STATUTORY INSTRUMENTS

1974 No. 660

COUNTER-INFLATION

The Counter-Inflation (Residential Rents) (Northern Ireland) Order 1974

Made - - -	*4th April* 1974
Laid before Parliament	*8th April* 1974
Coming into Operation	*8th April* 1974

In exercise of the powers conferred on me by sections 11 and 23(2) of, and paragraphs 1 and 3 of Schedule 3 to, the Counter-Inflation Act 1973(**a**), I hereby make the following Order: —

Citation, commencement and extent

1.—(1) This Order may be cited as the Counter-Inflation (Residential Rents) (Northern Ireland) Order 1974 and shall come into operation on 8th April 1974.

(2) This Order extends to Northern Ireland only.

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, unless the context otherwise requires—
"dwelling-house" has the same meaning as in the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland) 1920 to 1967;
"enactment" includes an enactment of the Parliament of Northern Ireland;
"the 1956 Act" means the Housing (Miscellaneous Provisions) and Rent Restriction Law (Amendment) Act (Northern Ireland) 1956(**c**);
"rent" includes any premium rateably apportioned over the period of a tenancy;
"standstill period" means the period beginning with 8th April 1974 and ending with 31st December 1974;

(3) In this Order, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment.

(4) For the purposes of this Order "rent" in section 11(1) of the Counter-Inflation Act 1973 shall include, in relation to any tenancy of a dwelling-house to which this Order applies, any sums payable by the tenant to the landlord for the use of furniture or for services, and which would be treated as rent for any of the purposes of the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland) 1920 to 1967.

(**a**) 1973 c. 9. (**b**) 1889 c. 63. (**c**) 1956 c. 10 (N.I.).

Rent limit for tenancies of certain houses

3.—(1) This Order applies to a tenancy of the following dwelling-houses—

(*a*) a dwelling-house the net annual value (ascertained in accordance with the Rates (Northern Ireland) Order 1972(**a**)) of which is £50 or over;

(*b*) a dwelling-house such as is mentioned in section 56(1)(*a*) or (*b*) of the 1956 Act (dwelling-houses erected or converted after the commencement of that Act);

(*c*) a dwelling-house such as is mentioned in section 58(2)(*a*) or (*b*) of the 1956 Act (dwelling-houses of which the landlord is in possession at or after the commencement of that Act); and

(*d*) a dwelling-house let at a rent which includes payment for the use of furniture or for services.

(2) The rent recoverable in respect of the standstill period under a tenancy of a dwelling-house to which this Order applies shall not, subject to paragraph (4) below, exceed the counter-inflation limit and, accordingly, the amount of any excess shall, notwithstanding anything in any agreement, be irrecoverable from the tenant.

(3) For the purposes of this Article, the counter-inflation limit shall be determined as follows—

(*a*) if on 8th April 1974 the dwelling-house is let, the counter-inflation limit is the rent under the tenancy on that date as varied by any agreement made before that date (but not as varied by any later agreement);

(*b*) if sub-paragraph (a) above does not apply, but the dwelling-house was let at any time within a period of twelve months beginning on 8th April 1973, the counter-inflation limit is the rent under the tenancy (or, if there was more than one tenancy, the last of them) for the last rental period thereof;

(*c*) if sub-paragraphs (*a*) and (*b*) above do not apply, and the dwelling-house is let after 8th April 1974, the counter-inflation limit is the rent payable under the terms of the tenancy (or if there is more than one tenancy, the first of them) for the first rental period thereof, and not as varied by any agreement made after that date.

(4) The foregoing paragraphs do not prevent the rent recoverable in respect of the standstill period under a tenancy of a dwelling-house to which this Order applies being increased to take account of any increase in rates or of the cost of any improvements to that dwelling-house, and the counter-inflation limit shall be increased accordingly.

(5) Where any notice of increase purporting to increase the rent under a tenancy of a dwelling-house to which this Order applies (other than on account of rates or improvements as permitted by paragraph (4) above) is served whether before on or after 8th April 1974 which would, apart from this Order, take effect during the standstill period, that notice shall be invalid and of no effect.

(**a**) S.I. 1972/1633 (N.I. 16).

Recovery of excess rent

4.—(1) Subject to paragraph (3) below, where a tenant has paid on account of rent any amount which by virtue of this Order he is not liable to pay, he shall be entitled to recover that amount from the landlord who received it or his personal representatives.

(2) Subject to paragraph (3) below, any amount which a tenant is entitled to recover under paragraph (1) above may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the landlord.

(3) No amount which a tenant is entitled to recover under paragraph (1) above shall be recoverable at any time after the expiry of two years from the date of payment.

Adjustments relating to rental periods

5.—(1) In ascertaining for the purposes of this Order whether there is any difference with respect to rents between one rental period and another (whether of the same tenancy or not), or the amount of any such difference, any necessary adjustment shall be made to take account of periods of different lengths.

(2) For the purposes of such an adjustment as is mentioned in paragraph (1) above—

(*a*) a period of one month shall be treated as equivalent to one-twelfth of a year; and

(*b*) a period of a week shall be treated as equivalent to one fifty-second of a year.

(3) Where by virtue of this Order any amount of rent is in respect of the standstill period irrecoverable from the tenant, any necessary adjustment shall be made to take account of rental periods which—

(*a*) begin before the standstill period and end during or after that period; or

(*b*) begin during the standstill period and end after that period.

Validity of agreements and tenancies

6. Any agreement or tenancy in relation to which this Order has effect—

(*a*) is not rendered invalid by this Order; but

(*b*) shall have effect during the standstill period subject to this Order.

Jurisdiction of the county court

7. The county court shall, subject to rules of court, have jurisdiction to determine—

(*a*) any question as to the applicability of any provision of this Order to any dwelling-house;

(*b*) any question as to the rent recoverable by virtue of this Order; and

(*c*) any matter which is or may become material for determining any such question as is mentioned in sub-paragraphs (a) and (b) above,

notwithstanding that by reason of the amount involved the court would not otherwise have jurisdiction.

Transitional

8. Without prejudice to paragraph 4 of Schedule 3 to the Counter-Inflation Act 1973, any right acquired or liability, obligation or penalty incurred by virtue of this Order shall not be affected by Part II of that Act ceasing to be in force and accordingly any legal proceeding or remedy in respect of any such right, liability, obligation or penalty may be instituted, continued or enforced as though that Part had continued in force.

M. Rees,

One of Her Majesty's Principal Secretaries of State.

Northern Ireland Office.
4th April 1974.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which applies to Northern Ireland only, prohibits, during the period from 8th April 1974 to 31st December 1974, any increase (other than one reflecting an increase in rates or the cost of improvements) in the rent for any dwelling-house—

(*a*) with a net annual value of £50 or over;

(*b*) to which section 56(1)(*a*) or (*b*) or 58(2)(*a*) or (*b*) of the Housing (Miscellaneous Provisions) and Rent Restriction Law (Amendment) Act (Northern Ireland) 1956 applies; or

(*c*) which is let at a rent which includes payment for the use of furniture or for services.

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