STATUTORY INSTRUMENTS

1975 No. 21

COUNTER-INFLATION

The Counter-Inflation (Business Rents) (Decontrol) Order 1975

Made - - - -	12*th January* 1975
Laid before Parliament	13*th January* 1975
Coming into Operation	1*st February* 1975

The Secretary of State, in exercise of his powers under sections 11 and 23(2) of, and paragraphs 1 and 3 of Schedule 3 to, the Counter-Inflation Act 1973**(a)** and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation and commencement

1. This order may be cited as the Counter-Inflation (Business Rents) (Decontrol) Order 1975 and shall come into operation on 1st February 1975.

Interpretation

2.—(1) The Interpretation Act 1889**(b)** shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order—

"the 1973 Order" means the Counter-Inflation (Business Rents) Order 1973**(c)**;

"the 1974 Order" means the Counter-Inflation (Business Rents) Order 1974**(d)**;

"decontrol notice" means a notice complying with article 4;

"the general control provisions" means article 5 and, in so far as it applies to any business tenancy, article 14 of the 1973 Order and article 4 and, in so far as it applies to any business tenancy, article 13 of the 1974 Order;

"the superior tenancy provisions" means article 9 and, in so far as it applies to any superior tenancy, article 14 of the 1973 Order and article 8 and, in so far as it applies to any superior tenancy, article 13 of the 1974 Order, and

any other expression used in this order which is also used in the 1974 Order shall, unless the context otherwise requires, have the same meaning in this order as it has in that order.

(3) An article referred to only by number in this order means the article so numbered in this order.

(4) In this order any reference to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment; and in the application of this provision to Northern Ireland "enactment" includes an enactment of the Parliament of Northern Ireland.

(a) 1973 c. 9.
(b) 1889 c. 63.
(c) S.I. 1973/741 (1973 I, p. 2369).
(d) S.I. 1974/1030 (1974 II, p. 3859).

Decontrol of business rents

3.—(1) Where in the case of a business tenancy subsisting on 31st January 1975 the rent payable under that tenancy on that date (whether or not then determined as to amount) would, apart from the general control provisions, be payable at a rate exceeding the standard rate, or, as the case may be, the basic rate, the general control provisions shall cease to have effect in relation to that tenancy (hereafter called an "existing tenancy"), or, as the case may be, the successor tenancy, on such date as may be specified in a decontrol notice served by the landlord on the tenant.

(2) If a decontrol notice is served during the currency of an existing tenancy, and before the date specified in the notice the existing tenancy comes to an end and is followed by a successor tenancy, the notice shall have effect in relation to the successor tenancy.

(3) In this article "successor tenancy" means a business tenancy granted after 31st January 1975 and before 19th March 1975 of the premises comprised in an existing tenancy—

(*a*) to a person who immediately before the successor tenancy is granted is the tenant under the existing tenancy, or

(*b*) to a person who was the tenant under the existing tenancy which came to an end some time before the successor tenancy is granted and who, between the termination of the existing tenancy and the grant of the successor tenancy, was continuously in possession of the premises.

(4) Subject to the foregoing provisions of this article, the general control provisions shall cease to have effect on 1st February 1975.

(5) Nothing in this article shall affect the operation of the general control provisions in relation to any business tenancy in respect of any time before those provisions cease to have effect in relation to that tenancy.

Decontrol notices

4.—(1) A notice served by the landlord on the tenant for the purposes of paragraph (1) of article 3 shall be in writing and shall specify a date not earlier than 19th March 1975 nor earlier than one month after the date of service of the notice on which, in accordance with the provisions of this order, the general control provisions cease to have effect.

(2) In relation to any premises situated in England or Wales, any decontrol notice may be served as provided in section 23(1) of the Landlord and Tenant Act 1927**(a)**.

(3) In relation to any premises situated in Scotland, any decontrol notice may be served upon the tenant by being delivered to him or by being sent to him in a pre-paid letter addressed to the premises in question or to his residence or to his place of business and, if the tenant is an incorporated company or body, the notice may be served by being sent by post in a pre-paid letter addressed to the Secretary or Clerk of the company or body at the premises in question or at their registered or principal office or by being delivered to him at those premises or at that office.

(4) In relation to any premises situated in Northern Ireland, any decontrol notice may be served as provided in section 24(2) of the Interpretation Act (Northern Ireland) 1954**(b)**.

Superior tenancies

5.—(1) Where in the case of a superior tenancy subsisting on 31st January 1975 the rent payable under that tenancy on that date (whether or not then

(a) 1927 c. 36. **(b)** 1954 c. 33 (N.I.).

determined as to amount) would, apart from the superior tenancy provisions, be payable at a rate exceeding that permitted by the superior tenancy provisions, those provisions shall, notwithstanding the foregoing provisions of this order, cease to have effect in relation to that tenancy on 19th March 1975.

(2) Subject to paragraph (1) above, the superior tenancy provisions shall cease to have effect on 1st February 1975.

(3) Nothing in this article shall affect the operation of the superior tenancy provisions in relation to any superior tenancy in respect of any time before those provisions cease to have effect in relation to that tenancy.

Further variation of the 1973 *Order*

6.—(1) In article 12 of the 1973 Order (disclosure of information)—

(*a*) paragraph (*a*) (ii) shall have effect with the addition at the end of the words "in respect of any part of the time before article 5 of this order ceases to have effect in accordance with the Counter-Inflation (Business Rents) (Decontrol) Order 1975";

(*b*) in paragraph (*b*), after the words "article 9 applies" there shall be inserted the words "or would apply but for the provisions of the Counter-Inflation (Business Rents) (Decontrol) Order 1975".

(2) The jurisdiction of the court under article 13 of the 1973 Order shall extend to the determination of any question arising under this order, which shall include, without prejudice to the generality of the foregoing, any question as to the validity of any notice to which this order relates.

(3) Articles 10, 11, 13, 15, 16 and 17 of the 1973 Order shall, unless the context otherwise requires, have effect as if references to the 1973 Order, however expressed, included references to that order as varied by this order.

Further variation of the 1974 *Order*

7.—(1) In article 11 of the 1974 Order (disclosure of information)—

(*a*) paragraph (*a*) (ii) shall have effect with the addition at the end of the words "in respect of any part of the time before article 4 of this order ceases to have effect in accordance with the Counter-Inflation (Business Rents) (Decontrol) Order 1975";

(*b*) in paragraph (*b*), after the words "article 8 applies" there shall be inserted the words "or would apply but for the provisions of the Counter-Inflation (Business Rents) (Decontrol) Order 1975".

(2) The jurisdiction of the court under article 12 of the 1974 Order shall extend to the determination of any question arising under this order, which shall include, without prejudice to the generality of the foregoing, any question as to the validity of any notice to which this order relates.

(3) Articles 9, 10, 12, 14, 15 and 16 of the 1974 Order shall, unless the context otherwise requires, have effect as if references to the 1973 Order, however expressed, included references to that order as varied by this order.

Supplemental

8.—(1) No agreement entered into before the coming into operation of this order shall have effect so as to enable any rent increase to be recovered on or after 1st February 1975 (whether or not Part II of the Counter-Inflation Act 1973 is in force) in so far as that increase represents any rent made irrecoverable by the 1973 Order, or as the case may be, the 1974 Order.

(2) The foregoing provisions of this article shall not render unlawful any agreement to which it relates, but that agreement shall have effect subject to those provisions.

Revocation of the transition order

9. The Counter-Inflation (Business Rents) (Transition) Order 1974 is hereby revoked**(a)**.

Anthony Crosland,
One of Her Majesty's Principal Secretaries of State.

12th January 1975.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which applies to England, Wales, Scotland and Northern Ireland, ends the standstill on rents under business and superior tenancies imposed or continued by the Counter-Inflation (Business Rents) Order 1973 and the Counter-Inflation (Business Rents) Order 1974 (hereafter called "the Counter-Inflation Orders"). In general the standstill on rents under business and superior tenancies will end on 1st February 1975.

However, the standstill on business rents will continue—

(*a*) in the case of a business tenancy subsisting on 31st January 1975 where on that date the contractual rent under that tenancy was payable at a rate exceeding that permitted by the Counter-Inflation Orders, or

(*b*) in the case where such a tenancy comes to an end and is followed by a new business tenancy of the premises granted before 19th March 1975 to the person who was the tenant under the previous tenancy and who has remained in possession of the premises,

unless and until determined by a decontrol notice served by the landlord on the tenant. Such a notice must be in writing and cannot take effect earlier than 19th March 1975 nor earlier than one month after the date of service.

In the case of existing superior tenancies where the contractual rent was payable on 31st January 1975 at a rate exceeding that permitted by the Counter-Inflation Orders, the standstill on such rents comes to an end on 19th March 1975.

The Order also makes supplemental provisions and revokes the Counter-Inflation (Business Rents) (Transition) Order 1974.

(a) S.I. 1974/1294 (1974 II, p. 4933).

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