



Housing Repairs and Rents Act 1954

1954 CHAPTER 53

PART II

REPAIRS INCREASE IN RESPECT OF CONTROLLED DWELLING-HOUSES AND OTHER AMENDMENTS OF THE RENT ACTS, ETC.

Repairs Increase

23 Repairs increase for dwelling-house in good repair

- (1) Where a dwelling-house is let under a controlled tenancy or occupied by a statutory tenant, and the landlord is responsible, wholly or in part, for the repair of the dwelling-house, then, subject to the provisions of this Part of this Act.—
- (a) if and so long as the following conditions (hereinafter referred to as " the conditions justifying an increase of rent ") are fulfilled, that is to say—
- (i) that the dwelling-house is in good repair; and
- (ii) that it is reasonably suitable for occupation having regard to the matters specified in paragraphs (b) to (h) of subsection (1) of section nine of this Act; and
- (b) if in accordance with the Second Schedule to this Act the landlord has produced satisfactory evidence that work of repair to the value specified in that Schedule has been carried out on the dwelling-house during the period so specified,

the rent recoverable from the tenant shall be increased by virtue of this subsection so as to exceed by the amount hereinafter mentioned the rent which apart from this subsection would be recoverable from the tenant under the terms of the tenancy or statutory tenancy and having regard to the provisions of any enactment.

- (2) The amount of any increase payable by virtue of the last foregoing subsection (which increase is hereinafter referred to as a " repairs increase ") shall be at the annual rate of twice the statutory repairs deduction for the dwelling-house in respect of which the rent is payable:

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Provided that where the landlord is responsible in part only for the repair of the dwelling-house, the amount of the repairs increase shall be reduced proportionately.

- (3) The foregoing provisions of this section shall not apply if—
- (a) the standard rent of the dwelling-house is such as is mentioned in paragraph (a) or (b) of subsection (1) of section one of the Act of 1949 (which relates to standard rents fixed by reference to lettings beginning after the first day of September, nineteen hundred and thirty-nine); or
 - (b) the rent for the dwelling-house, or a property comprising the dwelling-house, has at any time been fixed under section twenty-two of the Housing Act, 1949 (which section requires local authorities to fix rents for dwellings provided or improved with the aid of grants made by such authorities under that Act); or
 - (c) on the sale of the dwelling-house or any such property as aforesaid by a local authority a condition was imposed by the authority under section three of the Housing Act, 1952, limiting the rent at which the house might be let during a period from the completion of the sale; or
 - (d) the standard rent of the dwelling-house is a rent determined under section thirty-four of this Act.
- (4) In this Part of this Act the expression " statutory repairs deduction ", in relation to a dwelling-house of any gross value specified in the first column of Part I of the Third Schedule to this Act (if the dwelling-house is in the administrative county of London) or of Part II of that Schedule (if the dwelling-house is elsewhere), means the corresponding amount specified in the second column of the said Part I or Part II.
- (5) Any question arising under the foregoing provisions of this section whether the landlord is responsible for repairs or as to the amount of any reduction under the proviso to subsection (2) of this section shall be determined by agreement in writing between the landlord and the tenant or, on the application of either of them, by the county court.

24 Rent not to be increased above twice gross value

- (1) If the rent recoverable in respect of any period, apart from any repairs increase and excluding the amounts mentioned in subsection (3) of this section, equals or exceeds twice the gross value of the dwelling-house, no sum shall be recoverable in respect of that period by way of repairs increase.
- (2) Where apart from this subsection the amount recoverable by way of repairs increase in respect of any period would be such as to bring the rent recoverable in respect of that period, including the increase but excluding the amounts mentioned in the next following subsection, above twice the gross value of the dwelling-house, the amount recoverable as aforesaid shall be reduced so that the said rent recoverable by the landlord in respect of that period is equal to twice the gross value.
- (3) The amounts to be excluded as aforesaid are the following:—
 - (a) any amount payable by the landlord in respect of the period in question for rates (including water rents and charges) chargeable on, or which but for the provisions of any Act would be chargeable on, the occupier;
 - (b) any part of the rent recoverable for the period in question which may have been agreed in writing between the landlord and the tenant or a former tenant of the dwelling-house (whether the agreement was made before or after the beginning of the tenancy or former tenancy), or at any time determined by

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the tribunal constituted under the Act of 1946 for the district in which the dwelling-house is situated, to represent payment for furniture or services used or provided under the terms of the tenancy or statutory tenancy current during the period in question;

- (c) any amount recoverable for the period in question by virtue of paragraph (a) of subsection (1) of section two of the Act of 1920 (which allows increases of rent in respect of improvements, structural alterations, and additional or improved fixtures or fittings).
- (4) Subsection (2) of section seven of the Act of 1938 (which relates to the ascertainment of the amount payable by the landlord for rates) shall apply for the purposes of this section as it applies for the purpose of computing the increase of rent permissible under paragraph (b) of subsection (1) of section two of the Act of 1920.
- (5) In this section references to the gross value of a dwelling-house shall be construed, in relation to any period longer or shorter than a year, as references to the gross value thereof increased or reduced, as the case may require, in the proportion which the period bears to a year.

25 Notice and declarations preliminary to recovery of repairs increase

- (1) No sum shall be recoverable by way of repairs increase unless the landlord has served on the tenant or a former tenant of the dwelling-house a notice in the prescribed form of his intention to increase the rent (hereinafter referred to as a "notice of increase"), accompanied by—
- (a) a declaration in the prescribed form that at the date of service of the notice the conditions justifying an increase of rent were fulfilled ; and
 - (b) a declaration in the prescribed form such as is mentioned in the Second Schedule to this Act;
- and no such sum shall be recoverable before, or in respect of any period before, such date as may be specified in the notice.
- (2) The date specified in a notice of increase shall not be earlier than six clear weeks after the service of the notice.
- (3) The forms prescribed for the purposes of this section shall be such as, taken together, to contain such information as appears to the Minister expedient for informing the tenant of the effect of this Act and in particular of the circumstances in which the repairs increase is recoverable from or may be withheld by the tenant, and of the way in which the amount of the increase is calculated.
- (4) The county court, if satisfied that any error or omission in a notice of increase or a declaration accompanying such a notice is due to a bona fide mistake on the part of the landlord, shall have power to amend the notice or declaration by correcting any errors or supplying any omissions therein which, if not corrected or supplied, would render the notice or declaration invalid, and may exercise the said power on such terms and conditions as respects arrears of rent or otherwise as appear to the court to be just and reasonable ; and a notice or declaration amended by virtue of this subsection shall have effect as a valid notice or declaration served on such date, not earlier than the date on which the original notice was served nor later than the date of amendment, as the court may direct.

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26 Determination whether conditions fulfilled to justify increase of rent

- (1) On the service of a notice of increase under the last foregoing section or at any subsequent time, the tenant of the dwelling-house to which the notice relates may apply to the local authority for a certificate that either or both of the conditions justifying an increase of rent are not fulfilled; and the local authority, if satisfied that the dwelling-house fails to fulfil either or both of the conditions, shall certify accordingly in the prescribed form and the certificate shall be deemed to have been in force as from the application therefor.
- (2) Where the local authority have granted a certificate under the last foregoing subsection and the tenant has served a copy of the certificate on the landlord, then during or in respect of any period during which the certificate is in force no sum shall be recoverable by way of repairs increase in respect of the dwelling-house ; but if the landlord, in proceedings for the recovery of such a sum, satisfies the court that at the time when the certificate was given the conditions justifying an increase of rent were fulfilled, the court shall order that the certificate shall cease to be in force.
- (3) Where an order is made under the last foregoing subsection as respects a certificate, it shall be deemed never to have been in force:

Provided that the court may, if it appears just so to do by reason of undue delay by the landlord in bringing the proceedings, order that it shall be deemed to have been in force until such date as may be specified in the order.
- (4) Where after the giving of a certificate under subsection (1) of this section the landlord has executed to the satisfaction of the local authority such work as requires to be executed in order that the dwelling-house shall fulfil both the conditions justifying an increase of rent, the local authority shall on the application of the landlord revoke the certificate.
- (5) Where on an application under the last foregoing subsection the local authority have refused to revoke a certificate, then if in proceedings for the recovery of any sum by way of repairs increase the landlord satisfies the court that at the time of the application both the conditions justifying an increase of rent were fulfilled the court shall order that the certificate shall cease to be in force and may order that it shall be deemed not to have been in force after such date, not earlier than the date of the application, as the court may specify.
- (6) On any application under subsection (1) or subsection (4) of this section there shall be paid to the local authority such fee not exceeding one shilling as the local authority may determine ; but where on an application under the said subsection (1) the local authority grant a certificate the applicant shall be entitled to deduct the fee from any subsequent payment of rent to the landlord.

27 Application of last foregoing section to certain increases under Rent Acts

- (1) The provisions of the last foregoing section shall apply to increases of rent permitted by paragraph (c) or (d) of subsection (1) of section two of the Act of 1920 (which allow additions of fifteen and twenty-five per cent. respectively of the net rent) and, as so applied, shall have effect in substitution for the provisions of the Rent Acts preventing the recovery of such increases, but subject to the modifications that—
 - (a) for the reference to a repairs increase there shall be substituted a reference to any such increase as aforesaid ; and

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- (b) for the reference to the service of a notice of increase under section twenty-five of this Act there shall be substituted a reference to the service of a notice of increase in accordance with the provisions in that behalf of the Rent Acts.
- (2) Notwithstanding the repeals effected by this Act—
- (a) any certificate of a sanitary authority under the Rent Acts that a dwelling-house is not in a reasonable state of repair shall, if in force immediately before the commencement of this Act, continue in force and have effect as if it were a certificate of the local authority given under this Part of this Act that the dwelling-house fails to fulfil both the conditions justifying an increase of rent; and
 - (b) any order of the court under the Rent Acts suspending an increase under paragraph (c) or paragraph (d) of subsection (1) of section two of the Act of 1920 until the court is satisfied that the necessary repairs have been executed shall, if in force immediately before the commencement of this Act, continue in force.

28 Passing on of repairs increase to sub-tenant

- (1) Where—
- (a) the landlord of a dwelling-house is entitled to recover from the tenant of the dwelling-house in respect of any period any sum by way of repairs increase or under the following provisions of this section, and
 - (b) the tenant had or will have during that period a subtenant of premises (hereinafter referred to as " the subtenant's dwelling-house ") being or comprised in the dwelling-house mentioned in paragraph (a) of this subsection, and the sub-tenant is either sub-tenant under a controlled tenancy or a statutory tenant,
- the rent recoverable from the sub-tenant in respect of that period shall be increased by virtue of this section so as to exceed by the amount set out in the next following subsection the rent which apart from this section would be recoverable from the sub-tenant under the terms of his tenancy or statutory tenancy and having regard to the provisions of any enactment.
- (2) The said amount is—
- (a) where the sub-tenant's dwelling-house is the whole of the dwelling-house mentioned in paragraph (a) of the last foregoing subsection, an amount equal to the sum mentioned in the said paragraph (a);
 - (b) where the sub-tenant's dwelling-house is part only of the dwelling-house mentioned in the said paragraph (a), an amount equal to the just proportion of the said sum;
- and for the purposes of this subsection the just proportion of any sum shall be determined by agreement in writing between the tenant and the sub-tenant or, on the application of either of them, by the county court.
- (3) The foregoing provisions of this section shall be without prejudice to any right of the tenant to recover from the sub-tenant any sum by way of repairs increase under section twenty-three of this Act; but—
- (a) any sum recoverable from the sub-tenant under this section shall be limited so as to secure that the annual amount thereof, together with the annual amount of any sum recoverable from the sub-tenant by way of repairs increase under

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section twenty-three of this Act, shall not exceed twice the statutory repairs deduction for the sub-tenant's dwelling-house ;

- (b) section twenty-four of this Act shall apply as between the tenant and the sub-tenant as if the references in that section to any repairs increase or amount recoverable by way of repairs increase included respectively references to any increase under this section and any sum recoverable from the sub-tenant under this section.
- (4) Section twenty-six of this Act shall with the necessary modifications apply to sums recoverable under this section as it applies to sums recoverable by way of repairs increase.
- (5) Where, at the time at which a notice was served on the tenant under subsection (1) of section twenty-five of this Act, the tenant had a sub-tenant of the sub-tenant's dwelling-house, no sum shall be recoverable from the sub-tenant under this section unless the tenant has served on the sub-tenant or a former subtenant of that dwelling-house a notice in the prescribed form of the tenant's intention to increase the rent.

Any form prescribed for the purposes of this subsection shall contain such information as appears to the Minister expedient for informing the sub-tenant of the effect of the notice ; and subsection (4) of the said section twenty-five shall apply to the form of any such notice.

- (6) Any notice under the last foregoing subsection shall specify a date, not earlier than two clear weeks after the service of the notice, and not earlier than the beginning of the earliest period in respect of which the repairs increase is recoverable from the tenant, as the date on which the increase under this section is to begin; and no sum shall be recoverable on account of the increase under this section before, or in respect of any period before, that date.

29 Repairs increase not to be payable twice over

Where apart from this section a tenant would by virtue of any covenant or agreement (however expressed) affecting a controlled tenancy be under an obligation to pay any increase of rent in consequence of the foregoing provisions of this Part of this Act, then without prejudice to the recovery from him of any increase under this Act he shall be relieved from that obligation.

30 Responsibility of landlord for repairs

- (1) For the purposes of this Part of this Act and the Second Schedule thereto and of paragraph (d) of subsection (1) of section two of the Act of 1920 the landlord shall be deemed, as between himself and the tenant, to be wholly responsible for the repair of a dwelling-house in any case where the tenant is under no express liability to carry out any repairs.
- (2) Subject to the provisions of the last foregoing subsection,—
- (a) the landlord shall be deemed for the purposes aforesaid to be responsible, as between himself and the tenant, for any repairs which he is under an express liability to carry out, and for any other repairs (whether of the dwelling-house or of other premises) from time to time required for securing that the dwelling-house is in good repair, not being repairs which the tenant is under an express liability to carry out; and

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- (b) the extent to which the landlord is to be deemed responsible as aforesaid for the repair of the dwelling-house shall be determined by the proportion which the burden of carrying out the repairs for which the landlord is deemed to be responsible bears to the burden of carrying out all the repairs required for securing that the dwelling-house is in good repair, together with any other repairs which either the landlord or the tenant is under an express liability to carry out.
- (3) Where neither the landlord nor the tenant is under an express liability to carry out internal decorative repairs, then if not later than the service as respects the dwelling-house of a notice of increase under section twenty-five of this Act the landlord serves on the tenant a notice in the prescribed form electing that this subsection shall apply to the dwelling-house—
- (a) the amount of any repairs increase recoverable by the landlord in respect of the dwelling-house shall be reduced by one-third;
 - (b) the value of work required by the Second Schedule to this Act shall be reduced in like manner;
 - (c) in determining for the purposes of this Part of this Act whether the dwelling-house is or was at any time in good repair, the state of internal decorative repair of the dwelling-house and any other premises shall be disregarded unless it is or was at the time in question such as to make the dwelling-house not reasonably suitable for occupation.
- (4) Any form prescribed for the purposes of the last foregoing subsection may contain such information as appears to the Minister expedient for informing the tenant of the effect of the notice.

31 Supplementary provisions as to repair

- (1) For the purposes of this Part of this Act there shall be disregarded, in determining whether a dwelling-house is in good repair, any defect due to any act, neglect or default by the tenant or any person claiming under him or to any breach by the tenant or such a person of an express agreement:

Provided that this subsection shall not have effect in determining under subsection (1) or (4) of section twenty-six of this Act whether a certificate should be granted or revoked.

- (2) Subject to subsection (3) of the last foregoing section and to the last foregoing subsection, for the purposes aforesaid a dwelling-house which is a part only of a building shall not be treated as in good repair unless any entrance, staircase or other part of the building which a tenant of the dwelling-house requires to use in connection with his occupation of the dwelling-house is also in good repair.

32 Apportionments by county court to be conclusive

A determination of the county court under subsection (5) of section twenty-three of this Act, under subsection (2) of section twenty-eight thereof or under subsection (3) of section forty-nine thereof shall be final and conclusive.