1974 No. 1924 (S.176)

COUNTER-INFLATION

The Counter-Inflation (Residential Rents—Private Sector) (Scotland) No. 2 Order 1974

Made - - - -	20*th November* 1974
Laid before Parliament	22*nd November* 1974
Coming into Operation	25*th November* 1974

In exercise of the powers conferred upon me by 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 me in that behalf, I hereby make the following order:—

Citation and commencement

1. This order, which may be cited as the Counter-Inflation (Residential Rents—Private Sector) (Scotland) No. 2 Order 1974, applies to Scotland and shall come into operation on 25th November 1974.

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 principal order " means the Counter-Inflation (Residential Rents—Private Sector) (Scotland) Order 1974(**c**);

" the remainder of the standstill period " means, in relation to any tenancy of a dwelling-house to which the principal order applies, that part of the standstill period remaining unexpired on the coming into operation of this order; and

any other expression used in this order, which is also used in the principal order shall, unless otherwise expressly provided or the context otherwise requires, have the same meaning in this order as it has in the principal order.

Extension of the standstill period

3. For the purposes of the principal order, the standstill period shall, except in a case falling within article 4 of this order, be extended beyond 31st December 1974 so as to end with 15th May 1975, and any reference in that order or this order to " the standstill period " shall be construed accordingly.

(**a**) 1973 c. 9. (**b**) 1889 c. 63. (**c**) S.I. 1974/382 (1974 I, p. 1218).

Lettings, etc., by Educational Institutions

4. On 1st January 1975, the principal order shall cease to apply to any Part VII contract which either—

(i) creates a tenancy which is excepted from being a protected tenancy by virtue of section 2(1)(bb) of the Rent (Scotland) Act 1971(**a**) (whether or not it is also excepted by virtue of any other provision of that Act); or

(ii) does not create a tenancy, but if it did create a tenancy, would be excepted from being a protected tenancy by virtue of section 2(1)(bb) of the said Act (whether or not it would also be excepted by virtue of any other provision of that Act).

Increase in counter-inflation limit in respect of certain services

5.—(1) Where there is a rise (whether occuring before or after the coming into operation of this order) in the cost of fuel used for the purposes of a service provided for the tenant by the landlord or a superior landlord and this rise is such as to affect the amount of the rent which it is reasonable to charge nothing in the principal order shall prevent the rent recoverable under a tenancy of a dwelling-house to which that order applies being increased in respect of the remainder of the standstill period by an appropriate amount and the counter-inflation limit shall be increased accordingly.

(2) Any question whether, or by what amount, the rent recoverable is increased by virtue of paragraph (1) of this article shall be determined by agreement in writing between the landlord and the tenant or determined by the sheriff under article 8 of the principal order.

(3) Article 4(4) of the principal order shall not prevent any notice of increase taking effect during the remainder of the standstill period which increases the rent by the appropriate amount, as provided for in paragraph (1) of this article.

(4) Nothing in the foregoing provisions of this article shall affect the rent recoverable under a tenancy of a dwelling-house to which the principal order applies in respect of that part of the standstill period ending before the coming into operation of this order.

(5) In this article " fuel " includes gas, electricity, coal and oil.

Supplemental

6.—(1) Any reference in article 5, 6, 7, 8 or 9 of the principal order to that order, however expressed, shall, unless the context otherwise requires, include a reference to that order as varied by this order.

(2) Where, by virtue of the provisions of this order, there is an increase in the rent recoverable under any tenancy of a dwelling-house to which the principal order applies, any necessary adjustment shall be made to take account of rental periods, which either begin before the coming into operation of this order and end either during the remainder of the standstill period or after that period has expired, or begin during the remainder of the standstill period and end either during that period or after that period has expired.

William Ross,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.
20th November 1974.

(**a**) 1971 c. 28 (Section 2(1)(bb) was inserted by section 2(1) of the Rent Act 1974 (c. 51)).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which applies to Scotland, varies the Counter-Inflation (Residential Rents—Private Sector) (Scotland) Order 1974 ("the principal order")—

(*a*) by extending the standstill period to 15th May 1975 in respect of all tenancies to which the principal order applies, with the exception of those contracts to which Part VII of Rent (Scotland) Act 1971 applies which are not protected tenancies, or would not be such tenancies if the contracts created tenancies, by reason of section 2(1)(bb) of that Act (which relates to certain student lettings);

(*b*) by removing the prohibition on rent increases under the principal order in respect of the remainder of the standstill period, in so far as those increases result from rises in the cost of fuel in the provision of services and by providing for an appropriate increase in the counter-inflation limit.

The Order also contains supplemental and incidental provisions.

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