

1987 No. 264

LANDLORD AND TENANT

The Rent (Relief from Phasing) Order 1987

Made - - - - - 23rd February 1987

Coming into force 4th May 1987

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 60(5) and (7) and 151(3) of the Housing Act 1980(a), and of all other powers enabling them in that behalf, hereby make the following Order, a draft of which has been laid before, and has been approved by resolution of, each House of Parliament:

1. This Order may be cited as the Rent (Relief from Phasing) Order 1987 and shall come into force on the expiry of the period of ten weeks beginning with the day on which this Order is made.

2.—(1) The following provisions of the Rent Act 1977(b) are repealed—

- (a) section 55;
- (b) Schedule 8, in so far as it relates to section 55.

(2) The following provisions of the Rent (Agriculture) Act 1976(c) are repealed—

- (a) section 15;
- (b) Schedule 6.

(3) The consequential amendments to the Rent Act 1977 specified in Schedule 1 to this Order are made.

3. The repeals and amendments made by this Order do not have effect in the circumstances and to the extent specified in Schedule 2 to this Order.

(a) 1980 c.51.

(b) 1977 c.42.

(c) 1976 c.80.

SCHEDULE 1

Article 2(3)

CONSEQUENTIAL AMENDMENTS

RENT ACT 1977

1. In section 44(1) for "sections 55 and 71(3)" substitute "section 71(3)".
2. In section 45(2)—
 - (a) for "sections 55 and 71(3)" substitute "section 71(3)";
 - (b) omit "paragraph 10 of Schedule 8,".
3. In section 51(4)(b) omit sub-paragraph (ia).
4. In section 71(3)(a) omit "or, in relation to any such contractual period as is mentioned in paragraph (b) of section 55(1) of this Act, to the limit imposed by that paragraph".
5. In paragraph 3(2) of Schedule 20—
 - (a) at the end of paragraph (a) insert "and";
 - (b) at the end of paragraph (b) omit "and";
 - (c) omit paragraph (c).

SCHEDULE 2

Article 3

CIRCUMSTANCES WHERE PHASING IS TO CONTINUE

1.—(1) Subject to sub-paragraph (2), where a relevant application has been made, in relation to any increase in rent pursuant to that application following a determination by the rent officer or a determination, whether before or after this Order comes into force, by a rent assessment committee.

(2) Sub-paragraph (1) does not apply to a case to which section 72(3) of the Rent Act 1977 or section 13(6) of the Rent (Agriculture) Act 1976 applies if the resulting registration takes effect after this Order comes into force.

(3) In this paragraph "a relevant application" means an application under section 67 or section 68 of the Rent Act 1977 pursuant to which, before this Order comes into force, a rent has been registered or confirmation noted on the register following a determination by a rent officer.

2. Where a controlled tenancy has been converted into a regulated tenancy and no rent for it has been registered under Part IV of the Rent Act 1977 before this Order comes into force, in relation to any increase in rent pursuant to the first application under section 67 or section 68 of that Act.

23rd February 1987

Nicholas Ridley
Secretary of State for the Environment

19th February 1987

Nicholas Edwards
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

This Order removes the requirements for the phasing of rent increases in respect of registered rents for regulated tenancies in the Rent Act 1977 and for statutory tenancies in the Rent (Agriculture) Act 1976. It does not alter the phasing requirements in relation to registered rents for housing association tenancies in Part VI of the 1977 Act.

The Order does not affect the phasing of a rent increase (whether the increase is as a result of a determination by the rent officer or a rent assessment committee) in relation to an application for which a rent has been registered or confirmed following a determination by the rent officer before this Order comes into force. This is subject to the exception in paragraph 1(2) of Schedule 2 to the Order. The Order also does not affect the phasing of a rent increase in connection with the first application for registration of a rent for a former controlled tenancy.

The Order makes consequential amendments to the 1977 Act.