housing Corporation,

the Secretary of State may pay to them the whole or any part of any hostel subsidy which he would otherwise have paid for any year beginning with the year in which they are so leased or come to be so vested to the authority or association which received approval for the scheme.

(10) The Secretary of State may by order, after consultation with such bodies representative of housing authorities or housing associations as appear to him to be appropriate, direct that, in relation to hostel schemes approved by him after 31st March 1977 and in relation to housing authorities or to housing

PART IX associations or to both, paragraph (b) of subsection (6) above shall have effect as if for the reference to £30 there were substituted a reference to such greater amount as may be specified in the order.

(11) An order under subsection (10) above shall be made with the concurrence of the Treasury by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament and may be varied or revoked by a subsequent order under that subsection.

(12) Subsections (1), (2) and (5) of section 15 of this Act shall apply in relation to the payment of hostel subsidy as they apply in relation to the payment of subsidies under Part I of this Act.

(13) For the purposes of this section premises are leased if and only if they are leased for a term exceeding seven years, or for a term not exceeding seven years granted by a lease which confers on the lessee an option for renewal for a term which, together with the original term, exceeds seven years.

(14) No amount shall be payable under this section in respect of any premises approved for the purposes of section 15(1) of the Housing (Financial Provisions) Act 1958 (which relates to hostels and is repealed by this Act), or provided or converted under arrangements entered into before the coming into force of this Act under or by virtue of section 120 of the Housing Act 1957 or section 9 of the Housing Act 1961.

1958 c. 42.
1957 c. 56.
1961 c. 65.

Removal and rehousing

Financial assistance towards tenants' removal expenses.
1965 c. 59.

93.—(1) A local authority and a new town corporation shall each, in the performance of the functions of management conferred on them by section 111(1) of the Housing Act 1957, section 3(2) of the New Towns Act 1965 or section 36 of that Act, as the case may be, have power, subject to subsections (2) to (4) below, in every case where a tenant of one of their Housing Revenue Account dwellings moves to another dwelling, whether or not that dwelling is also one of theirs—

(a) to pay any expenses of the removal ;

(b) where the tenant is purchasing the dwelling, to pay any expenses incurred by him in connection with the purchase, other than the purchase price.

(2) Paragraph (b) of subsection (1) above shall only apply in a case where a tenant of a Housing Revenue Account dwelling moves to another dwelling of the same authority or corporation if that dwelling has never been let and was built expressly with a view to sale or for letting.

(3) The Secretary of State may give directions to authorities or new town corporations in general or to any particular authority or corporation as to the expenses which may be treated (whether generally or in any particular case) for the purposes of this section as incurred in connection with the purchase of a dwelling and limiting the amount which they may pay in respect of such expenses.

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(4) An authority or corporation may make their payment of expenses under this section subject to such conditions as they think fit.

94.—(1) Subject to the provisions of this section, where undertakers are acquiring land which comprises any dwelling, it shall be a term of any agreement (whether formal or informal) made after the coming into force of this Act between them and a local authority, for the provision by the authority, under Part V of the Housing Act 1957, of housing accommodation for the rehousing of any occupier of a dwelling who is displaced as a result of the acquisition that the undertakers will make to the authority of dwellings by statutory undertakers. Financial provision for the rehousing of persons displaced on acquisition of dwellings by statutory undertakers. 1957 c. 56.

periodical payments by way of indemnity against any net loss in respect of the authority's provision of that accommodation which may be incurred by the authority in any year during the period of ten years commencing with the year in which the person for whom the accommodation is provided is first rehoused by them.

(2) For the purposes of this section a local authority incur a net loss in respect of their provision of accommodation for a person whom they are rehousing—

- (a) if they rehouse him in a dwelling provided by them under Part V of the Housing Act 1957 for the purpose of rehousing him ; or
- (b) if they rehouse him in a Housing Revenue Account dwelling not so provided and provide under the said Part V in the year immediately preceding that in which he first occupies it, or in the period of three years commencing with the year in which he first occupies it, a dwelling of a similar type or size.

(3) The Secretary of State may for the purposes of this section—

- (a) from time to time determine a method to be used generally in calculating net losses incurred by authorities ;
- (b) determine the net loss incurred by an authority in any particular case.

(4) An agreement such as is mentioned in subsection (1) above may provide for the payment of a lump sum to the local authority in lieu of the periodical payments to be made to the local authority by virtue of that subsection.

PART IX (5) In this section "undertakers" means any authority, company or person who are acquiring land compulsorily or by agreement under any local Act or Provisional Order or order having the effect of an Act, or are acquiring land compulsorily under any general Act, except that it does not include either a local authority or a new town corporation.

Provisions as to default by local authority

95.—(1) Where the Secretary of State is of opinion, whether on representations made to him or otherwise, that a local authority—

- (a) have failed effectively to discharge any of their functions under Part I, II, V or VI of this Act ; or
- (b) have failed so to discharge any function conferred on them by this Act or any other enactment as to secure the effective discharge of any of their functions under those Parts of this Act ; or
- (c) have in the discharge of any of their functions under those Parts of this Act contravened or failed to comply with any requirement imposed by virtue of this Act ; or
- (d) have, at any time after the passing of this Act, acted in such a manner as will or may render them unable to prevent a default under any of the preceding paragraphs of this subsection ; or
- (e) have by unreasonable delay made it certain or likely that they will be unable to prevent any such default,

he may after such inquiry as he may think fit make an order declaring the authority to be in default.

(2) Without prejudice to the generality of subsection (1) above, references in that subsection to the effective discharge of an authority's functions include references to the exercise by the authority of any power, whether conferred on them by an enactment or not, which in the opinion of the Secretary of State it is necessary or expedient that they should exercise with a view to the discharge of any of their functions under Part I, II, V or VI of this Act.

(3) It shall be the duty of the Secretary of State before making an order under subsection (1) above to give notice in writing to the authority concerned that he is considering whether to make such an order and to have regard to any representations made to him by the authority within one month of the notification.

(4) An order under subsection (1) above shall direct the authority, for the purpose of remedying the default, to take any

such step as may be specified in the order within such time as may be so specified.

PART IX

(5) The Secretary of State may direct local authorities in general or any description of local authority specified in the direction or particular local authority so specified to supply within such time as may be specified in the direction such information in such form as may be so specified as to whether or to what extent or in what manner—

(a) they have discharged—

(i) any of their functions under Part I, II, V or VI of this Act ;

(ii) any functions conferred on them by this Act or any other enactment (including an enactment passed after this Act) the discharge of which is in his opinion necessary or expedient for securing the discharge of any of their functions under the said Parts of this Act or for complying with any requirement imposed by virtue of this Act, including a requirement imposed by an order under subsection (1) above ;

(b) they have exercised any power, whether conferred on them by an enactment or not, which in the opinion of the Secretary of State it is necessary or expedient that they should exercise with a view to the discharge of any of their functions under Part I, II, V or VI of this Act.

(6) It shall be the duty of an authority to comply with a direction under subsection (5) above within the period and in the manner specified in the direction or within such longer period or in such other manner as the Secretary of State may allow.

(7) If the Secretary of State is satisfied, after such inquiry as he may think fit, that an authority with respect to whom an order has been made under subsection (1) above have failed to comply with any requirement of the order within the time limited by it for compliance with that requirement, he may by order, without prejudice to any other means of enforcing the order, appoint a person (hereafter referred to as a "Housing Commissioner")—

(a) to discharge in the name of the authority and at their expense, subject to such limitations, conditions or exceptions (if any) as may be specified in the order—

(i) such functions of the authority under Part I, II, V or VI of this Act as are so specified ;

(ii) such other functions of the authority as are so specified as being functions which the Secretary of State considers necessary or expedient for the discharge of those functions ;

PART IX

(b) to discharge at the expense of the authority any incidental or supplementary functions the discharge of which the Secretary of State considers necessary or expedient,

and may direct that the authority shall not during such time as the Commissioner's appointment continues perform any function conferred by the order on the Commissioner.

(8) The Secretary of State may by an order under this section require or empower an authority or, as the case may be, a Commissioner, to treat during such period as may be specified in the order any provision of this Act so specified—

(a) as having effect with such exceptions, adaptations and modifications as may be so specified ;

(b) as not having effect ;

and the order may provide in particular that section 65 of this Act shall not have effect in relation to the authority to whose default the order relates or for the discharge of whose functions the Commissioner was appointed.

(9) An order under this section—

(a) shall be made by statutory instrument ;

(b) may contain such incidental or supplementary provisions as appear to the Secretary of State to be necessary or expedient ;

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

1957 c. 56.

(10) Nothing in sections 171 to 176 of the Housing Act 1957 shall oblige the Secretary of State to take any step required by any of those sections if in his opinion it would be more appropriate to exercise the powers conferred on him by this section.

Housing

Commissioner:
supplemental
provisions.

96.—(1) A Housing Commissioner shall have power to do all such things as appear to him to be necessary or expedient for the performance of the functions he is appointed to discharge, and he may in particular—

(a) do anything which the authority would have power to do in the performance of those functions, and complete anything begun by the authority in the performance of those functions,

(b) appoint and employ his own staff, obtain any legal or other professional services, and use any legal or other professional advice obtained by the authority,

(c) institute or defend legal proceedings, and continue any proceedings to which the authority are a party,

- (d) execute any deed or other document, which shall be valid whether or not expressed to be executed in the name of the authority, and for that purpose use the seal of the authority,
- (e) grant any tenancy, and execute and serve a notice to quit, or any other notice, and
- (f) conduct business from, and require correspondence to be addressed to, any ordinary address or place of business of the authority, or any other address or place.

PART IX

(2) Notwithstanding section 286(1) of the Local Government Act 1933 or any other provision concerning any notice or other document served or to be served on a local authority, a Housing Commissioner may authorise a document which relates to the functions which he is appointed to discharge to be served on the Housing Commissioner, instead of on the authority, or to be served at an address appointed by the Housing Commissioner for the purpose, instead of at any other proper address; and service in accordance with this subsection shall be good service for all purposes.

This subsection shall apply, with any necessary modifications, in relation to any document sent or delivered to a local authority or to a Housing Commissioner as it applies to a document served on a local authority or on a Housing Commissioner.

(3) It shall be the duty of the authority to take all reasonable steps to facilitate the performance by a Housing Commissioner of the functions he is appointed to discharge, and the authority shall in particular—

- (a) afford all reasonable facilities to the Housing Commissioner for obtaining information and inspecting and taking copies of documents and, where documents relate exclusively to the functions he is appointed to discharge, for taking possession or control of those documents,
- (b) allow the Housing Commissioner to use, or share the use of, any premises or property previously used, or used in part, by the authority in discharge of those functions,
- (c) allow the Housing Commissioner to use, or share the use of, the services of officers in any department of the local authority to which those functions are or were assigned, or of any officers whose services were used, or used in part, by the authority in discharge of those functions.

(4) It shall be the duty of any officer of the authority to obey any order given to him by a Housing Commissioner for the purposes of the functions which the Commissioner is appointed

PART IX to discharge, and to give to the Housing Commissioner all assistance which he is reasonably able to give for those purposes.

(5) The terms of service and remuneration of a Housing Commissioner, and of any staff appointed by him, shall be such as the Secretary of State may determine with the approval of the Minister for the Civil Service.

(6) The acts of a Housing Commissioner shall be valid notwithstanding any defect that may afterwards be discovered in his appointment.

(7) The authority shall on demand pay to the Secretary of State—

(a) any expenses certified by the Secretary of State to have been incurred by a Housing Commissioner in pursuance of the provisions of this Part of this Act ; and

(b) any sum certified by the Secretary of State as required to meet the remuneration of a Housing Commissioner.

(8) An authority shall have the like power of raising money required for paying expenses or other sums certified by the Secretary of State as aforesaid as they have of raising money for paying expenses incurred directly by them, and the payment of any sums so certified shall, to such extent as may be sanctioned by the Secretary of State, be a purpose for which the authority may borrow money in accordance with the statutory provisions relating to borrowing by that authority.

(9) The provisions which may be included in an order by virtue of subsection (9)(b) of the last preceding section shall include any matters connected with the coming into force of such an order, or its termination, and the provisions of this section are without prejudice to the generality of the said subsection (9)(b).

(10) Where, in pursuance of an order under the said subsection (9), a Housing Commissioner ceases to perform the functions which he was appointed to discharge, he shall prepare a report on the discharge of those functions, and submit it to the authority ; and he shall include in the report any information which, in his opinion, may assist the authority in resuming the functions which he has been discharging.

Power of
Housing
Commissioner
to require
authority to
supply
information or
produce
documents.

97.—(1) If in the opinion of a Housing Commissioner it is necessary or expedient for the discharge of any of his functions that the authority in relation to whom the order appointing him was made should produce any document or supply any information, he may by notice in writing to the authority require them, (within such period as may be specified in the notice or such longer period as he may allow) to produce that document or supply that information to him.

(2) Where a notice is given under subsection (1) above, it shall be the duty of each officer concerned, without instructions from the authority, to take all reasonable steps to ensure that the notice is complied with.

PART IX

(3) In subsection (2) above " officer concerned " means the clerk or chief officer of the authority, any officer designated in the notice for the purpose and any officer having custody or control of any document, or possession of any information, to which the notice relates.

(4) If an officer of a local authority fails to comply with this section he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £400.

98. If a member of the authority—

Obstruction
of Housing
Commissioner.

(a) wilfully obstructs a Housing Commissioner in the performance of the functions to be discharged by him, or wilfully obstructs any person carrying out any order or requirement of a Housing Commissioner given or imposed in the performance of those functions, or

(b) whether before or after the appointment of a Housing Commissioner, does any act having reasonable cause to believe that it is likely to impede, mislead or interfere with a Housing Commissioner, or any person carrying out the orders or requirements of a Housing Commissioner, in performing those functions,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £400.

99.—(1) The Secretary of State may make reduced payments of any subsidy payable under this Act or any other subsidy which is in his opinion a subsidy in respect of housing, or suspend or discontinue such payments, to a local authority in respect of whom an order has been made under section 95(1) above.

Reduction,
suspension
and dis-
continuance
of housing
subsidies where
authority is
in default.

(2) The power conferred on the Secretary of State under subsection (1) above shall be exercisable in respect of any such subsidy as is there mentioned payable to the authority in respect of any financial year during which, or part of which, he considers that the default by reason of which the order under the said section 95(1) was made continues.

(3) It shall be the duty of the Secretary of State before exercising the power conferred on him by subsection (1) above to give notice in writing to the authority concerned that he is considering whether to exercise that power and to have regard to any representations made to him by the authority in writing within such period as may be specified in the notice.

PART IX*Miscellaneous*

Termination of certain existing housing subsidies and related provisions.

100. Schedule 8 to this Act shall have effect as to—

- (a) the termination, for the year 1972-73 and subsequent years, of payments under the enactments described in Schedule 7 to this Act, and
- (b) the termination or modification of certain other provisions about assistance for housing authorities or other persons providing housing accommodation.

Adjustment of accounts on appropriation of land.
1957 c. 56.

101.—(1) Where after the coming into force of this section land is appropriated by a local authority for the purposes of Part V of the Housing Act 1957, or on the discontinuance of use for those purposes, such adjustment shall be made in the accounts of the local authority as the Secretary of State may direct.

(2) Any direction under this section may be either a general direction or a direction for any particular case.

1959 c. 53.

(3) Where this section applies, section 24 of the Town and Country Planning Act 1959 (which also relates to the adjustment of accounts on appropriation of land) shall not apply.

Adjustments for local government changes and transfer of functions or property.

102.—(1) The Secretary of State may make regulations modifying the provisions of this Act where, in England and Wales, or in any part of England or Wales, there is a change of local authorities or local government areas, or a transfer of local authority housing functions, or of property held for those functions.

(2) This section applies to any such change or transfer effected by or under any Act, whether public, general or local and whether passed before, or in the same Session as, or after, this Act.

(3) Regulations under this section may in particular make special provision for the method of ascertaining the amount of any subsidy under Part I of this Act payable to a local authority from whom or to whom any property is transferred, and those regulations may—

- (a) alter the amounts of any element of subsidy where the base year falls before the change or transfer, as well as other elements of the subsidy,
- (b) make provision as to the rate fund contributions to be made by the authorities in question, and as to the adjustments of their Housing Revenue Accounts,
- (c) make special provision as to the subsidies payable for the year in which the property is transferred,
- (d) provide for any apportionments of expenditure or receipts or other amounts.

(4) Regulations under this section—

PART IX

- (a) shall have effect notwithstanding any other provision of this Act,
- (b) may apply to all local authorities, or to a specified class or description of local authorities, and may apply to the whole of England and Wales or to any specified part of England and Wales, and
- (c) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Any power conferred by any Act of the present Session to make provision with respect to local government and the functions of local authorities in England and Wales, being a power to adapt or modify or exclude any provisions of this Act in connection with any general provisions of that Act about new local government authorities, or in connection with any proposals by any local government boundary commission as respects a particular area, shall include power to make any such provision as could be made by regulations under this section (restricted where appropriate to the particular area or authority in question).

(6) In this section "local authority" includes a county council.

Supplemental

103.—(1) Without prejudice to his powers under section 292 of the Local Government Act 1933 the Secretary of State may by order direct that any of the provisions of this Act or of any enactment relating to housing contained in any other Act passed before or after this Act shall, subject to such exceptions, adaptations and modifications as may be specified in the order, extend to the Isles of Scilly. 1933 c. 51.

(2) Except as provided by an order having effect under this section, this Act and the Housing Acts 1957 to 1971 shall not extend to the Isles of Scilly.

(3) Subsections (1) and (2) above shall not apply to any provision contained in Part III or IV of this Act, or to any provision of Part IX of this Act if and so far as that provision of the said Part IX relates to controlled or regulated tenancies or to the Rent Act 1968. 1968 c. 23.

(4) An order made under this section may contain such incidental and consequential provisions, including provisions conferring powers or imposing duties on the Council of the Isles of Scilly, as the Secretary of State thinks necessary.

(5) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament and may be varied or revoked by a subsequent order so made.

PART IX (6) The following sections (which confer powers superseded by the provisions of this section) shall cease to have effect, but any order in force under any of those sections when this section comes into force shall continue in force and have effect as if made under this section.

1957 c. 56. The said sections are section 134 of the Housing Act 1957
 1958 c. 42. and section 57 of the Housing (Financial Provisions) Act 1958
 1959 c. 33. as extended by paragraph 7 of Schedule 1 to the House Purchase
 1961 c. 65. and Housing Act 1959, paragraph 10 of Schedule 2 to the Hous-
 1964 c. 56. ing Act 1961, section 104 of the Housing Act 1964 and paragraph
 1967 c. 29. 7 of Schedule 3 to the Housing Subsidies Act 1967.

Interpretation. 104.—(1) In this Act, unless the context otherwise requires:—

“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to or usually enjoyed with that building or part, and includes any structure made available under section 1 of the Housing (Temporary Accommodation) Act 1944,

1944 c. 36.

“general rate fund”, in relation to the Greater London Council, means the general fund of the Greater London Council, and in relation to the Common Council of the City of London, means the general rate,

“hostel” means a building wherein is provided, for persons generally or for a class or classes of persons, residential accommodation (otherwise than in separate and self-contained sets of premises) and either board or facilities for the preparation of food adequate to the needs of those persons, or both,

“houses and other property within the account”, in relation to a local authority’s property, means houses, dwellings, buildings and land falling within section 50 of the Housing (Financial Provisions) Act 1958 (where the reference is to property at a time before the coming into force of section 12 of this Act) or (where it is not such a reference) falling within section 12 of this Act, and references to houses, dwellings, or other property “within the account” shall be construed accordingly,

1965 c. 12.

“housing association” has the meaning assigned to it for the purposes of the Housing Act 1957 by section 189(1) of that Act, except that it does not include any association which is, or is deemed to be, duly registered under the Industrial and Provident Societies Act 1965 and whose rules restrict membership to persons who are tenants or prospective tenants of the association,

- and preclude the granting or assigning of tenancies to persons other than members, PART IX
- “housing authority” means a local authority or a new town corporation,
- “land” includes any estate or interest in land,
- “local authority” means the council of a county borough, London borough, or county district, the Greater London Council or the Common Council of the City of London,
- “model rent rebate contribution” has the meaning given by section 7 of this Act,
- “officer”, in relation to any authority, includes a servant,
- “rental period” means a period in respect of which a payment of rent falls to be made,
- “year” means a financial year, and “the year 1972-73” means the financial year beginning in 1972 and ending in 1973, and so on.

(2) In this Act “Housing Revenue Account dwelling” means a dwelling which is within the local authority’s Housing Revenue Account, or as the case may be the new town corporation’s housing account, but excluding—

- (a) a dwelling for the time being let on a long tenancy at a low rent within the meaning of the Leasehold Reform Act 1967, and a dwelling no longer owned by the authority, and 1967 c. 88.
- (b) a dwelling approved for the purposes of section 13 of the Housing (Financial Provisions) Act 1958 (unfit houses for temporary accommodation) and belonging to a local authority. 1958 c. 42.

(3) In this Act, unless the context otherwise requires, the expression “loan charges”—

- (a) in relation to money borrowed by any person, means the sums required for the payment of interest on that money, and for the repayment thereof either by instalments or by means of a sinking fund, and the expenses of managing the debt,
- (b) in relation to a housing authority, includes any loan charges made by the housing authority as a matter of internal accounting (including charges for debt management), whether in respect of borrowing from any capital fund kept by the housing authority, or in respect of borrowing between accounts kept by the housing authority for different functions, or otherwise.

PART IX

(4) It is hereby declared that any power of giving directions conferred on the Secretary of State by this Act includes power to vary or revoke directions so given.

(5) It is hereby declared that references in this Act to a controlled tenancy or a regulated tenancy include references to any tenancy which is to be treated as such, or deemed to be such, by virtue of paragraph 9 of Schedule 16 to the Rent Act 1968, or of paragraph 26(2) of that Schedule as amended by paragraph 33 of Schedule 8 to the Housing Act 1969, but without prejudice to any provision of this or any other Act under which a tenancy may cease to be a controlled tenancy and become a regulated tenancy.

1968 c. 23.

1969 c. 33.

(6) Any reference in this Act to any provision which is a re-enactment of a provision of an earlier Act shall, so far as the context permits, be construed as including, in relation to times, circumstances and purposes in relation to which the repealed provision had effect, a reference to, or to things done or falling to be done under, that repealed provision; and where the repealed provision was itself a re-enactment of an earlier provision the references shall extend in the same way to that earlier provision, and so on.

(7) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended, and as including references thereto as applied, by any other enactment, including any enactment contained in this Act.

Exclusion
of housing
authority
property
from pro-
visions of
this Act.

105.—(1) Where the Secretary of State is satisfied that it is inappropriate that this Act, or any provision of this Act, should apply to a dwelling, he may direct that, for the purposes specified in the direction, it shall not be treated as a Housing Revenue Account dwelling.

1957 c. 56.

(2) Where the Secretary of State is satisfied, on the application of a local authority, that any of the provisions of this Act relating to the Housing Revenue Account are inappropriate for any houses or other property provided by that authority under Part V of the Housing Act 1957, he may direct that all or any of those provisions shall not apply to that property, or shall apply subject to such modifications as are specified in the direction.

(3) Where in pursuance of a direction under this section any dwellings of a housing authority are excluded from all or any of the provisions of Parts V and VI of this Act, the Secretary of State may direct that Part I of this Act shall apply to the authority subject to such modifications as are specified in the direction, being modifications which do not increase all or any of the sums payable by the Secretary of State to the authority under the said Part I.

(4) A direction under this section may be a general direction or a direction for a particular case, and may be given for such period and subject to such conditions as may be specified in the direction. PART IX

- 106.** In this Act, unless the context otherwise requires—
- “the Commission” means the Commission for the New Towns, New town corporations: supplemental.
 - “development corporation” means a development corporation established under the New Towns Act 1965, 1965 c. 59.
 - “housing account”, in relation to a new town corporation, means the housing account, or one of the housing accounts, to be kept by the corporation in pursuance of section 46 of the New Towns Act 1965,
 - “new town corporation” means a development corporation or the Commission.

107.—(1) There shall be paid out of money provided by Parliament— Financial provisions.

- (a) any expenses of the Secretary of State under this Act, and
- (b) any increase in the sums payable out of money provided by Parliament under any Act other than this Act which is attributable to any provision of this Act.

(2) There shall be paid into the Consolidated Fund—

- (a) any payments to be made to, or to be recoverable by, the Secretary of State under this Act, and
- (b) any increase in the sums so payable under any Act other than this Act which is attributable to any provision of this Act.

108.—(1) This Act may be cited as the Housing Finance Act 1972.

(2) The Housing Acts 1957 to 1971 and this Act may be cited together as the Housing Acts 1957 to 1972.

(3) Schedules 9 and 10 to this Act, which contain consequential and minor amendments of other Acts and transitory provisions, shall have effect.

(4) The enactments mentioned in Schedule 11 to this Act are hereby repealed to the extent mentioned in the third column of that Schedule, but subject to any provision at the end of any Part of that Schedule, and subject to the provisions of Schedule 8 and Schedule 10 to this Act.

- PART IX
- (5) Except as otherwise expressly provided, this Act shall come into force at the expiration of a period of two weeks beginning with the date on which it is passed.
- (6) This Act, except section 77, does not extend to Scotland.
- (7) This Act does not extend to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 12.

THE HOUSING REVENUE ACCOUNT

PART I

CREDITS AND DEBITS

Credits

1.—(1) For each year a local authority who are required to keep a Housing Revenue Account shall carry to the credit of the account amounts equal to—

- (a) the income of the authority for that year from rents (exclusive of any amounts included in the rents in respect of rates or water rates or charges, and exclusive of any rent remitted by way of rebate) in respect of houses and other property within the account,
- (b) any income of the authority for that year in respect of services or facilities provided by them in connection with the provision by them of houses and other property within the account, including in particular any such services or facilities provided under sections 94 and 95 of the Housing Act 1957 (power to provide furniture, board and laundry facilities), but excluding any payments for the purchase of furniture, or any hire-purchase instalments for furniture, 1957 c. 56
- (c) the following subsidies, if any, payable to the local authority for that year, that is—
 - (i) the residual subsidy,
 - (ii) the transition subsidy,
 - (iii) the rising costs subsidy,
 - (iv) the operational deficit subsidy,
- (d) any contribution payable to the local authority for that year in respect of houses or other property within the account under any of the following enactments (which relate to contributions out of money provided by Parliament towards costs of improvements and conversions), that is—
 - (i) section 15 of the Housing Act 1949, 1949 c. 60,
 - (ii) section 9 of the Housing (Financial Provisions) Act 1958, 1958 c. 42,
 - (iii) section 13 of the House Purchase and Housing Act 1959, or that section as extended by section 50 of the Housing Act 1964, or 1959 c. 33, 1964 c. 56,
 - (iv) sections 17 to 19 of the Housing Act 1969, 1969 c. 33,
- (e) any other contributions of any description paid to the local authority for that year, being contributions towards expenditure falling to be debited to the account for any year.
- (f) income, and receipts in the nature of income, being income or receipts arising to the local authority for that year from the investment or other use of money carried to the account.

SCH. 1 (2) Subject to sub-paragraph (3) below, where any house or other property within the account has been sold or otherwise disposed of, an amount equal to any income of the local authority arising from an investment or other use of capital money received by the authority in respect of the transaction shall be carried to the credit of the account.

(3) Sub-paragraph (2) above shall not apply—

(a) where the Secretary of State otherwise directs as respects the whole or any part of any such income, or

1953 c. 26.

(b) as respects income from capital money carried to a capital fund under section 2 or section 2A of the Local Government (Miscellaneous Provisions) Act 1953.

(4) An amount equal to any income of the local authority arising from an investment or other use of borrowed moneys in respect of which the authority are required under paragraph 3 below to debit loan charges to the account shall be carried to the credit of the account.

2.—(1) There shall also be credited to the account an amount equal to the net proceeds for the year derived by the local authority from any demolition—

1944 c. 36.

(a) of any structure made available to a local authority under section 1 of the Housing (Temporary Accommodation) Act 1944, or

1958 c. 42

(b) of any building demolished upon ceasing to be used for the purpose of providing housing accommodation in pursuance of arrangements approved under section 16 of the Housing (Financial Provisions) Act 1958 (temporary housing accommodation provided in war buildings), or

1964 c. 56.

(c) of any house to which section 92 of the Housing Act 1964 applied (houses constructed of alloy containing aluminium).

(2) In this paragraph "net proceeds", in relation to a demolition by a local authority, means any sums realised by the local authority by the disposal of materials derived from the demolished building or structure, after deducting the cost of demolition and any cost incurred in reinstating the site of the building or structure.

Debits

3.—(1) For each year the local authority shall debit to the account amounts equal to—

(a) the loan charges which the local authority are liable to pay for that year in respect of money borrowed by a local authority for the purpose of—

1957 c. 56.

(i) the provision by them of housing accommodation under Part V of the Housing Act 1957,

(ii) the purchase by them of, or the carrying out of works on, any houses purchased under section 12 of the said Act,

(iii) the execution of works in respect of which a Minister has made a contribution under section 4(2A) of the Housing (Rural Workers) Act 1926, or in respect of which the local authority for the purposes of that Act have given assistance under that Act, SCH. 1
1926 c. 56.

(b) subject to sub-paragraph (2) below, rents, taxes and other charges which the local authority are liable to pay for that year in respect of houses and other property within the account,

(c) the expenditure (including loan charges) of the authority for that year in respect of the improvement, repair, maintenance, supervision and management of houses and other property within the account.

(2) Sub-paragraph (1)(b) above shall include—

(a) any rates in respect of houses and other property within the account payable in pursuance of a resolution of the rating authority under section 17 of the General Rate Act 1967 (unoccupied property), and 1967 c. 9.

(b) rates or water rates or charges in respect of any building provided under section 93 of the Housing Act 1957 (buildings for ancillary purposes) and occupied by the local authority, 1957 c. 56.

but shall not include any other rates or water rates or charges.

Supplemental

4.—(1) Where, by virtue of any enactment or otherwise, money borrowed by a local authority for different purposes is carried to a common fund or account, the loan charges in respect of money borrowed for any one of those purposes shall, subject to paragraph 5 below, be ascertained by reference to the accounting practice of the local authority, and by reference to the manner in which loan charges are ascertained for the purposes of their internal accounting.

(2) Any requirement of this Schedule as respects any amount to be credited or debited to the account may be met by taking in the first instance an estimate of the amount, and by making adjustments in the account for a later year when the amount is more accurately known, or is finally ascertained.

5.—(1) Where it appears to the Secretary of State that amounts in respect of incomings or outgoings other than those mentioned in the preceding provisions of this Schedule ought properly to be credited or debited to a Housing Revenue Account or that the amounts in respect of any of the incomings and outgoings aforesaid which ought properly to have been credited or debited thereto have not been so credited or debited, or that any amounts have been improperly credited or debited to that account, he may give directions for the appropriate credits or debits to be made, or for the rectification of the account, as the case may require.

SCH. 1

(2) In the case of incomings and outgoings other than those mentioned in the preceding paragraphs of this Schedule, directions under this paragraph may (instead of directing particular amounts to be credited or debited) direct generally that credits or debits shall be made in respect of incomings or outgoings of a kind specified in the direction.

(3) Without prejudice to the generality of the preceding provisions of this paragraph, the Secretary of State may give such directions, which may be general directions or directions for a particular case, as to the amounts to be credited or debited to the account as in his opinion will ensure that the account reflects a proper system of internal accounting of the local authority.

(4) Before giving a direction under this paragraph the Secretary of State shall consult with such associations of local authorities as appear to him to be concerned, and with any local authority with whom consultation appears to him to be desirable:

Provided that if the local authorities who are to comply with the direction are all named in the direction, the Secretary of State shall consult with each of those local authorities, and need not consult any association of local authorities.

PART II

RATE FUND CONTRIBUTIONS TO THE ACCOUNT

6.—(1) There shall be credited to the account—

- (a) any rate fund contributions associated with the transition subsidy, the rising costs subsidy or the operational deficit subsidy,
- (b) the model rent rebate contribution,
- (c) any other rate fund contribution under section 7 of this Act,
- (d) any rate fund contribution under this Part of this Schedule.

(2) The amount to be so credited, except in the case of a rate fund contribution under paragraph 10 below, is subject to any reduction to be made under Part III of this Schedule.

Payments out of Consolidated Fund towards costs of improvements and conversions

7. A local authority shall make a rate fund contribution for any year equal to one-third of the amount of any sum payable to the local authority for the year in respect of houses and other property within the account under any of the enactments mentioned in paragraph 1(1)(d) of this Schedule:

Provided that this sub-paragraph shall not apply to a sum payable under the Housing Act 1969 which is greater than the sum which could have been paid if the Housing Act 1971 (financial assistance in development areas and intermediate areas) had not been enacted.

Land disposed of at less than market value

8. The Secretary of State, in giving any consent under section 26(4) of the Town and Country Planning Act 1959 for the disposal

1969 c. 33.
1971 c. 76.

1959 c. 53.

of land at less than market value, or in giving his consent under any other enactment as regards such a disposal of land, may, if the land is property within the account, impose a condition in giving his consent requiring the local authority to make a rate fund contribution for such years, and of such amount, or of an amount calculated in such manner, as he may determine.

SCH. 1

Local authority expenditure not reckonable for rising costs subsidy

9.—(1) Where the local authority debit to the account for the year any amount of expenditure (including loan charges) which is not included in their reckonable expenditure as defined in section 4(11) of this Act they shall make a rate fund contribution of that amount for the year.

(2) Sub-paragraph (1) above shall not apply where the Secretary of State otherwise directs, either generally or in any particular case, as respects the whole or any part of the amount of the expenditure.

(3) This paragraph applies whether or not the local authority is entitled to any payment under the said section 4 for the year of account.

Amenities shared by the whole community

10.—(1) Where benefits or amenities arising from the exercise of a local authority's housing functions under Part V of the Housing Act 1957 (and provided for the persons housed by the local authority) are shared by the community as a whole, the local authority shall make such rate fund contributions as, in the opinion of the local authority and having regard to the amounts of the contributions and the period over which they are made, will properly reflect the community's share of the benefits or amenities.

(2) Where it appears to the Secretary of State that a local authority have, either generally or in any particular case, failed to comply with sub-paragraph (1) above, he may give to the local authority such directions as appear to him appropriate to ensure compliance with that sub-paragraph, and the direction may contain such particulars as to the amounts of the rate fund contributions, and the years for which they are to be made, as appear to the Secretary of State to be appropriate to ensure compliance with that sub-paragraph.

(3) Before giving a direction to a local authority under this paragraph the Secretary of State shall consult with that local authority.

PART III

LIMITATION OF CERTAIN SUBSIDIES AND RATE FUND CONTRIBUTIONS

11. The provisions of this Part of this Schedule have effect as respects the subsidies and rate fund contributions described in the Table below.

TABLE

A.—(1) The transition subsidy and the associated rate fund contribution.

SCH. 1

(2) If the subsidy and contribution comprise elements based on different years, the reduction shall be made first in the elements, if any, based on the year of account and, subject to that, in the element based on an earlier year before a reduction in the element based on a later year.

(3) The amount of the subsidy, and the amount of the rate fund contribution, comprised in the element based on any year shall be reduced in the proportion in which the subsidy and contribution were to be made for the base year (and so that the subsidy and contribution abate in proportion to their amounts before reduction).

B.—(1) The rising costs subsidy and the associated rate fund contribution.

(2) If the subsidy and contribution comprise elements based on different years, the reduction shall be made first in the elements, if any, based on the year of account and, subject to that, in the element based on an earlier year before a reduction in the element based on a later year.

(3) The amount of the subsidy, and the amount of the rate fund contribution, comprised in the element based on any year shall be reduced in the proportion in which the subsidy and contribution were to be made for the base year (and so that the subsidy and contribution abate in proportion to their amounts before reduction).

C.—(1) The operational deficit subsidy and the associated rate fund contribution.

(2) Any reduction in that subsidy, and in the associated rate fund contribution, shall be of equal amounts.

D. The model rent rebate contribution.

E. Any rate fund contribution under section 7 of this Act, other than the model rent rebate contribution, and any of the rate fund contributions to be made under paragraphs 7, 8 and 9 of this Schedule, in any order chosen by the local authority.

NOTE. Any reduction of the model rent rebate contribution will result, in accordance with section 6 of this Act, in a proportionate reduction of the rent rebate subsidy.

*Limitation by reference to the sum sufficient to balance
the account*

12.—(1) The total of the amounts of the subsidies and contributions within the Table above shall not exceed the sum sufficient to balance the account (as defined in Part IV of this Schedule).

(2) The order in which amounts are reduced to give effect to subparagraph (1) above shall be the order of the heads in the Table, so that the amounts within head A are reduced to zero before any reduction of any amount within any of the later heads, and so on.

(3) In the application of this Schedule to the year 1972-73, the Table shall have effect as if head C (the operational deficit subsidy and associated rate fund contribution) came first (before heads A and B).

SCH. 1

(4) Subject to the preceding provisions of this paragraph, the order in which reductions are made shall be as specified in the Table.

Reductions of subsidies and associated rate fund contributions to be repeated in subsequent years

13.—(1) If under paragraph 12 above a reduction of any amount is to be made in a subsidy, or in an element of a subsidy, payable for any year, a reduction of the same amount shall be made in that subsidy or element payable to the local authority for each subsequent year; and, correspondingly, a reduction of any amount under paragraph 12 above in an associated rate fund contribution shall be repeated for each subsequent year.

(2) Any reduction under this paragraph for any such subsequent year shall be effected before applying paragraph 12 above for that subsequent year (and accordingly if in that subsequent year an additional reduction falls to be made under paragraph 12 above, both the original reduction and the additional reduction shall be repeated in accordance with this paragraph for subsequent years).

PART IV

SUPPLEMENTAL

Working balances

14.—(1) Subject to the next following paragraph, the local authority may debit to the account any amount by way of working balance.

(2) An amount so debited for any year shall be carried forward and credited to the account for the next following year:

Provided that the local authority may, instead of carrying forward the whole or any part of the working balance, treat the balance, or that part of it, as a surplus.

(3) A working balance debited to the account under sub-paragraph (1) above is referred to in this Act as a working balance "at the end of" the year for which it is debited, and a working balance carried forward, and credited to the account for any year, is referred to in this Act as a working balance "at the beginning of" that year.

15.—(1) Subject to the provisions of this paragraph, the working balance at the end of a year shall not exceed £30 multiplied by the number of the local authority's Housing Revenue Account dwellings as at the end of that year.

(2) The Secretary of State may by order direct that, for such years after the year 1975-76 as may be specified in the order, sub-

SCH. 1 paragraph (1) above shall have effect with the substitution for £30 of such amount greater than £30 as is specified in the order.

Section 16 of this Act shall apply to orders under this sub-paragraph.

(3) The working balance at the end of a year shall not be of an amount—

- (a) which exceeds the working balance at the beginning of the year, and
- (b) which is such as to make the total of the amounts of the subsidies and rate fund contributions within the Table in Part III of this Schedule, or the deficit shown in the account, greater than it would be if the working balances at the beginning and end of the year were equal (or such as to create entitlement to subsidy, or liability to make rate fund contributions, or a deficit, which would not exist if the working balances were equal).

Treatment of deficit

16.—(1) If for any year, after giving effect to the preceding provisions of this Schedule, a deficit is shown in the account, the local authority shall carry to the credit of the account for the year a rate fund contribution of an amount equal to the deficit.

(2) In determining for the purposes of any other paragraph of this Schedule whether there is a deficit in the account, the provisions of this paragraph shall be disregarded.

Treatment of surplus

17.—(1) The provisions of this paragraph have effect where a surplus is shown in the account for any year (whether or not consisting of or comprising any amount treated as a surplus under paragraph 14(2) above).

(2) The local authority shall pay to the Secretary of State a sum equal to the amount of the surplus, and any such sum shall be paid into the Consolidated Fund.

(3) If no rent allowance subsidy is payable to the local authority for the year, the Secretary of State shall pay half of the sum paid to him under sub-paragraph (2) above to the local authority, to be credited to their general rate fund.

(4) If any rent allowance subsidy is payable to the local authority for the year, and the amount of the surplus exceeds the standard amount of rent allowances, the Secretary of State shall pay to the local authority for the credit of the general rate fund an amount equal to half the excess.

(5) In this and the next following paragraph the "standard amount of rent allowances" means the local authority's standard

amount of rent allowances for the year, as defined by section 20(8) of this Act.

SCH. 1

Surplus : provisions for 1976-77 and subsequent years

18.—(1) In the case of a surplus for the year 1976-77 or any subsequent year the provisions of this paragraph shall have effect where any rent allowance subsidy is payable to the local authority for the year, and paragraph 17(4) above shall not apply.

(2) If the standard amount of rent allowances is equal to or exceeds the amount of the surplus, the Secretary of State shall pay to the local authority for the credit of the general rate fund an amount equal to the surplus multiplied by the fraction of which—

- (a) the numerator is the difference, if any, between the standard amount of rent allowances and the rent allowance subsidy payable for the year, and
- (b) the denominator is the standard amount of rent allowances.

(3) If the surplus exceeds the standard amount of rent allowances, the Secretary of State shall pay to the local authority, for the credit of the general rate fund, an amount equal to the sum of—

- (a) the difference, if any, between the standard amount of rent allowances and the rent allowance subsidy payable for the year, and
- (b) half the difference between the amount of the surplus and the standard amount of rent allowances.

“ Sum sufficient to balance the account ”

19.—(1) For the purposes of Part III, and this Part, of this Schedule references to the sum sufficient to balance the account shall be construed in accordance with this paragraph.

(2) The said sum shall be the deficit which would be shown in the account on the assumption that there were omitted from the account—

- (a) all sums to be credited to the account in respect of any item in the Table in Part III of this Schedule, and
- (b) any rate fund contribution under paragraph 16(1) above.

(3) If, on that assumption, there would be no deficit, the sum sufficient to balance the account shall be taken as zero.

Duty to supply information

20. Every local authority, and every officer of a local authority concerned with their housing functions, shall supply the Secretary of State with such information as he may specify, either generally or in any particular case, for the purpose of enabling the Secretary of State to ascertain the state of the local authority's Housing Revenue Account for any year, and it shall be the duty of every local authority to supply the Secretary of State with such certificates supporting the information required by him as he may specify.

SCH. 1

District audit

1933 c. 51.

21. Section 219 of the Local Government Act 1933 (district audit) shall not have effect, in relation to the housing accounts of the council of a borough, so far as it makes the application of the system of district audit to the accounts of such a council conditional upon the passing of a resolution adopting that system; and the housing accounts of such a council shall accordingly in every case be subject to audit by a district auditor under Part X of that Act.

(2) In sub-paragraph (1) above "housing accounts" means the Housing Revenue Account and every other account kept in respect of houses and other property within the account.

Housing Revenue Accounts of London authorities

1963 c. 33.

22.—(1) Where houses and other property within the account have been transferred from one local authority who are required to keep a Housing Revenue Account to another such authority by virtue of an order made (whether before or after the coming into force of this Act) under section 23(3) of the London Government Act 1963, the Secretary of State may by order direct, for any of the purposes of Part I of this Act, including this Schedule—

- (a) within whose Housing Revenue Account the transferred houses and property are to be treated as falling;
- (b) how expenditure and income relating to them in the Housing Revenue Accounts of the authorities to whom the order applies are to be treated;
- (c) how the number of Housing Revenue Account dwellings transferred is to be calculated.

(2) An order under this paragraph may make different provision in respect of different years or for different purposes in relation to the same year.

(3) An order under this paragraph may amend any order under the said section 23(3), and accordingly may provide that one authority shall pay to another in respect of houses and property to which it relates such amounts calculated by such methods and in respect of such items and such years as appear to the Secretary of State to be appropriate.

(4) Nothing in this paragraph shall be taken to prevent regulations under section 102 of this Act providing for any matter for which an order under this paragraph might provide.

(5) Section 16 of this Act shall apply to orders under this paragraph.

Expenses of the Secretary of State

23. Any payments to be made by the Secretary of State under this Part of this Schedule shall be paid out of money provided by Parliament.

SCHEDULE 2

Section 13.

SUBSIDIES FOR NEW TOWN CORPORATIONS

Limitation of certain subsidies and rate fund contributions

1. The provisions of this Schedule have effect as respects the subsidies and rate fund contributions described in the Table below which are to be paid to or made by new town corporations.

TABLE

A.—(1) The transition subsidy and the associated rate fund contribution.

(2) If the subsidy and contribution comprise elements based on different years, the reduction shall be made first in the elements, if any, based on the year of account and, subject to that, in the element based on an earlier year before a reduction in the element based on a later year.

(3) The amount of the subsidy, and the amount of the rate fund contribution, comprised in the element based on any year shall be reduced in the proportion in which the subsidy and contribution were to be made for the base year (and so that the subsidy and contribution abate in proportion to their amounts before reduction).

B.—(1) The rising costs subsidy and the associated rate fund contribution.

(2) If the subsidy and contribution comprise elements based on different years, the reduction shall be made first in the elements, if any, based on the year of account and, subject to that, in the element based on an earlier year before a reduction in the element based on a later year.

(3) The amount of the subsidy, and the amount of the rate fund contribution, comprised in the element based on any year shall be reduced in the proportion in which the subsidy and contribution were to be made for the base year (and so that the subsidy and contribution abate in proportion to their amounts before reduction).

C. The model rent rebate contribution.

D. Any rate fund contribution under section 7 of this Act, other than the model rent rebate contribution, and any rate fund contribution which the Secretary of State under section 46 of the New Towns Act 1965 requires the new town corporation to make for the year of account, in the order specified by the Secretary of State. 1965 c. 59.

NOTE.—Any reduction of the model rent rebate contribution will result, in accordance with section 6 of this Act, in a proportionate reduction of the rent rebate subsidy.

2.—(1) The total of the amount of the subsidies and contributions described in the Table above shall not exceed the sum sufficient to balance the new town corporation's housing account.

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(2) The order in which amounts are reduced to give effect to sub-paragraph (1) above shall be the order of the heads in the Table, so that the amounts within head A are reduced to zero before any reduction of any amount within any of the later heads, and so on.

(3) Subject to the preceding provisions of this paragraph, the order in which reductions are made shall be as specified in the Table.

(4) For the purposes of this paragraph the sum sufficient to balance the housing account is the deficit which would be shown in the account on the assumption that there were omitted from the account all sums to be credited to the account in respect of any item in the Table above, and if on that assumption, there would be no deficit, the sum sufficient to balance the account shall be taken as zero.

3.—(1) If under paragraph 2 above a reduction of any amount is to be made in a subsidy, or in an element of a subsidy, payable for any year, a reduction of the same amount shall be made in that subsidy or element payable to the new town corporation for each subsequent year; and correspondingly, a reduction of any amount under paragraph 2 above in an associated rate fund contribution shall be repeated for each subsequent year.

(2) Any reduction under this paragraph for any such subsequent year shall be effected before applying paragraph 2 above for that subsequent year (and accordingly if in that subsequent year an additional reduction falls to be made under paragraph 2 above, both the original reduction and the additional reduction shall be repeated in accordance with this paragraph for subsequent years).

Separate accounting for the Commission's towns

4.—(1) The provision of Part I of this Act, including the preceding provisions of this Schedule, so far as they determine—

- (a) the amount of the subsidies, if any, to be paid to the Commission, or
- (b) the amount of any rate fund contribution,

shall be applied separately in relation to each of the Commission's towns as if, in relation to each town, the Commission were a different body.

(2) Any reference in the provisions of Part I of this Act, including the preceding provisions of this Schedule, to a new town corporation's housing account shall, in relation to the Commission, be taken as a reference to the housing account for the town for which the calculations are, in accordance with the preceding provisions of this paragraph, being made.

(3) Any apportionment of any payment or receipt or other sum required to give effect to the provisions of this paragraph shall be made in such manner as the Secretary of State may direct.

SCHEDULE 3

Section 20.

COMPUTATION OF REBATES AND ALLOWANCES

PART I

GENERAL

Introductory

1.—(1) The rebate or allowance to which a tenant is entitled under a scheme shall be a weekly amount calculated in accordance with this Schedule by reference to—

- (a) an amount to be allowed for the needs of the tenant and of any spouse of the tenant or dependent child of the tenant or his spouse (“the needs allowance”);
- (b) the income of the tenant and of any such spouse;
- (c) the amount of the rent which is eligible to be met by a rebate or an allowance;
- (d) a minimum weekly rent;
- (e) a minimum and maximum rebate or allowance;
- (f) amounts to be deducted for non-dependants.

(2) The amounts listed in sub-paragraph (1) above (other than the amount of the rent) shall be ascertained in accordance with this Schedule.

(3) A scheme shall not apply to rent payable in respect of any rental period which begins before the date on which the scheme is made or, if it is expressed to come into force after that date, before the date on which it is expressed to come into force.

(4) No person shall be entitled to benefit under more than one scheme.

2. In this Schedule—

“dependent child” means a person who resides in the dwelling occupied by the tenant and whose requirements are provided for, in whole or in part, by the tenant or his spouse and who is either under the age of sixteen or of or over that age but receiving full time instruction at any university, college or other educational establishment;

“full-time instruction at an educational establishment” includes a reference to a person undergoing training for any trade, profession or vocation in such circumstances that he is required to devote the whole of his time to the training for a period of not less than two years;

“married couple” includes a man and a woman who lives with him as his wife, but does not include a man and wife who are living apart, and “spouse” and “wife” shall be construed accordingly;

“non-dependant” means in relation to a tenant, any person who resides in the dwelling occupied by the tenant, other than the tenant himself, except a spouse of the tenant and a dependent child of the tenant or his spouse.

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3.—(1) Where any sum which is payable or calculated otherwise than as a weekly amount falls to be taken into account for the purposes of this Schedule, it shall be converted into the weekly amount which represents it, and that amount shall be treated as the relevant amount for those purposes; and accordingly in this Schedule references to “weekly income” are references to the amount which represents the income as so converted.

(2) References in this Schedule to “weekly rent” are references to the amount which represents the rent which is eligible to be met by a rebate or an allowance as converted in pursuance of sub-paragraph (1) above.

(3) Where an authority for administrative convenience arrange for the year’s rent to be paid irregularly, or so that no rent is payable for or collected in certain periods, or so that rent for different periods in the year is of different amounts, the provisions of this Schedule shall be applied, and all calculations shall be made, by reference to the rent which would have been paid if the arrangements had not been made.

4.—(1) An authority may treat as a sole tenant for the purposes of this Schedule one of two or more joint tenants, and in that case, subject to sub-paragraph (2) below, every joint tenant who resides in the tenant’s dwelling and is not so treated shall be treated as a non-dependant for those purposes.

(2) Neither the spouse nor a dependent child of a tenant shall be treated as a non-dependant by virtue of sub-paragraph (1) above.

5.—(1) If some person who resides in the dwelling occupied by the tenant appears to an authority to have a higher income than the tenant, and the authority have grounds for considering that in the special circumstances of the case it would be reasonable to make their calculations under this Schedule by reference to the income of that other person and not of the tenant, they may treat that other person as the tenant and make such payments of rebate or allowance (if any) as ought to be made on that basis.

(2) Where an authority exercise the power conferred on them by sub-paragraph (1) above, the tenant shall be treated as a non-dependant for the purposes of this Schedule, but neither the spouse nor a dependent child of the person who is treated as the tenant shall be treated as a non-dependant for those purposes.

6. In the following provisions of this Schedule “tenant” includes a person treated as a tenant under paragraph 4 or 5 above or paragraph 1 of Schedule 4 below.

7. Any question whether a person is a sub-tenant of the tenant or a non-dependant shall be determined, for the purposes of any scheme, by the authority.

Needs allowance

8.—(1) Subject to sub-paragraph (2) below, the needs allowance for each week is—

(a) for an individual person who has no dependent children£10.50

- (b) for a married couple£14.75 SCH. 3
 - (c) for an individual person who has a dependent child or children£14.75
 - (d) for each dependent child of a tenant or his spouse ...£2.75
- (2) The needs allowance for each week is—
- (a) for an individual person who has no dependent children and who is registered in pursuance of arrangements made under section 29(1) of the National Assistance Act 1948 (welfare arrangements for handicapped persons).....£11.75 1948 c. 29.
 - (b) for a married couple one of whom is so registered...£16.00
 - (c) for an individual person who is so registered and who has a dependent child or children£16.00
 - (d) for a married couple both of whom are so registered...£16.75

Income of tenant and spouse

9.—(1) The weekly income of the tenant and any spouse of the tenant shall be ascertained for the purposes of this Schedule by taking the amount which the authority has assessed under Schedule 4 below as likely to be their income during the rebate period or, as the case may be, the allowance period and—

- (a) disregarding any item mentioned in sub-paragraph (2) below which is included in that income, and
- (b) adding any such notional sum as is mentioned in sub-paragraph (4) below.

(2) The items to be disregarded are—

- (a) any rent received from a sub-tenant of part of the dwelling, exclusive of any amount attributable to furniture provided by the tenant, or to services provided by the tenant ;
- (b) any payment made to the tenant or his spouse by a dependent child of his or of his spouse or by a non-dependant ;
- (c) in the case of a married couple £2.50 of the earnings of a woman who is either the tenant or the tenant's wife ;
- (d) any sums payable by virtue of regulations made under section 81 of the Education Act 1944 (financial assistance for education) ; 1944 c. 31.
- (e) any attendance allowance ;
- (f) any sums payable to any person as holder of the Victoria Cross or of the George Cross ;
- (g) any benefit under the Ministry of Social Security Act 1966 ; 1966 c. 20.
- (h) £2.00 of any of the following, namely—
 - (i) a war disablement pension ;
 - (ii) industrial disablement benefit ;
 - (iii) an old cases allowance ;
 - (iv) any payment which the Secretary of State accepts as being analogous to a payment mentioned in sub-paragraphs (i) to (iii) above ;

- SCH. 3
- 1965 c. 52. (j) £2.00 of so much of—
- (i) a widow's pension under section 19(3) of the National Insurance (Industrial Injuries) Act 1965 payable by virtue of paragraphs (a) to (e) thereof ;
- (ii) a special widow's pension (not including any allowance in respect of children) ;
- (iii) any payment which the Secretary of State accepts as being analogous to a payment mentioned in sub-paragraph (i) or (ii) above,
- 1965 c. 51. as exceeds the rate specified in Schedule 3 to the National Insurance Act 1965 for a widow's pension under that Act ;
- (k) £1.00 of any charitable payment or of any voluntary payment other than a payment made by a person who is not a non-dependant for the maintenance of his spouse (including a spouse with whom he is not living) or his former spouse or his children.
- (3) The total disregard under paragraphs (h) to (k) of sub-paragraph (2) above shall in no case exceed £2.00, and where a number of voluntary or charitable payments (other than payments for maintenance such as are mentioned in sub-paragraph (2)(k) above) are received, they shall be treated as if they were one payment for the purposes of that paragraph.
- (4) If the tenant and any spouse of the tenant have between them £800 or more in liquid cash resources, the weekly income shall be treated as increased by a notional sum equal to 0.1 per cent. of the excess over £800.
- (5) In sub-paragraph (2) above—
- 1970 c. 55. "attendance allowance" and "war disablement pension" have the meanings assigned to them by any regulations for the time being in force under the Family Income Supplements Act 1970 ;
- 1965 c. 52. "industrial disablement benefit" means any weekly payment of disablement benefit under the National Insurance (Industrial Injuries) Act 1965 ;
- 1967 c. 34. "old cases allowance" means a weekly payment made under a scheme having effect by virtue of the Industrial Injuries and Diseases (Old Cases) Act 1967 ;
- "special widow's pension" means—
- 1916 c. 65. (a) any widow's pension or allowance granted under powers conferred by or under the Ministry of Pensions Act 1916, the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the Polish Resettlement Act 1947, the Home Guard Act 1951 or the Ulster Defence Regiment Act 1969 ;
- 1917 c. 51.
- 1939 c. 82.
- 1939 c. 83.
- 1947 c. 19.
- 1951 c. 8 (15 & 16 Geo. 6. & 1 Eliz. 2).
- 1969 c. 65.
- 1914 c. 30.
- 1914 c. 18
- (5 and 6 Geo. 5).
- 1915 c. 24. (b) a pension or allowance for a widow granted under any scheme made under the Injuries in War (Compensation) Act 1914, the Injuries in War Compensation Act 1914 (Session 2), or the Injuries in War (Compensation) Act 1915 or under any War Risk Compensation Scheme for the Mercantile Marine.

(6) The Secretary of State may accept a payment as being analogous to a payment mentioned in sub-paragraph (2) above—

- (a) by directing authorities in general to regard payments of that description as analogous for the purposes of this Schedule ; or
- (b) by notifying an authority that he accepts such a payment as analogous for those purposes.

Amount of rebate or allowance

10.—(1) In this Schedule “ minimum weekly rent ” means, subject to sub-paragraphs (2) and (3) below, £1.00 or 40 per cent. of the weekly rent, whichever is the greater.

(2) In any case where the weekly income of the tenant and his spouse is less than the needs allowance, “ minimum weekly rent ” means the amount calculated in accordance with sub-paragraph (1) above less an amount equal to 25 per cent. of the difference between the needs allowance and the weekly income.

(3) In any case where the reduction under sub-paragraph (2) above would be equal to or greater than £1.00 or 40 per cent. of the weekly rent, whichever is the greater, the minimum weekly rent shall be zero.

11.—(1) The amount of rebate or allowance to be granted shall be an amount calculated in accordance with this paragraph but less any sum in respect of non-dependants as mentioned in paragraph 12 below, and subject in any event to paragraphs 13, 14 and 16 below.

(2) If the weekly income of the tenant and his spouse is equal to or less than the needs allowance, the rebate or allowance shall be equal to the amount, if any, by which the weekly rent exceeds the minimum weekly rent.

(3) In any case where the weekly income exceeds the needs allowance, the rebate or allowance shall be calculated in accordance with sub-paragraphs (4) and (5) below.

(4) There shall be added—

- (a) an amount equal to the minimum weekly rent ;
- (b) an amount equal to 17 per cent. of the difference between the weekly income and the needs allowance.

(5) If the sum produced under sub-paragraph (4) above is less than the weekly rent, the rebate or allowance shall be equal to the difference between the weekly rent and that sum.

12.—(1) The deductions from a rebate or allowance in respect of non-dependants are for each week—

- (a) for each person aged 18 years or more, but under 21 years and neither undergoing full-time instruction at an educational establishment nor in receipt of supplementary benefit £1.00 ;
- (b) for each person aged 21 years or more, but under pensionable age and neither undergoing full time instruction at an educational establishment nor in receipt of supplementary benefit £1.50 ;

SCH. 3	<p>(c) for each person in receipt of supplementary benefit £0.70 ;</p> <p>(d) for each person of pensionable age not in receipt of supplementary benefit, except in the case mentioned in paragraph (e) below £0.70 ;</p> <p>(e) for a married couple both of pensionable age and not in receipt of supplementary benefit £0.70.</p>
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(2) If any person is in receipt of supplementary benefit for himself and also for his spouse they shall be treated as one person for the purposes of this paragraph.

Minimum and maximum rebate and allowance

13. If the amount of a rebate or allowance as calculated in accordance with this Schedule would be less than 20p, it shall not be granted.

14.—(1) If the amount of a rebate or allowance as so calculated would exceed the maximum rebate or maximum allowance, the excess shall not be granted, except in a case to which paragraph 16 below applies.

(2) For the purposes of this Schedule the maximum rebate and the maximum allowance are—

- | | |
|---|---------|
| (a) for a dwelling in the area of the Greater London Council | £8.00 ; |
| (b) for any other dwelling | £6.50. |

Treatment of fractional amounts

15. The amount of any rebate or allowance shall be calculated to the nearest new penny by disregarding an odd amount of half a new penny or less, and by treating an odd amount exceeding half a new penny as a whole new penny.

Transitional rebate or allowance

16.—(1) An authority may grant to any person a rebate of such an amount commencing at such time and continuing for such period and subject to such conditions as the Secretary of State may by general or particular direction provide if—

- (a) the whole or part of the rent under his tenancy was met by a rebate for the rental period immediately preceding that in which their rebate scheme comes into operation ; and
- (b) the condition mentioned in sub-paragraph (3) below is satisfied in his case.

(2) An authority may grant to any person an allowance of such amount commencing at such time and continuing for such period and subject to such conditions as the Secretary of State may by general or particular direction provide if—

- (a) the whole or part of the rent under his tenancy was met for the rental period immediately preceding that in which their allowance scheme comes into operation by an allowance granted by virtue of a scheme under a local Act for the payment of such allowances ; and

- (b) the condition mentioned in sub-paragraph (3) below is satisfied in his case. SCH. 3
- (3) The condition that must be satisfied in the case of any person before he is granted a rebate or allowance by virtue of this paragraph is either—
- (a) that the rent remaining to be met by him (after taking account of any rebate or allowance granted otherwise than by virtue of this paragraph) was less during the rental period mentioned in paragraph (a) of sub-paragraph (1) or, as the case may be, paragraph (a) of sub-paragraph (2) above than during the first rental period after the relevant scheme under this Act came into operation, or
- (b) that the rebate or allowance granted for the rental period immediately preceding that in which the relevant scheme under this Act came into operation consisted of or included an amount granted under a provision which in the opinion of the Secretary of State was comparable to this paragraph.
- (4) Where an authority grant a rebate or allowance under this paragraph to a person to whom they grant a rebate or allowance apart from this paragraph, the amount granted under this paragraph shall be additional to the amount of that other rebate or allowance.
- (5) In this paragraph "rent" means rent which is eligible to be met by a rebate or an allowance.

Provision applying only to computation of allowances

17.—(1) For the purposes of the computation of allowances, the foregoing provisions of this Schedule shall be modified in accordance with sub-paragraph (2) below.

(2) It shall be the duty of every authority, for the purpose of computing the amount of an allowance—

- (a) if they consider that the tenant is in occupation of a dwelling larger than he reasonably requires, or
- (b) if they consider that, by virtue of the location of the tenant's dwelling, its rent is exceptionally high by comparison with the rent payable under comparable private tenancies of similar dwellings in the authority's area,

to consider whether they ought in all the circumstances to treat the rent as reduced by an appropriate amount, and if in their opinion they ought to treat it as reduced, to grant an allowance only in respect of the rent as so reduced.

PART II

PERSONS RECEIVING SUPPLEMENTARY BENEFIT

18. The provisions of this Part of this Schedule have effect as respects the amount of rebate or allowance to be granted to a person for a week which is the ninth or any later week in any period for which he, or any person whose income is to be aggregated with his under paragraph 9 of this Schedule, is in receipt of supplementary benefit.

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19.—(1) The said amount shall be the amount if any by which the weekly rent exceeds the minimum weekly rent mentioned in sub-paragraph (1) of paragraph 10 of this Schedule, but less any sum in respect of non-dependants as mentioned in paragraph 12 of this Schedule, and subject to paragraphs 13, 14, 15 and 17 of this Schedule.

(2) Paragraph 11 of this Schedule shall not apply where this paragraph applies.

1966 c. 20.

20.—(1) The last preceding paragraph shall not apply where, assuming it did apply, the amount of supplementary benefit payable for the week would fall to be reduced under paragraph 5 of Schedule 2 to the Ministry of Social Security Act 1966 (adjustment of benefit to normal earnings), but Part I of this Schedule shall then apply subject to the following provisions of this paragraph.

(2) The weekly income of the tenant and any spouse of the tenant shall be ascertained for the purposes of this Schedule by taking for the rebate period or allowance period the amount of the gross weekly income which the person in receipt of supplementary benefit would have if he were engaged in full time work in his normal occupation, and the amount of any gross income of the spouse, and—

(a) disregarding to the extent mentioned in paragraph 9(3) of this Schedule any item mentioned in paragraph 9(2) of this Schedule which is included in that income, and

(b) adding any such notional sum as is mentioned in paragraph 9(4) of this Schedule.

(3) The amounts mentioned in sub-paragraph (2) above shall be those amounts as estimated or determined by the Supplementary Benefits Commission.

(4) The preceding provisions of this paragraph shall be in substitution for paragraph 9(1) of this Schedule.

21.—(1) In this Schedule “period of supplementary benefit” means a continuous period for which the person in question is in receipt of supplementary benefit, but the Secretary of State may give directions as to the circumstances in which two periods of supplementary benefit with a break between are to be regarded as one continuous period.

(2) This Part of this Schedule applies whether or not the period of supplementary benefit began before the coming into operation of the scheme.

Section 20.

SCHEDULE 4**REBATES AND ALLOWANCES: PROCEDURE****PART I****GENERAL***Introductory*

1.—(1) Subject to the provisions of this Schedule, an authority may pay a rebate or allowance at any time and in any manner that they think fit.

(2) Where an authority for administrative convenience arrange for the year's rent to be paid irregularly, or so that no rent is payable for or collected in certain periods, or so that rent for different periods in the year is of different amounts, the provisions of this Schedule shall be applied, and all calculations shall be made, by reference to the rent which would have been paid if the arrangements had not been made.

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(3) Where—

- (a) a Housing Revenue Account dwelling is let to one of two spouses or one of two spouses is a private tenant, and
- (b) the premises are not occupied by the tenant, and
- (c) the other spouse is in occupation of the premises and has paid the rent in respect of any rental period,

the authority may, if in their opinion it is reasonable to do so, treat the spouse who has paid the rent as the tenant for the purposes of this Schedule and grant a rebate, or as the case may be, an allowance accordingly, and an authority may treat as spouses for the purposes of this sub-paragraph a man and a woman who formerly lived with him in the dwelling as his wife.

(4) In the following provisions of this Schedule "tenant" includes, subject to paragraph 15(6) below, a person treated as a tenant under this paragraph or paragraph 4 or 5 of Schedule 3 above, and "spouse" has the same meaning as in Schedule 3 above.

Applications for rebates and allowances

2.—(1) When an authority receive an application for a rebate or allowance, whether before or after their rebate scheme or allowance scheme comes into operation, it shall be their duty, subject to sub-paragraph (2) below, to determine whether the applicant is entitled to a rebate or an allowance and, if so, the amount to which he is so entitled; and they shall request him in writing to furnish such information and such evidence as they may reasonably require for that purpose as to the following matters namely—

- (a) the persons who reside in the dwelling occupied by him;
- (b) the rent in respect of any sub-letting of the premises;
- (c) his other income and his liquid cash resources and, if he has a spouse, the income and liquid cash resources of his spouse,

and shall include with the request a notice to the applicant of the duty under paragraph 5 of this Schedule to report to the authority changes of circumstances such as are mentioned in that paragraph.

(2) An authority shall be under no duty to grant a rebate or an allowance unless they are satisfied that the applicant has furnished all such information and evidence as they require for the purpose of determining whether he is entitled to a rebate or an allowance.

(3) An application may be withdrawn at any time, and if an application is withdrawn the authority shall upon the withdrawal cease to be under any duty to make a determination on it, or to take any further step in relation to it.

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Assessment of income

3.—(1) If an authority are satisfied on an application for a rebate or an allowance that the applicant is eligible for consideration for a rebate or an allowance, it shall be their duty to assess the amount which is likely to be the income of the applicant and of any spouse of his during the rebate period or, as the case may be, the allowance period.

(2) In so far as a person's income consists of earnings from a gainful occupation, the amount which is likely to be the income shall be calculated or estimated by reference to the average of his earnings from that occupation over a period ending with his last pay-day before the application and being a period—

(a) of five weeks, if he is paid weekly,

(b) of two months, if he is paid monthly,

so, however, that in any case the authority may have regard to the average of a person's earnings from a gainful occupation over such other period or periods as appear to them to be appropriate in order properly to assess the amount which is likely to be his income during the rebate period or the allowance period, as the case may be.

(3) In so far as a person's earnings from any gainful occupation comprise salary, wages or fees related to a fixed period, the gross amount of his salary, wages or fees shall be taken into account; and in so far as a person's earnings from any gainful occupation do not comprise salary, wages or fees related to a fixed period, the net profit derived from that occupation shall be taken into account.

(4) In so far as a person's income does not consist of earnings from a gainful occupation, its weekly amount shall be calculated or estimated, subject to sub-paragraph (5) below, on such basis as appears to the authority to be appropriate in the circumstances of the particular case.

(5) The Secretary of State may give directions to authorities in general as to the manner in which they are to calculate the income of persons who belong to classes of persons to whom payments are made by virtue of any enactment which in his opinion are not taxable and are of amounts calculated on the basis that they are not taxable.

(6) In this paragraph—

“net profit” means profit after deduction of expenses but without deduction of income tax or of contributions payable by him under the National Insurance Act 1965 except contributions paid otherwise than as an insured person; and

“pay day” means an occasion on which earnings are paid.

(7) Where any amount which is payable or calculated otherwise than as a weekly amount falls to be taken into account for the purposes of this paragraph, it shall be converted into the weekly amount which represents it, and that amount shall be treated as the relevant amount for those purposes.

Rebate period and allowance period

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4.—(1) Where a rebate or an allowance is first granted, the rebate period or allowance period shall commence at the commencement of the rental period in which the application for a rebate or an allowance was received.

(2) A rebate period and an allowance period shall end, subject to paragraphs 5 and 6 below—

- (a) if the tenant is of pensionable age, not later than twelve months after the date on which he was notified that his application for a rebate or an allowance was granted; and
- (b) in any other case, not later than six months after that date.

5.—(1) If at any time between the making of an application for a rebate or an allowance and any determination made on that application there is a change of circumstances such that the applicant may be reasonably expected to know that it may reduce the amount to which he is entitled, it shall be the duty of the applicant to notify the authority of that change.

(2) If after a rebate or an allowance has been granted to a tenant and before the end of the rebate period or allowance period there is a change of circumstances such that the tenant may be reasonably expected to know that it may affect his entitlement or reduce the amount to which he is entitled, it shall be the duty of the tenant to notify the authority of that change.

(3) If during a rebate period or an allowance period an authority receive a notification of a change of circumstances under sub-paragraph (2) above, or consider, without receiving such a notification, that there has been such a change in the tenant's circumstances as will affect the tenant's entitlement or reduce the amount to which he is entitled, the authority shall determine, according to the circumstances, either that the period shall terminate on a date earlier than it would otherwise terminate or that the amount of rebate or allowance shall be altered in respect of such rental period or periods as they consider appropriate.

6.—(1) If during a rebate period or an allowance period an authority receive from a tenant a notification of a change of circumstances relating to him which might entitle him to a higher rebate or allowance, the authority, if they are of the opinion, after obtaining and considering such information and evidence as they require, that the tenant is entitled to a higher rebate or allowance, shall determine, according to the circumstances, that the period shall terminate on a date earlier than that on which it would otherwise terminate, or that the amount of rebate or allowance shall be increased in respect of any rental period or periods commencing after the date on which the circumstances changed.

(2) If an authority determine under sub-paragraph (1) above that a rebate period or allowance period ought to terminate, they shall invite the tenant to submit a further application for a rebate, or, as the case may be, an allowance.

SCH. 4 7. If there is such an alteration in the terms of a rebate scheme or allowance scheme or in the rent as to affect the amount of rebate or allowance to which a tenant is entitled, the authority shall make such alterations as may be appropriate in the amount of his rebate or allowance.

8. It shall not be the duty of an authority to alter a rebate or allowance under paragraph 5, 6 or 7 above if the alteration would be equal to or less than the amount of the minimum rebate or minimum allowance under the authority's rebate scheme or allowance scheme.

9. Without prejudice to any other right to recover the amount of any rebate or allowance which has been wrongly granted, where any person has received a rebate or allowance to which he was not entitled, it may be recovered from him by deduction from sums which would otherwise be granted to him by way of rebate or allowance.

Application for further rebate or allowance

10.—(1) A tenant to whom a rebate or allowance has been granted may apply to the authority for a further rebate or allowance commencing with the first rental period after the end of the current rebate period or allowance period.

(2) An application under sub-paragraph (1) above need not be entertained if it is made more than one month before the end of the current period.

(3) If the application is made not later than one month after the end of that period, the new rebate period or allowance period shall commence with the first rental period after the end of the former period.

(4) If the application is made at any later date, the new period shall commence with the first rental period after the date of the application:

Provided that the authority may, if in their opinion the circumstances are exceptional, allow the new period to commence with the first rental period after the end of the former rebate or allowance period.

(5) Subject to this paragraph, the provisions of this Schedule shall apply on an application for a further rebate or allowance as they apply on a first application.

Transitional

11. Where—

(a) the whole or part of a person's rent under a tenancy—

(i) was met by a rebate for the rental period immediately preceding that in which the rebate scheme under this Act of the authority who granted him that rebate comes into operation; or

(ii) was met, for the rental period immediately preceding that in which the allowance scheme under this Act of the authority in whose area his dwelling is comes into operation, by an allowance granted by virtue of a scheme under a local Act for the payment of such allowances ; and

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- (b) the terms on which the rebate or allowance was granted for that rental period are identical with those on which rebates or, as the case may be, allowances, are to be granted under the relevant scheme under this Act,

the authority may treat him, for all the purposes of this Schedule or Schedule 3 above, as if he were a person to whom they had granted under this Act a rebate or, as the case may be, an allowance for the first rental period after the relevant scheme came into operation.

Provisions applying only to allowances

12.—(1) An authority may require from any person who has applied for or who is in receipt of an allowance evidence—

- (a) of his interest in the dwelling in respect of which his application was made or the allowance is paid ;
- (b) of the rent paid for the dwelling in respect of the rental period in which his application was made or any other rental period in the allowance period.

(2) An authority may terminate an allowance period or pay the allowance to the tenant's landlord for any rental period within the allowance period if they are satisfied that the tenant is not paying rent regularly to his landlord or if the tenant is unable to show the amount of rent paid in respect of any rental period within the allowance period.

(3) In paying an allowance, an authority—

- (a) shall comply with such general or particular directions as the Secretary of State may from time to time give as to the frequency of payment ;
- (b) shall have regard, subject to sub-paragraph (2) above, to the reasonable needs and convenience of the tenant.

13. The authority may withhold an allowance where the landlord of a private tenant is residing with a tenant, or where the landlord is a member of the family of a private tenant and it appears to the authority that the tenancy was created to take advantage of any allowance scheme.

14.—(1) In ascertaining the amount of an allowance the authority shall disregard—

- (a) where the rent is payable under a controlled tenancy, any rent paid in excess of the rent limit under Part V of the Rent Act 1968,

1968 c. 23.

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1968 c. 23.
1969 c. 33.
- (b) where the rent is paid under a regulated tenancy and a rent is registered for the dwelling, any rent paid in excess of the rent limit under Part III of the Rent Act 1968 or Schedule 3 to the Housing Act 1969 or in excess of the amount which is for the time being recoverable under Schedule 6 to this Act,
- (c) where the rent is payable under such a tenancy as is described in paragraph (b) above, but no rent is registered for the dwelling, and the authority are not satisfied that the rent paid is equal to or less than the fair rent, as estimated by the authority, any rent paid in excess of that estimated fair rent,
- (d) where the rent is payable under a tenancy to which Part VIII of this Act applies, any rent paid in excess of the rent limit under that Part,
- (e) where the rent is payable under such a tenancy as is described in paragraph (d) above, but no rent is registered (whether provisionally or otherwise) for the dwelling, and the authority are not satisfied that the rent paid is equal to or less than the fair rent, as estimated by the authority, any rent paid in excess of that estimated fair rent,
- (f) where there is in operation, with respect to the dwelling, any such condition relating to rent as is described in section 44(5) of the Rent Act 1968 (conditions attached to financial assistance for housing) any rent paid in excess of any limit of rent imposed by the conditions,
- 1958 c. 42,
1959 c. 33.
- (g) where there is in operation any condition mentioned in 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, which limits the rent to be charged in respect of the dwelling, any rent paid in excess of that limit.

(2) Nothing in sub-paragraph (1) above shall affect the operation of paragraph 17 of Schedule 3 to this Act.

(3) Where after paying any rent a tenant becomes entitled, under section 33 of the Rent Act 1968 or otherwise, to recover part of that rent as being in excess of any such limit as is described in sub-paragraph (1) above, the authority shall ascertain what the amount of the allowance would have been if the tenant had not paid the rent he is entitled to recover; and the excess of the allowance actually made over that amount shall be treated for the purposes of paragraph 9 of this Schedule as an allowance which has been wrongly granted.

(4) Expressions in this paragraph which are defined by the Rent Act 1968 for the purposes of that Act shall have the same meanings in this paragraph.

General duty of authority as to determinations

15.—(1) It shall be the duty of an authority to notify a tenant in writing of every determination which they make under their rebate scheme or allowance scheme in relation to him.

(2) A tenant may make representations to an authority concerning a determination which they make in relation to him, and if an authority receive such a representation from a tenant within one month of their notification to him of such a determination they shall consider the representation and may alter or confirm the determination according to the circumstances; and if they alter or confirm it they shall notify the tenant in writing of their reasons for doing so.

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(3) Every notification of a determination shall include a notice to the tenant explaining the provisions of sub-paragraph (2) above.

(4) When an authority determine to treat as the tenant, in pursuance of paragraph 5 of Schedule 3 above, a person who is not the tenant within the meaning of section 26 of this Act, it shall be their duty to notify of that determination both the person who will fall to be treated as the tenant as a result of the determination and the person who would have been considered eligible for a rebate or an allowance but for the determination.

(5) When an authority determine to treat as the tenant, in pursuance of paragraph 4 of Schedule 3 above or paragraph 1 of this Schedule, a person who is not the tenant or, as the case may be, not the sole tenant, within the meaning of section 26 of this Act, it shall be their duty to notify of that determination the person who will fall to be treated as the tenant as a result of it and to take such (if any) steps as they consider reasonable to notify of the determination the person or persons who would have been considered eligible for a rebate or an allowance but for the determination.

(6) The references to the tenant in sub-paragraphs (2) and (3) above shall accordingly be construed as including every person to whom sub-paragraph (4) or (5) above applies.

(7) Where an authority notify a tenant of a determination to grant him a rebate or an allowance their notification shall state the amount of the rebate or allowance granted, the rebate period or allowance period and the circumstances in which the amount or the period may be altered, and draw his attention to the duty imposed on him by paragraph 5(2) above.

PART II

PERSONS IN RECEIPT OF SUPPLEMENTARY BENEFIT

16.—(1) The Secretary of State may give directions, either generally or in any particular case, as to the application of Part II of this Act (including the last preceding Schedule and this Schedule) to persons who may be entitled to receive supplementary benefit or are or have been in receipt of such benefit, and to persons whose income or resources have been or may be aggregated for the purposes of this Act, or of the Ministry of Social Security Act 1966, with those of persons who are or have been or may be in receipt of supplementary benefit. 1966 c. 20.

(2) Directions under this paragraph may in particular make provision as to—

- (a) the beginning or ending of any rebate or allowance period;
- (b) the procedures to be adopted in cases where a person is or may be entitled both to rent rebate or rent allowance and to

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supplementary benefit, and the method of disposing of any application for rent rebate or rent allowance which is pending when a person becomes entitled to supplementary benefit; and

(c) the method of dealing with cases where it is difficult to ascertain whether a person has been in receipt of supplementary benefit for more than eight weeks.

(3) Any direction under this paragraph shall have effect notwithstanding anything in Part I of this Schedule.

17.—(1) An authority shall not, under this Schedule, require the tenant, as respects any period for which he is in receipt of supplementary benefit, to give any information to the authority, other than such information as may for the time being be specified for the purposes of this paragraph by any direction given by the Secretary of State, either generally or in any particular case.

1966 c. 20.

(2) An authority shall afford to the Secretary of State such information in their possession as he may require to give effect to the Ministry of Social Security Act 1966 as amended by this Act, and the Secretary of State and the Supplementary Benefits Commission shall afford to every authority such information concerning claims for, and payments of, supplementary benefit as the authority may require to give effect to Schedule 3 to this Act and this Schedule.

(3) Without prejudice to the generality of sub-paragraph (2) above, where the authority are to ascertain the amounts specified in paragraph 20(2) of Schedule 3 to this Act for a person who is in receipt of supplementary benefit, whether in the first eight weeks or later (or for a person whose income is to be aggregated with that of a person in receipt of supplementary benefit) it shall be the duty of the Commission to notify the authority of those amounts as estimated or determined by the Commission and to supply the authority with such particulars of the resources of the tenant and any spouse as will enable the authority to ascertain the weekly income of the tenant and any spouse.

(4) An authority and the Secretary of State may from time to time enter into any arrangements for purposes of administrative convenience which, without affecting the total relief available to any tenant—

(a) authorise the authority to grant a rebate or allowance greater than, or less than, the amount required by or under the authority's scheme, or to grant, or refrain from granting, a rebate or allowance where the provisions of the scheme provide otherwise, and

(b) require the authority to pay to the Secretary of State such amount, estimated in a manner determined by the arrangements, as reflects any liability to give relief to the tenant transferred by the arrangements from the authority to the Secretary of State,

and where any arrangements within paragraph (a) above were made in the period beginning on 1st April 1972 and ending with the coming

into force of this Act, the local authority shall have power to pay to the Secretary of State such amount in respect of any liability to give relief to the tenant transferred by the arrangements to the Secretary of State as may be determined by them on a formula agreed with the Secretary of State.

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(5) Without prejudice to paragraph 16 above, the Secretary of State may give directions to authorities in general or any individual authority or description of authority requiring them in such cases and circumstances as may be specified in the direction to grant a rebate or allowance greater than, or less than, the amount required by or under their scheme, or to grant, or refrain from granting, a rebate or allowance where the provisions of the scheme provide otherwise, and to pay to the Secretary of State such amount, to be estimated in such manner as may be so specified, as reflects any liability to give relief to the authority's tenants which is transferred in accordance with the directions from the authority to the Secretary of State.

(6) Any reference in this Act to the amount of rebates or allowances granted by an authority for a year or other period shall include an amount which in the opinion of the Secretary of State represents the rebates or allowances which would have been granted but for any arrangements under sub-paragraph (4) or directions under sub-paragraph (5) above, estimated in such manner as the Secretary of State may direct; and a corresponding adjustment shall be made in arriving at the amount to be treated for any purpose of this Act as an authority's standard amount of rent rebates or rent allowances.

SCHEDULE 5

Section 31.

CERTIFICATE OF FAIR RENT UNDER PART III OF THIS ACT:
APPLICATION FOR REGISTRATION OF RENT

PART I

GENERAL

1. If the local authority have, under section 30(5) of this Act, stated that the works specified in the plans and specifications accompanying the application for the certificate of fair rent have been carried out, and the application for registration of a rent is made not later than three months after the issue of the qualification certificate, the rent officer shall register the rent in accordance with the certificate of fair rent.

2.—(1) If the application for registration of a rent is made not later than three months after the issue of the qualification certificate, but the local authority have not stated that the landlord has complied with the provisions of section 30(5) of this Act as respects the certificate of fair rent, the rent officer shall ascertain whether the works specified in the plans and specifications accompanying the application for the certificate of fair rent have been carried out.

(2) If the rent officer is satisfied that the works have been so carried out, he shall register the rent in accordance with the certificate.

SCH. 5 (3) If the rent officer is not so satisfied, Part II of this Schedule shall apply.

3. If—

- (a) the application for registration of a rent is made later than three months after the issue of the qualification certificate, or
- (b) the local authority have, under section 30(5) of this Act, stated that the works specified in the plans and specifications accompanying the application for the certificate of fair rent have not been carried out (in whole or in part),

Part II of this Schedule shall apply.

PART II

NOTICE SERVED ON TENANT

4. Where this Part of this Schedule applies, the rent officer shall serve a notice on the tenant 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 certificate.

5. Where no such representations are made then, unless it appears to the rent officer that the rent specified in the certificate of fair rent is higher than a fair rent, he shall register that rent and notify the landlord and tenant accordingly.

6.—(1) Where representations are made as mentioned in paragraph 4 of this Schedule or the rent officer is of opinion that the rent specified in the certificate of fair rent is higher than a fair rent he shall serve notice on the landlord and on the tenant informing them 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 landlord and the tenant or such of them as may appear at that time and place, what rent, not exceeding that specified in the certificate of fair rent, ought to be registered.

(2) At any such consultation the landlord and 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.

7.—(1) The rent officer shall consider, in accordance with the preceding paragraph, what rent ought to be registered, and—

- (a) if, after considering it, he is of opinion that the rent specified in the certificate is not higher than a fair rent he shall register it; but
- (b) if, after considering it, he is of opinion that the rent so specified is higher than a fair rent he shall determine a fair rent and register that rent,

as the rent for the dwelling, and shall give notice of the registration to the landlord and the tenant.

(2) The notice shall state that if, within twenty-eight days of the service of the notice or such longer period as the rent officer 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.

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- 8.—(1) If such an objection is received, then—
- (a) if it is received within the period of twenty-eight days mentioned in the preceding 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 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

9. The rent assessment committee to whom a matter is referred under paragraph 8 of this Schedule 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.

10. Where, within the period specified under paragraph 9 of this Schedule 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.

11.—(1) The committee shall make such inquiry, if any, as they think fit and consider any representation made to them in pursuance of the preceding paragraphs and—

- (a) if it appears to them that the rent registered by the rent officer has been rightly registered they shall confirm it ;
- (b) in any other case they shall designate as the rent for the dwelling-house either the rent specified in the certificate of fair rent or such lower rent as appears to them to be a fair rent, as the case may require ;

and they shall notify the landlord, the tenant and the rent officer accordingly.

(2) 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 designated by the committee as the rent for the dwelling.

Section 38.

SCHEDULE 6

RESTRICTION ON RENT INCREASES

1968 c. 23. 1.—(1) This paragraph applies where a rent for a dwelling-house which is subject to a regulated tenancy is registered under Part IV of the Rent Act 1968 and—

1969 c. 33. (a) the registration is the first registration, and the tenancy has become a regulated tenancy by virtue of Part III of this Act, or section 43 of the Housing Act 1969, or section 35 of this Act, or

(b) the registration is the first after the completion, during the existence of the regulated tenancy, of works towards the cost of which a grant was payable under Part I of the Housing Act 1969.

(2) If the rent payable under the tenancy for any statutory period beginning during the period of delay imposed by paragraph 2 of this Schedule is less than the rent so registered, it shall not be increased by a notice of increase under section 22(2) of the Rent Act 1968 except to the extent (if any) permitted under the following provisions of this Schedule: and any such notice which purports to increase it further shall have effect to increase it to the extent so permitted but no further.

(3) If after the tenancy becomes a regulated tenancy, or as the case may be after the completion of the works, and whether or not before the beginning of the period of delay, an agreement increasing the rent under the tenancy takes effect, the rent limit for any period of that tenancy (whether contractual or statutory) beginning during the period of delay shall be the amount to which, if the agreement had not been made, the rent could have been increased in accordance with this Schedule for a statutory period beginning at the same time, and in relation to such a contractual period the reference in section 47(3) of the Rent Act 1968 to section 20(2) of that Act shall be construed as a reference to this sub-paragraph.

(4) Where sub-paragraph (3) above applies to a statutory period, sub-paragraph (2) of this paragraph shall not apply to that period.

(5) Nothing in this Schedule shall prevent the rent being increased to the previous limit, calculated in accordance with paragraph 3 below, and nothing in this Schedule shall be taken to enable any rent to be increased above the amount registered.

(6) Subject to sub-paragraph (5) above, the registration, during the period of delay, of a rent superseding, and lower than, the rent registered at the beginning of the period of delay shall not affect the amount by which the rent may be increased in the period of delay.

2. The period of delay shall begin with the date of registration, and its duration and the extent to which the rent may be increased in the period of delay, shall be as set out in the Table below where—

“the step” means the excess of the rent registered at the beginning of the period of delay over the previous limit, and

“increase in recoverable rent for an improvement” means an increase in rent made by virtue of section 25(1) or section 56 of the Rent Act 1968, or by virtue of section 37(3) of this Act, and

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“add” means that for any rental period beginning on or after the date as at which the addition is to be made the rent may be increased up to the previous limit, calculated in accordance with paragraph 3 below, with any previous addition under the Table, plus the specified addition.

and any reference to the addition of either a fraction of the step or a specified sum per week is a reference to an addition of whichever represents the greater increase of rent.

TABLE

PROGRESSION TO REGISTERED RENT FROM PREVIOUS RENT LIMIT

<i>Case</i>	<i>Phasing</i>
<i>Case A.</i> First registration of rent after tenancy becomes a regulated tenancy by virtue of Part III of this Act or section 43 of the Housing Act 1969 or section 35 of this Act (except where one of the following cases applies).	Period of delay is 2 years. On date of registration add one third of the step, or £0·50 per week. One year after registration add one third of the step, or £0·50 per week.
<i>Case B.</i> As in Case A, but in the 12 months ending with the date of registration there has been an increase in recoverable rent for an improvement of £0·50 per week or more.	Period of delay ends with second anniversary of the date of increase. On first anniversary of the date of increase add one half of the step, or £0·50 per week.
<i>Case C.</i> As in Case A, but at a date more than 12 months before the date of registration but not more than 2 years before the date of application for registration there has been an increase in recoverable rent for an improvement of £0·50 per week or more.	Period of delay is one year. On date of registration add one half of the step, or £0·50 per week.
<i>Case D.</i> As in Case A, but at the date of registration the landlord is entitled to serve (but has not served) a notice of increase under section 37(3) of this Act or section 25 of the Rent Act 1968 which, or which taken together, would increase the recoverable rent by £0·50 per week or more.	Period of delay is 2 years. One year after date of registration add one half of the step, or £0·50 per week.

Any such notice served before the date of registration which is not reflected in the previous limit as defined below because it has not taken effect shall be treated for the purposes of this Case as a notice which the landlord is entitled to serve.

SCH. 6	<i>Case</i>	<i>Phasing</i>
	<i>Case E.</i> As in Case A, but the date of registration is more than 3 months after the date of application for registration. If Case B, C or D applies this Case does not apply.	<p>Period of delay ends 27 months after the date of application.</p> <p>On date of registration add one third of the step, or £0·50 per week.</p> <p>15 months after date of application add one third of the step, or £0·50 per week.</p>
1969 c. 33.	<i>Case F.</i> Works towards which a grant is payable or has been paid under Part I of the Housing Act 1969 are completed during a regulated tenancy of the dwelling house. First registration after completion of the works.	<p>Period of delay is 2 years.</p> <p>On date of registration add one third of the step, or £0·50 per week.</p> <p>One year after registration add one third of the step, or £0·50 per week.</p>
	<i>Case G.</i> As in Case F, but the registration (after completion of the works) is in a period of delay beginning with an earlier registration.	<p>From the date of registration the limitation under the period of delay beginning with the earlier registration ceases to apply.</p> <p>A period of delay of two years shall begin with the later registration.</p> <p>On the date of the later registration add one third of the step, or £0·50 per week.</p> <p>One year after the later registration add one third of the step, or £0·50 per week.</p> <p>The step is from the previous limit for the earlier registration to the rent registered on the later registration, less any addition permitted in the part of the earlier period of delay before the second registration.</p>
	<i>Case H.</i> In the period of delay current under any of the Cases above the registration at the beginning of the period of delay is superseded by a later registration of a higher rent. If Case G applies this Case does not apply.	<p>No new period of delay arises on the later registration, and the duration of the current period of delay is unaffected.</p> <p>On the date of the later registration add the excess of the later registered rent over the earlier registered rent; in other respects the additions appropriate to the earlier registration are unaffected.</p>

Previous limit

SCH. 6

3.—(1) For the purposes of this Schedule the previous limit of a rent shall be taken to be, subject to sub-paragraph (2) of this paragraph, the amount which at the date of registration was recoverable by way of the rent or would have been so recoverable if all notices of increase authorised by the Rent Act 1968 or by section 1968 c. 23. 37(3) of this Act had been served.

(2) Where the rent includes an amount payable in respect of rates, the amount so payable, ascertained in accordance with Schedule 4 to the Rent Act 1968, shall be deducted from the amount specified in sub-paragraph (1) of this paragraph in calculating the previous limit of the rent.

*Agreements with tenants having security of tenure
Tenancy granted between conversion or improvement and the
registration of rent*

4.—(1) This paragraph applies where—

- (a) in the period between the conversion or improvement and the registration of a rent, the tenant, or any person who might succeed him as a statutory tenant, becomes the tenant under a new regulated tenancy of the dwelling-house, and
- (b) paragraph 1 of this Schedule would have applied if the previous tenancy had continued and the new tenancy had not been granted.

(2) The preceding provisions of this Schedule shall apply as if the said previous tenancy had continued, and the rent limit for any period (whether contractual or statutory) of the new regulated tenancy beginning during the period of delay shall be the amount to which, if the original tenancy had continued, the rent payable thereunder could have been increased in accordance with this Schedule for a statutory period beginning at the same time, and in relation to such a contractual period the reference in section 47(3) of the Rent Act 1968 to section 20(2) of that Act shall be construed as a reference to this paragraph.

(3) In this paragraph “conversion or improvement” means the time when the tenancy in paragraph 1(1)(a) above becomes a regulated tenancy, or as the case may be the time when the works in paragraph 1(1)(b) above are completed.

*Rent agreement taking effect between conversion or improvement
and the registration of rent*

5.—(1) If, in the period between the conversion or improvement and the registration of a rent, a rent agreement with a tenant having security of tenure takes effect as respects the dwelling-house, and the landlord has conformed with the requirements of section 44(5) of this Act, or with sections 43 and 45 of this Act, then the preceding provisions of this Schedule shall apply as respects the period after

SCH. 6 the actual registration of rent as if the registration of rent had been on the date when the agreement took effect.

(2) Where this paragraph applies, the Table in this Schedule shall have effect as if all the Cases, other than Cases A and F, were omitted.

(3) In this paragraph—

“conversion or improvement” has the same meaning as in paragraph 4 above,

“rent agreement with a tenant having security of tenure” has the meaning given by section 43(1) of this Act.

Tenancy granted after registration of rent to a tenant having security of tenure

6. Where during the period of delay in any Case the tenant, or any person who might succeed him as a statutory tenant, becomes the tenant under a new regulated tenancy of the dwelling-house paragraph 4(2) above shall apply as it applies to a tenancy granted before the registration of a rent.

Supplemental

7. In ascertaining for the purposes of this Schedule whether there is any difference between amounts, or what that difference is, such adjustments shall be made as may be necessary to take account of periods of different lengths; and for that purpose a month shall be treated as one-twelfth and a week as one fifty-second of a year.

1968 c. 23. 8.—(1) In this Schedule “registration” means registration of a rent under Part IV of the Rent Act 1968, and “registered” shall be construed accordingly.

(2) Where a registration takes effect from a date earlier than the date of registration, references in this Schedule to the date of registration shall nonetheless be references to the later date.

(3) Where a rent designated or determined by a rent assessment committee is registered in substitution for a rent determined by the rent officer, the preceding provisions of this Schedule shall have effect as if only the rent designated or determined by the rent assessment committee had been registered; but the date of registration shall be deemed for the purposes of this Schedule (but not for the purposes of section 22(3) of the Rent Act 1968) to be the date on which the rent determined by the rent officer was registered.

(4) Where any provision of this Schedule imposes a rent limit for a statutory period in the period of delay, section 22(2) of the Rent Act 1968 shall have effect as if for references to the registered rent there were substituted references to that rent limit.

Transitional provisions

9.—(1) Cases B and D in the Table in this Schedule, together with Case H, apply if the registration is after the expiration of a period of one month beginning with the date on which this Act is passed.

(2) The remaining Cases in the said Table apply only if the registration is after the end of the year 1972.

10.—(1) Schedule 3 to the Housing Act 1969 shall not apply so as to create a period of delay beginning on a registration of rent after the end of the year 1972, and shall not apply where Case B or Case D of the Table in this Schedule applies. SCH. 6
1969 c. 33.

(2) On a registration before 1st January 1973 which is the first registration after the tenancy becomes a regulated tenancy by virtue of Part III of this Act, the said Schedule 3 shall apply as if the tenancy became a tenancy by virtue of Part III of the Housing Act 1969; and then paragraph 4 of that Schedule (the previous limit) shall have effect as if a notice of increase authorised by section 37(3) of this Act were included among the notices of increase there referred to.

(3) The said Schedule 3 shall have effect subject to the following modifications.

(4) For any year of a period of delay under that Schedule which begins on or after 1st January 1973 paragraph 3(3) of that Schedule shall have effect with the substitution for the reference to 37½ new pence of a reference to 50 new pence.

(5) Where the second year of a period of delay of four years under the said Schedule 3 begins on or after 1st January 1973, the period of delay shall instead be two years, and the fraction in the third column of the Table in the said paragraph 3 for the second year shall be three fifths, and not two fifths.

(6) Where sub-paragraph (5) above does not apply, and any year of a period of delay of four years begins on or after 1st January 1973, the period of delay shall instead be three years, and, if the said date falls in the second year of delay, the fraction in the said third column for the third year shall be four fifths, and not three fifths.

(7) Where the registration is in November or December 1972, and is the first registration after the tenancy has become a regulated tenancy by virtue of Part III of the Housing Act 1969—

(a) the period of delay shall end on 31st December 1974, and

(b) the stages by which the rent may progress to the amount registered shall be on the same dates, and of the same amounts, as prescribed by Case A of the Table above for a period of delay beginning on 1st January 1973.

(8) If in a period of delay under the said Schedule 3 the registration at the beginning of the period of delay is superseded by a later registration of a higher rent, and the later registration is on or after 1st January 1973—

(a) paragraph 6(4) of the said Schedule 3 shall not apply, and

(b) the rent for any rental period beginning after the second registration may be increased by an amount equal to the excess of the later registered rent over the earlier registered rent, in addition to any other permitted increase.

(9) Subject to the next following sub-paragraph, the repeal by this Act of section 52 of, and of Schedule 3 to, the Housing Act 1969 shall not apply where the date of registration of rent mentioned in paragraph 1 of the said Schedule 3 falls before the year 1973.

Сч. 6 (10) In the said Schedule 3, paragraph 5 (amount to be apportioned to services), with paragraphs 11 and 12, and all other provisions referring to that paragraph, shall be repealed for all purposes as from the expiration of a period of one month beginning with the date on which this Act is passed.

Improvement works begun before 1972 to be disregarded for certain purposes

11. For the purposes of Cases B, C and D in the Table in this Schedule any improvement the works for which were begun before the year 1972 shall be disregarded, and accordingly if the effect of this paragraph is that one of those Cases does not apply, Case A shall apply instead.

SCHEDULE 7

Section 2.

ENACTMENTS RELATING TO CERTAIN SUBSIDIES AND
OTHER PAYMENTS

PART I

PAYMENTS MADE BY SECRETARY OF STATE

<i>Act</i>	<i>Section or Schedule</i>
The Housing, Town Planning, &c. Act 1919 (c. 35).	Section 7. Section 19.
The Housing, &c. Act 1923 as extended, with amendments, by the Housing (Financial Provisions) Act 1924.	Section 1, except for sub-section (1)(a). Section 3.
The Housing Act 1930 (c. 39).	Section 26. Section 29(3).
The Housing Act 1935 (c. 40).	Section 27. Section 31. Section 33.
The Housing Act 1936 (c. 51).	Section 94. Sections 105 and 106. Section 108.
The Housing (Financial Provisions) Act 1938 (c. 16).	Sections 1 and 2. Section 9.
The Housing (Financial and Miscellaneous Provisions) Act 1946 (c. 48).	Sections 1 to 4. Sections 6 and 7. Sections 9 to 15.
The New Towns Act 1946 (c. 68).	Section 8.
The Housing Act 1949 (c. 60).	Section 42.
The Town Development Act 1952 (c. 54).	Section 2(2)(a).
The Requisitioned Houses and Housing (Amendment) Act 1955 (c. 24).	Section 10(2). Section 11.
The Housing Subsidies Act 1956 (c. 33).	Section 1. Sections 3, 4, 5 and 6.
The Housing (Financial Provisions) Act 1958 (c. 42).	Section 1. Sections 3, 4, 5, 6, 7 and 8. Section 16(1)(a). Section 19(3). Section 21. Section 25, so far as it relates to sections 3 to 8 and section 15 of the same Act, to Part I of the Housing Act 1961, and to Part I of the Housing Subsidies Act 1967. Section 46(5)(b). Section 48(3).

SCH. 7	<i>Act</i>	<i>Section or Schedule</i>
	The New Towns Act 1959 (c. 62).	Section 4, except for sub-section (2) (grants for building experiments and for hostels). In Schedule 2, sub-paragraphs (1) and (2) of paragraph 4 except so far as they relate to hostels.
	The Housing Act 1961 (c. 65).	Section 1. Sections 3, 4, 5 and 6. Section 8(2).
	The Housing Act 1964 (c. 56).	Section 92(2). Section 94.
	The New Towns Act 1965 (c. 59).	In Schedule 10, paragraph 4 except so far as it relates to hostels.
	The Housing Subsidies Act 1967 (c. 29).	Sections 1 and 2. Sections 4, 5, 6, 7 and 8. Sections 10 and 11. Section 14(6) except so far as it relates to hostels, or relates to the enactments mentioned in section 77(2) of the Housing Act 1969 (contributions in respect of conversion or improvement of dwellings). Section 16.

PART II

CONTRIBUTIONS BETWEEN AUTHORITIES

The Housing Subsidies Act 1967.	Section 9. Section 18.
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PART III

LOCAL AUTHORITY GRANTS LINKED WITH PAYMENTS
MADE BY SECRETARY OF STATE

The Housing Act 1930.	Section 29(1).
The Housing Act 1935.	Section 27(3).
The Housing Act 1936.	Section 94(3).
The Housing Subsidies Act 1956.	Section 1(2)(b).
The Housing (Financial Provisions) Act 1958.	Section 1(2)(b).
The Housing Act 1961.	Section 1(2).
The Housing Subsidies Act 1967.	Section 1(5). Section 9(4).

PART IV

SCH. 7

MISCELLANEOUS

County council contributions to councils of county districts

<i>Act</i>	<i>Section or Schedule</i>
The Housing Act 1936.	Subsections (2) and (3) of section 115.
The Housing (Financial Provisions) Act 1938.	Subsections (1) and (2) of section 7.
The Housing (Financial and Miscellaneous Provisions) Act 1946.	Section 8(1).
The Housing (Financial Provisions) Act 1958.	Section 23.

Recovery of contributions paid out of money provided by Parliament

The Housing Subsidies Act 1956.	Section 9.
The Housing Subsidies Act 1967.	Section 17.

Payments by local authorities to Secretary of State

The Housing (Financial Provisions) Act 1958.	Section 16(1)(b).
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SCHEDULE 8

Section 100.

TERMINATION OF CERTAIN PROVISIONS ABOUT HOUSING FINANCE

1.—(1) No payment shall be made under any of the enactments described in Schedule 7 to this Act for the year 1972-73 or any subsequent year.

(2) Without prejudice to the generality of sub-paragraph (1) above, no payment shall be made by a local authority for the year 1972-73 or any subsequent year in pursuance of any undertaking or agreement made under or by reference to any of the enactments described in Part III of the said Schedule 7 (which includes—

(a) provisions authorising a local authority to enter into undertakings to make payments to other persons, and authorising payments out of money provided by Parliament to local authorities entering into such undertakings, and

(b) provisions requiring or authorising a local authority, on receipt of any sum, to pay to another person an amount not less than that sum).

(3) Subject to sub-paragraphs (5) and (6) below, an agreement between a local authority and a new town corporation in pursuance of which payments are to be made under or by reference to any of the enactments described in the said Part III shall continue in force except so far as those payments are prohibited or restricted by the preceding provisions of this paragraph.

(4) This paragraph has effect subject to section 79(1) of this Act as respects certain agreements between local authorities and housing associations.

SCH. 8 (5) Upon the application of a party to an agreement such as is mentioned in sub-paragraph (3) above, the Secretary of State may, if he thinks fit, direct that the agreement shall have effect with such variations as may be specified in the direction.

(6) The variations which may be directed under sub-paragraph (5) above may be variations agreed by the parties or determined by the Secretary of State.

Termination of other provisions

2. The enactments described in the Table below shall cease to have effect, subject to the savings in that Table.

TABLE

Recovery of Exchequer contributions in respect of requisitioned houses

1955 c. 24. A. Section 11(4) of the Requisitioned Houses and Housing (Amendment) Act 1955, except as respects a sale of a house, or surrender of a lease, before 1st April 1972.

Temporary accommodation provided in war buildings

1958 c. 42. B. Section 16(3) of the Housing (Financial Provisions) Act 1958, except where the buildings were demolished before the coming into force of this Schedule.

Aluminium houses in unsatisfactory state

1964 c. 56. C. Section 93 of the Housing Act 1964, except where the request by the housing authority was duly made before the date of the coming into force of this Schedule, and the housing authority, before that date, satisfied the Secretary of State that they had taken the appropriate steps, including the disconnection of services, to enable the demolition to be carried out safely and efficiently.

Housing (Rural Workers) Acts

1926 c. 56. D. The Housing (Rural Workers) Acts 1926 to 1942, except in relation to any loan made before the coming into force of this Act under section 2 of the Housing (Rural Workers) Act 1926 (and excepting any enactment so far as it relates to the rate of interest payable on such a loan).

Houses built under s. 2 of Act of 1923

3.—(1) This paragraph applies in the case of a house—

1923 c. 24. (a) the construction of which was promoted by a local authority in accordance with section 2 of the Housing, &c. Act 1923, and

1924 c. 35. (b) in respect of which contributions would, apart from this paragraph, fall to be paid for the year 1974-75, or for that and later years, by the Secretary of State under the Housing (Financial Provisions) Act 1924.

(2) The following provisions of this paragraph shall have effect if—

(a) the person who, on 1st April 1974, is the owner of the house has so elected before that date, and

(b) the local authority are satisfied that the conditions set out in paragraph 1 of Schedule 2 to the Housing (Financial Provisions) Act 1958 and the condition set out in section 48(2) of that Act have been observed as respects the house throughout the year 1973-74. SCH. 8
1958 c. 42.

(3) In the circumstances specified in sub-paragraph (2) above, no payment shall be made under the said Acts of 1923 and 1924 in respect of the house for the year 1974-75 or any subsequent year either by the Secretary of State or by the local authority, and—

(a) the Secretary of State shall pay to the local authority a sum, calculated in such manner as appears to him to be appropriate, equivalent to one half of the value, as at 1st April 1974, of the payments which would have been made by him in respect of the house but for the election,

(b) the local authority shall pay to the owner of the house—

(i) an amount equal to that received by them from the Secretary of State under paragraph (a) above, and

(ii) where the annual sum which the local authority have undertaken to pay under section 2(3)(b) of the said Act of 1923 in respect of the house is greater than the annual amount of the Secretary of State's contribution, a sum, calculated in such manner as the Secretary of State may direct, either generally or in any particular case, being a sum equivalent to one half of the value, as at 1st April 1974, of the annual sums, so far as exceeding the Secretary of State's contributions, which the local authority would have paid but for the election.

(4) In the circumstances specified in sub-paragraph (2) above, the conditions described in paragraph (b) of that sub-paragraph (whether or not incorporated in any covenant or agreement) shall cease to apply to the house on 1st April 1974.

(5) Written notice of an election under this paragraph shall be given to the local authority before the end of the year 1973-74, and where the local authority receive such a notice they shall, as soon as possible after the end of that year—

(a) notify the Secretary of State, and

(b) send him a certificate stating whether they are, or are not, satisfied that the conditions described in the said sub-paragraph (2)(b) have been observed as regards the house throughout the year 1973-74.

(6) In this paragraph "owner" means the person or persons to whom payments by the local authority under the said Acts of 1923 and 1924 are for the time being payable.

Temporary housing under Act of 1944

4.—(1) The Housing (Temporary Accommodation) Act 1944, and any agreement under section 1 of that Act, shall cease to have effect. 1944 c. 36.

(2) So far as any agreement under the said section 1 provides for a payment by a local authority to the Secretary of State, or by the Secretary of State to a local authority, sub-paragraph (1) above shall have effect as respects payments to be made for the year 1972-73 and subsequent years.

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(3) All rights of property and other rights of the Secretary of State as respects any structure being used by a local authority in pursuance of an agreement under the said section 1 when this Schedule comes into force, and any obligation of the Secretary of State to any person other than the local authority as respects the removal or demolition of the structure, shall be transferred to the local authority.

(4) Subject to sub-paragraph (3) above, all obligations of the Secretary of State as respects any such structure shall be terminated.

1957 c. 56.

(5) The provisions of the Housing Act 1957 relating to houses provided by a local authority under Part V of that Act shall continue to have effect in relation to any such structure, and housing accommodation provided in any such structure shall be deemed to have been provided under the said Part V:

Provided that any such structure, and any land on which it is situated, which immediately before the coming into force of this Schedule was deemed to be land acquired for the purposes of Part V of that Act, may be appropriated, or disposed of, by the local authority in the same way as any other land provided under the said Part V.

(6) The preceding provisions of this paragraph shall not affect any obligation of a local authority to any other person as respects the removal or demolition of any structure.

(7) Where, under section 2 of the said Act of 1944, the local authority have, before the date when this Schedule comes into force, duly requested the Secretary of State to cause the structure to be taken down and removed, and the local authority have, before that date, satisfied the Secretary of State that they have taken the appropriate steps, including the disconnection of services, to enable the demolition to be carried out safely and efficiently, the Secretary of State shall, notwithstanding the preceding provisions of this paragraph, comply with the request and subsections (2) and (3) of the said section 2 shall apply as respects structures, fittings and materials removed in compliance with the request.

(8) References in this paragraph to any structure include references to any fittings forming part of the structure.

1945 c. 39,
1954 c. 53,
1944 c. 36.

5. The repeal by this Act of the Housing (Temporary Accommodation) Act 1945 and of section 19 of the Housing Repairs and Rents Act 1954 (which amend the Housing (Temporary Accommodation) Act 1944) shall not affect any duty imposed on a local authority before the coming into force of this Act under section 1(6) of the said Act of 1945 or the said section 19.

*Exchequer contributions for unfit houses retained by
local authorities*

1958 c. 42.

6.—(1) Payments under section 13 of the Housing (Financial Provisions) Act 1958—

(a) shall not be made for the year 1972-73 or any subsequent year, and

(b) shall only be made (and only for the year 1971-72 and earlier years) as regards a house approved by the Secretary of State for the purposes of the said section 13 before 1st April 1972.

(2) Where payments under the said section 13 as regards a house approved before 1st April 1972 would, apart from this paragraph, fall to be paid for the year 1972-73, or for that and later years, the Secretary of State shall, subject to sub-paragraph (3) below, pay to the local authority a sum, calculated by such method as he may determine, equivalent to the value of those payments, as at 1st April 1972.

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(3) In the case of payments under subsection (2)(a) of the said section 13 (payments for years during which the house is used for approved housing purposes), it shall be assumed for the purposes of sub-paragraph (2) above—

- (a) that no payment would, apart from this paragraph, fall to be paid under the said subsection (2)(a) for the year 1972-73 or any later year if the first such payment was for the year 1961-62 or any earlier year, and
- (b) if the first such payment was for the year 1962-63, that no such payment would be made for the year 1972-73 or any later year, and correspondingly that if the first such payment was for a year after 1962-63, that no such payment would be made for any year beginning more than ten years after the beginning of the year for which the first such payment was made,
- (c) that any house is used in the year 1972-73, and later years, for the said approved housing purposes.

(4) Where a local authority have taken possession of a house before 1st April 1972, and—

- (a) the house has not been approved for the purposes of the said section 13, but
 - (b) apart from the provisions of this paragraph, it would have been eligible for approval under that section, or would have been so eligible if the local authority had purchased it,
- the Secretary of State may pay to the local authority a sum of such amount as, in his opinion, is appropriate having regard to the period for which the house is likely to be used for housing purposes, and to the date when the local authority might be expected to incur expenditure on purchasing the house.

Agricultural housing accommodation

7.—(1) No undertaking shall be given by the Secretary of State under section 46 of the Housing (Financial Provisions) Act 1958— 1958 c. 42.

- (a) as respects arrangements made on or after the date when this Schedule comes into force, or
 - (b) as respects any house completed on or after 1st April 1974.
- (2) The following provisions of this paragraph shall have effect if—
- (a) the person who on 1st April 1974, is the owner of a house as respects which contributions would, apart from this paragraph, fall to be paid under the said section 46 for the year 1974-75 has so elected before that date, and
 - (b) the local authority are satisfied that the conditions specified in the said section 46 have been observed as respects the house throughout the year 1973-74 or, if the house was not completed until after the beginning of that year, throughout the part of that year after it was completed.

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(3) In the circumstances specified in sub-paragraph (2) above no payment shall be made under the said section 46 in respect of the house for the year 1974-75 or any subsequent year either by the Secretary of State, or by the local authority (whether by way of annual grant equal to the Secretary of State's contribution, or by way of any additional amount), and—

(a) the Secretary of State shall pay to the local authority a sum, calculated in such a manner as appears to him to be appropriate, equivalent to one half of the value, as at 1st April 1974, of the payments which would have been made by him in respect of the house but for the election,

(b) the local authority shall pay to the owner of the house—

(i) an amount equal to that received by them from the Secretary of State under paragraph (a) above, and

(ii) where the annual grant paid by them in respect of the house is greater than the annual amount of the Secretary of State's contribution, a sum calculated in such manner as the Secretary of State may direct, either generally or in any particular case, being a sum equal to one half of the value, as at 1st April 1974, of the annual grants, so far as exceeding the Secretary of State's contributions, which the local authority would have paid but for the election.

(4) In the circumstances specified in sub-paragraph (2) above, the conditions described in paragraph (b) of that sub-paragraph (whether or not incorporated in any covenant or agreement) shall cease to apply to the house on 1st April 1974.

(5) Written notice of an election under this paragraph shall be given to the local authority before the end of the year 1973-74, and where the local authority receive such a notice they shall, as soon as possible after the end of that year—

(a) notify the Secretary of State, and

(b) send him a certificate stating whether they are, or are not, satisfied that the conditions described in the said sub-paragraph (2)(b) have been observed as regards the house throughout the period described in that paragraph.

(6) In this paragraph "owner" means the person or persons to whom payments by the local authority under the said section 46 are for the time being payable.

Advances on account of expensive site subsidies

1967 c. 29. 8.—(1) Subject to the provisions of this paragraph, section 11 of the Housing Subsidies Act 1967 shall cease to have effect.

(2) Sub-paragraph (1) above shall not affect the right of recovery by the Secretary of State under subsection (2)(b) of the said section 11 (recovery on exercise of Secretary of State's power to terminate subsidies in certain circumstances) where the subsidies cease on the exercise by the Secretary of State of his powers under section 14(3) of the said Act.

(3) If any such event or other circumstance as is described in the said section 14(3) arises in the year 1971-72, and the Secretary of State is satisfied that, apart from the provisions of this Act, he would have discontinued any subsidy in the circumstances, he may exercise his right of recovery under the said subsection (2)(b) notwithstanding that he has not exercised his power of discontinuance under the said section 14(3).

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(4) Without prejudice to any right of recovery saved by the preceding provisions of this paragraph, the Secretary of State may, on the coming into force of this Schedule, recover any payment made by him under the said section 11 on or after 1st December 1971 as respects the site or part of a site for which the first payment was made on or after 1st December 1971, and paragraphs 10 and 11 below shall not be taken to apply to any such payment by the Secretary of State under the said section 11.

(5) Sub-paragraph (1) above shall not affect the Secretary of State's right of recovery under subsection (2)(c) of the said section 11 (subsidy unlikely ever to become payable) where the Secretary of State notified the local authority of his intention to recover before the coming into force of this Schedule.

Payments for hostels

9.—(1) No payment shall be made under section 15 of the Housing 1958 c. 42.
(Financial Provisions) Act 1958 or, so far as it relates to hostels,
under any provision of the New Towns Act 1959 or the New Towns 1959 c. 62.
Act 1965 except in the case of— 1965 c. 59.

- (a) premises approved for the purposes of subsection (1) of the said section 15 before the coming into force of this Act, or
(b) premises provided or converted under arrangements entered into before the coming into force of this Act under or by virtue of section 120 of the Housing Act 1957 or section 1957 c. 56.
9(2) of the Housing Act 1961. 1961 c. 65.

(2) Except as respects payments falling to be made by a Minister for the year 1971-72 or any earlier year, for Schedule 2 to the Housing Subsidies Act 1967 (annual subsidies which may be reduced, 1967 c. 29.
discontinued or transferred under section 14 of that Act) there shall be substituted the following Schedule—

“ SCHEDULE 2

PROVISIONS AUTHORISING PAYMENT OF ANNUAL SUBSIDIES

The Housing Act 1949

(12, 13 & 14 Geo. 6. c. 60)

Section 40.

The Housing (Financial Provisions) Act 1958

(6 & 7 Eliz. 2. c. 42)

Sections 15 and 22.

The Housing Act 1961

(9 & 10 Eliz. 2. c. 65)

Section 9.

Any provision of the New Towns Act 1959, or of the New Towns Act 1965, so far as it relates to hostels.

This Act

Section 14(6).”

SCH. 8

*Supplemental**Subsidies paid under old law for the year 1972-73*

10.—(1) Any sum paid, before the coming into force of this Schedule, by the Secretary of State for the year 1972-73 under any enactment described in Part I of Schedule 7 to this Act shall be brought into account as follows.

(2) A sum so paid shall be treated as paid on account of any sums payable to the recipient housing authority under Part I or VII of this Act for the year 1972-73, and if the total of sums so paid exceeds the total of the sums payable under Part I or VII of this Act for the year 1972-73, the excess shall be recoverable by the Secretary of State from the recipient housing authority.

(3) If it appears to the Secretary of State at any time that, when the sums payable under Part I or VII of this Act for the year 1972-73 are finally ascertained, any amount will be recoverable by him under sub-paragraph (2) above, he may require the recipient housing authority to pay that amount to him forthwith, but without prejudice to any further adjustment, either way, when those sums are finally ascertained.

(4) Where sums are payable to the recipient housing authority for the year 1972-73 under two or more different sections in Part I or VII of this Act, the Secretary of State may determine the order in which the sums so payable are to be reduced to give effect to sub-paragraphs (2) and (3) above.

(5) In this paragraph "recipient housing authority" means the local authority, new town corporation or housing association to whom the sum in question is payable.

11.—(1) Any sum paid, before the coming into force of this Schedule, by the Secretary of State for the year 1972-73 under any enactment described in Part III of Schedule 7 to this Act (payments by Secretary of State linked with local authority grants to new town corporations or housing associations) shall be dealt with as follows.

(2) Nothing in this Act shall affect the obligation of the local authority receiving the payment to pay a sum of an amount equal to that received by them to the new town corporation or housing association.

(3) A sum paid by a local authority in pursuance of such an obligation (up to the amount equal to that received by the local authority) shall be treated as paid on account of any sums payable to the new town corporation or housing association under Part I, or as the case may be Part VII, of this Act for the year 1972-73, and if the total of sums so paid exceeds the total of the sums payable under the said Part I or Part VII for the year 1972-73, the excess shall be recoverable by the Secretary of State from the new town corporation or housing association.

(4) Any sums paid, before the coming into force of this Schedule, by a local authority to a new town corporation in pursuance of any undertaking or agreement made under or by reference to any of the enactments described in Part III of Schedule 7 to this Act,

so far as it exceeds the amount received by the local authority from the Secretary of State under that enactment, shall be repaid by the new town corporation to the local authority.

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Payment of old subsidy based on an estimate

12.—(1) This paragraph has effect where information given to the Secretary of State on an application duly made for a payment for the year 1971-72 or any earlier year under any enactment described in Part I of Schedule 7 to this Act includes any particulars which are, and are stated to be, based on an estimate arrived at to the best of the knowledge and belief of the applicant.

(2) Subject to the following provisions of this Schedule, if it appears to the Secretary of State—

(a) that the estimate is reasonable, and

(b) that, assuming the estimate was reasonable, the information and other particulars given on the application are sufficient to enable him to determine the amount of the payment,

he may accept the estimate, and make a payment accordingly.

(3) Where a payment is made in pursuance of this paragraph neither the local authority receiving the payment nor (where the payment is made under a provision requiring a local authority to pay over to a new town corporation or a housing association an amount not less than that received) the new town corporation or housing association, shall be entitled to question the amount of the payment on a ground which means that the estimate was incorrect.

(4) Where the Secretary of State is not satisfied that the estimate is reasonable, he may, if he thinks fit, accept the application and make a payment of such amount as appears to him reasonable.

Time limit for applications for old subsidies

13.—(1) Subject to the provisions of this paragraph, the right to receive any payment from the Secretary of State under any enactment described in Part I of Schedule 7 to this Act shall be extinguished unless an application has been duly made for the payment before the relevant date, and unless the Secretary of State is satisfied that the information and other particulars given (before the relevant date) on the application—

(a) are sufficient to enable him to determine the amount of the payment, or

(b) are such as to enable him to make a payment based on an estimate in pursuance of the last preceding paragraph.

(2) The relevant date is—

(a) where the payment claimed is not under the Housing Subsidies Act 1967, 18th September 1971,

(b) where the payment claimed is under the said Act, the day after the expiration of a period of one month beginning with the date on which this Act is passed.

(3) Where an application satisfying paragraph (a) or (b) of subparagraph (1) above for a payment which is not under the Housing

SCH. 8 Subsidies Act 1967 is made on or after 18th September 1971, the Secretary of State may, if he thinks fit, make a payment in accordance with the application.

(4) The provisions of this paragraph are without prejudice to the discretion conferred on the Secretary of State by paragraph 12(4) above.

Attribution of payments to financial years

14.—(1) This paragraph has effect where, for the purposes of this Schedule, or of any other provision of this Act, it is necessary to determine the year for which any sum is payable under any of the enactments described in Part I of Schedule 7 to this Act, or for which any such sum would be payable apart from the provisions of this Act.

(2) The determination shall be made according to the practice followed by the Secretary of State up to the coming into force of this Act, that is to say the system of accounting by which—

(a) all sums so payable are referred to particular years ; and

(b) the payments referred to any year are, up to the amounts which up to that time have been ascertained to be due, made on 30th June and 31st December in that year.

(3) Accordingly, the sums to be treated for the purposes of this Act as payable for a particular year shall include all those sums which, by the said system of accounting, are referred to that year even if the amount payable has not been, or cannot be, ascertained by 31st December in that year.

(4) The Secretary of State may give directions, which may be either general directions or directions for a particular case—

(a) for settling any question as to the nature of the practice followed up to the coming into force of this Act, or as to the application of that practice under this paragraph,

(b) where it appears to the Secretary of State that the practice does not enable the year to be determined in any case or class of cases, for settling the matter either generally or for the particular case or class of case,

and directions given under this sub-paragraph may apply either as respects payments to be made by the Secretary of State, or as respects payments to be made by any other person.

(5) Any sum which is, or would apart from the provisions of this Act be, payable under any enactment described in Part III of Schedule 7 to this Act (sum payable by a local authority on receipt of payment from the Secretary of State) shall be referred to the same year as the payment from the Secretary of State.

15. Where paragraph 14 does not apply, and it is necessary for the purposes of this Schedule, or of any other provision of this Act, to determine the year for which any sum is, or would apart from the provisions of this Act be, payable, the Secretary of State may give directions, either generally or in any particular case, for prescribing the manner in which, or method by which, the question is to be determined.

Determination of disputes

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16.—(1) Any dispute between two or more housing authorities, or between any housing authority and any other person, as to a claim for a payment from a housing authority under any of the enactments described in Schedule 7 to this Act or this Schedule, shall be referred to and determined by the Secretary of State.

(2) In this paragraph "housing authority" includes the council of a county.

Duty to supply information

17.—(1) Every housing authority, and every officer of a housing authority concerned with their housing functions, shall supply the Secretary of State with such information as he may specify, either generally or in any particular case, for the purpose of enabling the Secretary of State to make any determination or calculation as respects payments for the year 1971-72 or any earlier year under the enactments described in Schedule 7 to this Act or this Schedule, or any determination or calculation related to the winding-up of the housing subsidy system superseded by this Act.

(2) In this paragraph "housing authority" includes the council of a county and a housing association.

Expenses of Secretary of State

18. Any payments to be made by the Secretary of State under this Schedule shall be paid out of money provided by Parliament.

SCHEDULE 9

Section 108.

MINOR AND CONSEQUENTIAL AMENDMENTS

Town Development Act 1952

1. In section 14(3) of the Town Development Act 1952, for the words "as mentioned in subsection (1) of this section" there shall be substituted the words "by agreement in connection with town development within the meaning of this Act, or by order under section 9 or section 13 of this Act".

*Local Government
(Miscellaneous Provisions) Act 1953*

2.—(1) In section 2 of the Local Government (Miscellaneous Provisions) Act 1953 (local authorities' capital funds) after subsection (2) there shall be inserted—

"(2A) Except with the consent of the Secretary of State, money received from the disposal of any property within the local authority's Housing Revenue Account shall not be paid into any such capital fund".

(2) After the said section 2 there shall be inserted—

2A. Except with the consent of the Secretary of State, money received from the disposal of any property within a local authority's Housing Revenue Account shall not be paid into any capital fund established under any existing or future local Act."

"Capital funds under local Acts.

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Housing Act 1957

1957 c. 56.

3.—(1) In section 111(1) of the Housing Act 1957 (general responsibility for houses provided under Part V of the Act) after the word “may” there shall be inserted the words “subject to the provisions of the Housing Finance Act 1972”.

(2) In section 152 of the Housing Act 1957 (compensation in certain cases of subsidence) for the words “is liable to contribute” there shall be substituted the words “was liable to contribute at any time before the coming into force of the Housing Finance Act 1972.”

Ministry of Social Security Act 1966

1966 c. 20.

4. In section 16 of the Ministry of Social Security Act 1966 (prevention of duplication of payments) after subsection (2) there shall be inserted—

“(2A) Where, in determining the amount of any benefit, the requirements of any person have been taken into account for the whole or part of a period in respect of which rebate or allowance under Part II of the Housing Finance Act 1972 might be afforded to him, and, before the whole or part of it has been afforded, the authority are notified by the Commission of the amount by which the amounts paid under this Act exceed what the Commission have determined they would have been had the rebate or allowance been afforded before the amount of the benefit was determined, the amount of the rebate or allowance to be afforded shall be reduced by the amount so notified.”

Supplementary benefit : rent brought into calculation of requirements

5. At the end of paragraph 13 of Schedule 2 to the Ministry of Social Security Act 1966 (supplementary benefit: the rent to be included in calculation of requirements) there shall be added the following sub-paragraph:—

“(4) Where any amount of the rent or rates is met by a rebate or allowance under Part II of the Housing Finance Act 1972, or by any rate rebate, the amount so met shall be deducted from the increase to be made under sub-paragraph (1)(a) of this paragraph.”

6.—(1) The provisions of this paragraph have effect as respects the exercise of the power under sub-paragraph (1)(a) of paragraph 13 of Schedule 2 to the Ministry of Social Security Act 1966 to take account of part only of the net rent payable (reduced where appropriate under sub-paragraph (2) of that paragraph) for any period for which a rent rebate or rent allowance is made to a person in receipt of supplementary benefit, or to a person whose requirements are aggregated with his under paragraph 3(1) of the said Schedule 2.

(2) The said power shall not be exercisable—

(a) subject to sub-paragraph (3) below, on the ground that the rent is an excessive rent for the dwelling, or

- (b) subject to sub-paragraph (4) below, on the ground that the rent is excessive because of the size, location or character of the dwelling, or
- (c) on the ground that the rent is excessive having regard to the resources of the tenant and of any person whose requirements are aggregated with his under the said paragraph 3(1).
- (3) Sub-paragraph (2)(a) above shall not apply to rent disregarded in pursuance of paragraph 14 of Schedule 4 to this Act.
- (4) Sub-paragraph (2)(b) above—
- (a) shall not apply where a rent allowance is granted for the period and a reduction falls to be made under sub-paragraph (2) of paragraph 13 of the said Schedule 2 (adjustment for non-dependants sharing the accommodation), and
- (b) where rent is reduced under paragraph 17 of Schedule 3 to this Act, shall only apply to the amount of the rent after the reduction.
- (5) The preceding provisions of this paragraph shall not apply where the rebate or allowance has been restricted under paragraph 14 of Schedule 3 to this Act.
- (6) Regulations under section 5 of the Ministry of Social Security Act 1966 may vary the provisions of this paragraph as if they were contained in Part II of the said Schedule 2.
- (7) This paragraph shall not affect the provisions of the said sub-paragraph (1)(a) so far as they relate to any amount which is not rent which is eligible to be met by a rebate or an allowance as defined in section 25 of this Act.

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Local Government Act 1966

7. In section 1(6) of the Local Government Act 1966 for the words "the provision of housing accommodation" there shall be substituted the word "housing".

8.—(1) The expression "relevant expenditure" as defined by section 1(7) of that Act (which relates to rate support grant) shall not include—

- (a) any expenditure in or in connection with the discharge of slum clearance functions as defined by section 11(7) of this Act, or
- (b) any expenditure incurred in granting rent allowances, or in administering a rent allowance scheme.

(2) This paragraph has effect as respects expenditure for the year 1973-74 and subsequent years.

Leasehold Reform Act 1967

9. In paragraph 8(4) of Schedule 5 to the Leasehold Reform Act 1967 for the reference to section 9(4) of the Rent Act 1968 there shall be substituted a reference to section 35(8) of this Act.

Rent Act 1968

10. In section 5(6) of the Rent Act 1968 (conditions for a housing association tenancy to be excluded from the Rent Acts) there shall be inserted after paragraph (c)—

SCH. 9 “(cc) that the dwelling-house was comprised in a scheme approved for the purposes of section 75 of the Housing Finance Act 1972”.

1968 c. 23. 11. For paragraph (a) of section 107(1) of the Rent Act 1968 (power of local authority to publish information) there shall be substituted the following paragraphs—

“(a) to publish information, for the assistance of landlords and tenants and others, as to their rights and duties under—

1962 c. 50. (i) the Landlord and Tenant Act 1962,

1965 c. 75. (ii) Part III of the Rent Act 1965,

(iii) this Act, and

(iv) Parts III, IV, VIII and section 90 of the Housing Finance Act 1972,

and as to the procedure for enforcing those rights or securing the performance of those duties, and

(aa) to make any such information available in any other way, and”.

12.—(1) In section 109 of the Rent Act 1968 (service of notices on agents of landlord) subsection (5) (which excludes the operation of that section in relation to Parts VI and VII of that Act) shall cease to have effect.

(2) In subsection (3) of the said section 109 (right to obtain name and address of landlord) after the words “this Act” there shall be inserted the words “or Part III of the Rent Act 1965 (protection against harassment)”.

(3) So far as the said section 109, as amended by this paragraph, relates to Part VI or Part VII of the Rent Act 1968 or to Part III of the Rent Act 1965, references in the said section 109 to a landlord and to a tenant shall respectively include references to a lessor and to a lessee as defined by section 84(1) of the Rent Act 1968.

13. Paragraph 5 of Schedule 9 to the Rent Act 1968 (notice to landlord of proposal to issue certificate of disrepair) and Part III of that Schedule (certificate of repair where landlord is overseas company) shall cease to have effect.

Prices and Incomes Act 1968

1968 c. 42. 14.—(1) Section 12 of the Prices and Incomes Act 1968 (increase of local authority rents without notice to quit) shall have effect as if—

(a) any reference in that section to a local authority house included reference to a Housing Revenue Account dwelling of a new town corporation, and

(b) any reference in that section to a local authority included, in relation to a Housing Revenue Account dwelling of a new town corporation, that corporation.

(2) This paragraph shall apply in relation to a tenancy notwithstanding that the letting took place before the coming into force of this Act.

Housing Act 1969

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15. In section 38 of the Housing Act 1969 (general improvement areas: exclusion of certain entries from Housing Revenue Account) for the reference to section 50 of the Housing (Financial Provisions) Act 1958 there shall be substituted a reference to the provisions of this Act about the Housing Revenue Account. 1969 c. 33. 1958 c. 42.

16. In section 40(2)(a) of the Housing Act 1969 the reference to Part III of that Act shall include a reference to Part III of this Act.

Fire Precautions Act 1971

17.—(1) The reference in paragraph 1(6)(b) of Part I of the Schedule to the Fire Precautions Act 1971 to section 53 of the Housing Act 1969 shall include a reference to section 38(2) of this Act. 1971 c. 40.

(2) At the end of paragraph 3(1) of the said Part I there shall be inserted the following:—

“(c) Schedule 6 to the Housing Finance Act 1972 (restriction on rent increases) shall have effect, in relation to any period of that tenancy (whether contractual or statutory) beginning while the registration of that rent continues to have effect, as if the amount to which the rent could be increased in accordance with that Schedule for a statutory period had been simultaneously increased by the same amount (that is to say by the amount specified in the court order).

(1A) Where the rent payable under a tenancy to which Part VIII of the Housing Finance Act 1972 applies is increased by an order of a court made by virtue of section 28(3)(b) of this Act, then the rent limit for the dwelling-house under the said Part VIII (including the rent limit specified in a direction of the Secretary of State) shall be increased by an amount equal to the increase effected by the order in the rent payable for the rental period in question:

Provided that if, at any time after the court order takes effect, a rent is registered for the dwelling-house (whether it is the first or any subsequent registration) this sub-paragraph shall not apply to any rental period beginning after that time.”

SCHEDULE 10

Section 108.

TRANSITORY PROVISIONS

Rising costs subsidy

1.—(1) For the purposes of section 4 of this Act no expenditure in connection with houses approved under section 13 of the Housing (Financial Provisions) Act 1958 (unfit houses retained for temporary accommodation) shall be included in a housing authority's expenditure.

(2) For the purposes of the said section 4 a local authority's expenditure shall not include any contribution to the Housing Repairs Account which is debited to the Housing Revenue Account for the year 1971-72, but shall include the expenditure on repairs and main-

SCH. 10 tenance which is debited to the Housing Repairs Account for the year 1971-72 as if it had been debited to the Housing Revenue Account.

Working balances in Housing Revenue Account

1958 c. 42.

2. The repeal by this Act of Schedule 5 to the Housing (Financial Provisions) Act 1958 shall not affect the amount, if any, to be carried to the credit of the Housing Revenue Account for the year 1972-73, and any amount so carried forward shall be treated as a working balance at the beginning of the year.

Housing Repairs Account

3.—(1) No Housing Repairs Account shall be kept for the year 1972-73, or any later year.

(2) Any surplus in a Housing Repairs Account as at 31st March 1972 shall be treated as a working balance, or part of a working balance, carried forward to the credit of the Housing Revenue Account for the year 1972-73.

(3) Any deficit in a Housing Repairs Account as at 31st March 1972 shall be debited to the local authority's Housing Revenue Account for the year 1972-73, and shall be treated as if it represented expenditure on repairs for that year, in addition to expenditure on repairs actually incurred for the year 1972-73.

(4) Any investment under section 53 of the Housing (Financial Provisions) Act 1958 (temporary application of money in housing accounts) of money required to be credited to a Housing Repairs Account shall be realised not later than 31st March 1973.

(5) In complying with the requirements of this paragraph a local authority shall act in accordance with such directions, if any, as may be given by the Secretary of State.

Housing Equalisation Account

4.—(1) No Housing Equalisation Account shall be kept for the year 1972-73, or any later year.

(2) Any balance in a Housing Equalisation Account as at 31st March 1972 shall be treated by the local authority as a capital receipt, and the local authority shall apply it for any one or more of the following purposes—

- (a) the repayment of housing debt,
- (b) the purchase of land for the purposes of Part V of the Housing Act 1957,
- (c) any other purpose approved by the Secretary of State, being a purpose for which the local authority may properly apply capital money.

1957 c. 56.

(3) For each year the local authority shall carry to the credit of the Housing Revenue Account amounts equal to any income, and receipts in the nature of income, being income or receipts arising to the local authority for that year from the investment or other use of money representing any sum treated as a capital receipt in pursuance of this paragraph.

(4) In complying with the requirements of this paragraph a local authority shall act in accordance with such directions, if any, as may be given by the Secretary of State. SCH. 10

Housing Revenue Accounts

5.—(1) The houses and other property within a local authority's Housing Revenue Account shall include any property brought within the account before the coming into force of this Act—

(a) with the consent of a Minister given under section 50(1)(e) of the Housing (Financial Provisions) Act 1958, or 1958 c. 42.

(b) by virtue of subsection (2) of the said section 50 (houses vesting in local authority on default of another person).

(2) References in section 12 of, and Schedule 1 to, this Act, to property provided under Part V of the Housing Act 1957 shall not include references to any property provided on or before 6th February 1919. 1957 c. 56.

(3) Where, but for the coming into force of this Act, any correction of a Housing Revenue Account for the year 1971-72, or for an earlier year, would have been effected by entering a credit or debit in that account for the year 1972-73, or any later year, the correction shall be so made notwithstanding the provisions of this Act as to the nature of the credits or debits to be entered in the Housing Revenue Account for the year 1972-73 and later years.

(4) Any direction given under section 24 of the Town and Country Planning Act 1959 concerning the Housing Revenue Account of any local authority shall apply in relation to the account to be kept under this Act as it would have applied to the account to be kept under the Housing (Financial Provisions) Act 1958. 1959 c. 53.

(5) Any direction given under paragraph 1(3) of Schedule 5 to the Housing (Financial Provisions) Act 1958 (crediting of income from proceeds of sale of property) shall, in the year 1972-73 and later years, have effect as if given under paragraph 1(3)(a) of Schedule 1 to this Act.

(6) Any direction given under paragraph 4 of the said Schedule shall, as respects those years, have effect as if it had been given under paragraph 5 of Schedule 1 to this Act.

Rent rebate schemes operated in 1970-71 and 1971-72

6.—(1) This paragraph has effect where, for all or any part of the years 1970-71 and 1971-72, a local authority were making rent rebates to the tenants of their Housing Revenue Account dwellings, but were excluding all or any of the tenants in receipt of supplementary benefit.

(2) The local authority shall have power to pay to the Secretary of State such amount in respect of tenants so excluded as may be determined by them on a formula agreed with the Secretary of State.

Repeal of Part III of Housing Act 1969

7.—(1) An application under Part III of the Housing Act 1969 for a qualification certificate which has not been disposed of before 1969 c. 33.

Sec. 10 the date of the repeal by this Act of the said Part III shall be treated as if made under Part III of this Act.

(2) A certificate of provisional approval or a certificate of fair rent issued before the said date on such an application shall be treated as if issued under Part III of this Act.

(3) The said repeal shall not affect section 47 of the said Act (registration of rent after issue of qualification certificate) as respects an application for registration of a rent where the tenancy became a regulated tenancy before the said date.

(4) Where an application under Part III of the Housing Act 1969 for a qualification certificate has been disposed of before the said date (whether by refusal of the application, or by issuing a certificate) the said repeal shall not affect the right of appeal under section 49 of the Housing Act 1969, or the application of the said Part III on the determination of the appeal.

(5) Nothing in section 51(1) of the Housing Act 1969 shall apply to any notice of increase served on or after the date of the repeal, and the said repeal shall not affect paragraph (a) or paragraph (b) of subsection (2) of the said section 51.

(6) After the date of repeal of the said Part III, section 37(3) of this Act shall apply to a conversion under the said Part III as it applies to a conversion under Part III of this Act.

(7) The said repeal shall not affect the requirements of section 54(1) of the Housing Act 1969 where the tenant's consent was given before the said date.

(8) The said repeal shall not affect any proceedings pending under subsection (2) of the said section 54 when the said repeal takes effect.

Power to repeal or amend local Acts

8.—(1) The Secretary of State may, subject to the provisions of this paragraph, by order repeal or amend any provision—

(a) in any local Act passed before this Act, or

(b) in any order or other instrument made under an Act of Parliament before the passing of this Act,

where it appears to him that that provision is inconsistent with, or has become unnecessary in consequence of, any provision of this Act.

(2) Before making an order under this section the Secretary of State shall consult with any county council or local authority which appear to him to be concerned.

(3) An order made under this paragraph—

(a) may contain such transitional, supplemental or incidental provisions as appear to the Secretary of State to be expedient, and

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

Consultations by Secretary of State before the coming into force of this Act

9. A provision of this Act which imposes on the Secretary of State

a duty to consult any association or body, or to consult such associations or bodies as appear to him to be desirable or appropriate or to be concerned, shall not be taken as implying that further consultation is required by the provision where the Secretary of State is satisfied that there was consultation before the coming into force of this Act which in his opinion was sufficient for the purpose. SCH. 10

SCHEDULE 11

Section 108.

REPEALS

PART I

HOUSING ACCOUNTS

Chapter	Short Title	Extent of Repeal
6 & 7 Eliz. 2. c. 42.	The Housing (Financial Provisions) Act 1958.	Part III. Schedule 5.
6 & 7 Eliz. 2. c. 55.	The Local Government Act 1958.	Section 56(3).
7 & 8 Eliz. 2. c. 33.	The House Purchase and Housing Act 1959.	Section 26.
1963 c. 33.	The London Government Act 1963.	Section 23(6).
1969 c. 33.	The Housing Act 1969.	In Schedule 8 paragraph 18.

The repeals in this Part of this Schedule have effect as respects accounts for the year 1972-73 and later years.

PART II

CONTROLLED AND REGULATED TENANCIES

Chapter	Short Title	Extent of Repeal
1967 c. 88.	The Leasehold Reform Act 1967.	In Schedule 5 paragraph 3(2)(a) and in paragraph 8 subparagraphs (2) and (3).
1968 c. 23.	The Rent Act 1968.	Section 8. Section 9(4). Section 20(3). Section 21. Sections 27 and 28. Section 29(3). Section 30(3). In section 31 the words " section 21(5) or as the case may be ". Section 115(5). In Schedule 9 paragraph 5, in paragraph 8(1) the words " or paragraph 5 " and Part III. In Schedule 14 paragraph 3. In Schedule 15 the amendments of paragraph 3(2)(a) and paragraph 8 of Schedule 5 to the Leasehold Reform Act 1967.

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Chapter	Short Title	Extent of Repeal
1971 c. 40.	The Fire Precautions Act 1971.	In Schedule 16, in paragraph 10 the words "without prejudice to section 30(3) of this Act", and paragraph 22(4). In Part I of the Schedule, in paragraph 1(6)(b) the words "21(5) and", paragraph 3(2), paragraph 3(3) and in paragraph 3(4)(a) the words "and after the word 'below' in subsection (3)".

This Part of this Schedule comes into force on 1st January 1973.

The repeals of section 20(3) and section 21 of the Rent Act 1968, and of references to those enactments, have effect subject to the saving in section 42 of this Act.

PART III

HOUSING SUBSIDIES, ETC.

Chapter	Short Title	Extent of Repeal
13 & 14 Geo. 5. c. 24.	The Housing, &c. Act 1923.	Section 6.
20 & 21 Geo. 5. c. 39.	The Housing Act 1930.	Section 26.
25 & 26 Geo. 5. c. 40.	The Housing Act 1935.	Section 27.
7 & 8 Geo. 6. c. 36.	The Housing (Temporary Accommodation) Act 1944.	The whole Act.
8 & 9 Geo. 6. c. 39.	The Housing (Temporary Accommodation) Act 1945.	The whole Act.
9 & 10 Geo. 6. c. 48.	The Housing (Financial and Miscellaneous Provisions) Act 1946.	The whole Act.
15 & 16 Geo. 6. and 1 Eliz. 2. c. 54.	The Town Development Act 1952.	In section 2, subsection (2)(a) and in subsection (3) the words from "towards annual" to "subsection, or". Section 3(2)(c). Section 8(1)(f). Section 14(1) and (2).
2 & 3 Eliz. 2. c. 53.	The Housing Repairs and Rents Act 1954.	Part I.
3 & 4 Eliz. 2. c. 24.	The Requisitioned Houses and Housing (Amendment) Act 1955.	Section 10(2). Section 11.
4 & 5 Eliz. 2. c. 33.	The Housing Subsidies Act 1956.	The whole Act.
5 & 6 Eliz. 2. c. 56.	The Housing Act 1957.	Section 114.

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Chapter	Short Title	Extent of Repeal
6 & 7 Eliz. 2. c. 42.	The Housing (Financial Provisions) Act 1958.	Sections 1 to 8. Section 13. Sections 16 to 21. Sections 23 and 24. In section 25, in subsection (1) the words from " and, subject to the provisions " to the end of the subsection. Sections 26 and 27. In section 29, in subsection (1) all the definitions except that of " local authority ", and subsection (2). Section 46(5)(b). In section 56 the words from " but excluding " to " this Act ". Section 58(2). In section 59, subsection (4) except so far as it relates to section 1(1)(a) of the Housing, &c. Act 1923. Schedule 1. In Schedule 2, paragraph 2. Schedule 3.
7 & 8 Eliz. 2. c. 62.	The New Towns Act 1959.	In section 4, subsection (1) and subsection (4).
8 & 9 Eliz. 2. c. 20.	The Requisitioned Houses Act 1960.	In section 2, subsections (3) and (4).
9 & 10 Eliz. 2. c. 65.	The Housing Act 1961.	Part I, except sections 7 and 9. Schedules 1 and 2.
1964 c. 56.	The Housing Act 1964.	Sections 92 and 93. Section 97(1).
1965 c. 59.	The New Towns Act 1965.	Section 56(2). In Schedule 10 the following provisions, except as respects hostels, that is in paragraph 4 sub-paragraph (1), in sub-paragraph (4) the words from " and there shall " to the end of the sub-paragraph and paragraph 6(2).
1967 c. 29.	The Housing Subsidies Act 1967.	Sections 1 to 13. Sections 16 to 21. Section 23. Schedule 1. Schedule 3, except paragraphs 2 and 12.
1969 c. 33.	The Housing Act 1969.	In Schedule 8, paragraph 20.

The repeals in this Part of this Schedule have effect only as respects payments for the year 1972-73 and subsequent years, and have effect subject to Schedule 8 to this Act.

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PART IV
THE HOUSING (RURAL WORKERS) ACTS

Chapter	Short Title	Extent of Repeal
16 & 17 Geo. 5. c. 56.	The Housing (Rural Workers) Act 1926.	The whole Act.
25 & 26 Geo. 5. c. 40.	The Housing Act 1935.	Sections 37, 38 and 39.
1 & 2 Geo. 6. c. 35.	The Housing (Rural Workers) Amendment Act 1938.	The whole Act.
5 & 6 Geo. 6. c. 32.	The Housing (Rural Workers) Act 1942.	The whole Act.
12, 13 & 14 Geo. 6. c. 60.	The Housing Act 1949.	Section 45.
5 & 6 Eliz. 2. c. 56.	The Housing Act 1957.	Section 113(6).
1968 c. 13.	The National Loans Act 1968.	In section 6(1) the words "section 2(5)(a) of the Housing (Rural Workers) Act 1926".
1968 c. 23.	The Rent Act 1968.	Section 30(2)(b). Section 44(5)(b). Section 110(2)(b).

The repeals in this Part of this Schedule have effect subject to paragraph 2 of Schedule 8 to this Act.

PART V
PAYMENTS FOR HOSTELS

Chapter	Short Title	Extent of Repeal
6 & 7 Eliz. 2. c. 42.	The Housing (Financial Provisions) Act 1958.	Section 15.
7 & 8 Eliz. 2. c. 62.	The New Towns Act 1959.	Section 4(2)(b).
9 & 10 Eliz. 2. c. 65.	The Housing Act 1961.	Section 9.
1965 c. 59.	The New Towns Act 1965.	In Schedule 10 the following provisions, so far as relates to hostels, that is, in paragraph 4 sub-paragraph (1), and in sub-paragraph (4) the words from "and there shall" to the end of the sub-paragraph, and paragraph 6(2).
1967 c. 29.	The Housing Subsidies Act 1967.	Section 15.

The repeals in this Part of this Schedule do not have effect in the case of premises approved for the purposes of section 15(1) of the Housing (Financial Provisions) Act 1958 before the coming into force of this Act, or in the case of premises provided or converted under arrangements entered into before the coming into force of this Act under or by virtue of section 120 of the Housing Act 1957, or section 9(2) of the Housing Act 1961.

PART VI
OTHER REPEALS

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Chapter	Short Title	Extent of Repeal
5 & 6 Eliz. 2. c. 56.	The Housing Act 1957.	In section 113, subsections (3) and (4). Section 120. In section 121(2) the words from "including" to "let". Section 123. In section 125, the words from "arrangements" to "this Act, and". Section 134. Section 57.
6 & 7 Eliz. 2. c. 42.	The Housing (Financial Provisions) Act 1958.	
7 & 8 Eliz. 2. c. 33.	The House Purchase and Housing Act 1959.	In Schedule 1 paragraph 7.
7 & 8 Eliz. 2. c. 53.	The Town and Country Planning Act 1959.	In section 57(1) in the definition of "grant-aided function" the words "and any Exchequer subsidy under the Housing (Financial Provisions) Act 1958".
10 & 11 Eliz. 2. c. 50.	The Landlord and Tenant Act 1962.	Section 5(1) (as set out in Schedule 15 to the Rent Act 1968).
1964 c. 56.	The Housing Act 1964.	Section 94. Section 104.
1968 c. 23.	The Rent Act 1968.	Section 107(3). In section 109, in subsections (1) and (3) the words "Subject to subsection (5) below" and subsection (5).
1968 c. 42.	The Prices and Incomes Act 1968.	In section 12(4) the words "under the Housing (Financial Provisions) Act 1958".
1969 c. 33.	The Housing Act 1969.	Part III. In section 85(3) the figure "50". Section 87. Schedules 2 and 3.

The repeal of section 113(3) of the Housing Act 1957 takes effect on 1st October 1972, and the repeal in section 121(2) of that Act takes effect on 1st January 1973.

Subject to paragraph 10 of Schedule 6 to this Act, the repeal of Part III of the Housing Act 1969, and of Schedules 2 and 3 to that Act, takes effect at the expiration of a period of one month beginning with the date on which this Act is passed.

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