STATUTORY INSTRUMENTS

1961 No. 2239

LANDLORD AND TENANT

The Rent Restrictions (Amendment) Regulations, 1961

Made - - - -	*21st November,* 1961
Laid before Parliament	*23rd November,* 1961
Coming into Operation	*24th November,* 1961

The Minister of Housing and Local Government, in exercise of his powers under section 14 of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933(a), paragraph 19 of the Sixth Schedule to the Rent Act, 1957(b), and all other powers enabling him in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Rent Restrictions (Amendment) Regulations, 1961, and shall come into operation on the 24th day of November, 1961.

(2) The Rent Restrictions Regulations, 1957(c) (hereinafter called "the principal regulations") and these regulations may be cited together as the Rent Restrictions Regulations, 1957 and 1961.

(3) The Interpretation Act, 1889(d), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. In Form C contained in the First Schedule to the principal regulations, for the words "an annual increase in rent of eight per cent." there shall be substituted the words "an annual increase in rent of [8] [12½] per cent. (Note 13a)".

3. In the Sixth Schedule to the principal regulations—

(*a*) In the first paragraph of Note 1, for the words "Section 9 of the Housing Act, 1936,"(e) there shall be substituted the words "Section 9 of the Housing Act, 1957"(f);

(*b*) in the first paragraph of Note 9, for the fourth sentence thereof, there shall be substituted the following:—

"The amount to be inserted is, in the case of an improvement completed before the 25th November, 1961, an amount equal to 8 per cent. per annum of the amount expended on making the improvement or, in the case of an improvement completed after the 24th November, 1961, an amount equal to 12½ per cent. per annum of the amount expended (except in the circumstances mentioned below), excluding in either case any part of the expenditure which has been paid or repaid by the local authority under Section 30 of the Housing (Financial Provisions) Act, 1958(g), Section 4 of the House Purchase and Housing Act, 1959(h), or Section 12 of the Clean Air Act, 1956(i). If the improvement was completed after the 24th November, 1961, but was carried out in reliance on a

(a) 23 & 24 Geo. 5. c. 32.
(b) 5 & 6 Eliz. 2. c. 25.
(c) S.I. 1957/981 (1957 I, p. 1251).
(d) 52 & 53 Vict. c. 63.
(e) 26 Geo. 5 & 1 Edw. 8. c. 51.
(f) 5 & 6 Eliz. 2. c. 56.
(g) 6 & 7 Eliz. 2. c. 42.
(h) 7 & 8 Eliz. 2. c. 33.
(i) 4 & 5 Eliz. 2. c. 52.

consent granted by a tenant under the controlled tenancy before that date, and that consent was not a consent in writing which contained an acknowledgment (however expressed) that the rent could be increased on account of the improvement to a stated amount which is at least the maximum amount to which the rent would be increased if 12½ per cent. per annum of the cost of the improvement were added, the amount to be inserted is an amount equal to 8 per cent. per annum of the amount expended (less any deductions which are to be made in respect of payments by the local authority, as indicated above)." ;

(*c*) After Note 13 there shall be inserted the following Note:—

"Note 13a.

Where an improvement was completed before the 25th November, 1961, the appropriate annual increase in rent is 8 per cent. of the amount expended on making the improvement. Where an improvement was completed after the 24th November, 1961, the appropriate annual increase will normally be 12½ per cent. of the amount expended; but if the improvement was carried out in reliance on a consent granted by a tenant under the controlled tenancy before that date and that consent was not a consent in writing which contained an acknowledgment (however expressed) that the rent could be increased to an amount which is at least the maximum to which the rent would be raised if 12½ per cent. of the cost of the improvement were added, then the annual increase in rent must not be more than 8 per cent. of the amount expended." ;

(*d*) In Note 14, for the words "the Housing Act, 1949(a), or the Clean Air Act, 1956" there shall be substituted the words "Section 30 of the Housing (Financial Provisions) Act, 1958, Section 4 of the House Purchase and Housing Act, 1959, or Section 12 of the Clean Air Act, 1956" ;

(*e*) In the last paragraph of Note 15, for the words "Section 150 of the Public Health Act, 1875(b), or the Private Street Works Act, 1892"(c) there shall be substituted the words "Sections 174 to 191 of the Highways Act, 1959"(d) ;

(*f*) In paragraph (*b*) of Note 22, after the words "Section 9 of the Housing Act, 1936" there shall be added the words ", or of the Housing Act, 1957".

4. Nothing herein shall affect the validity of any notice or other document served, made or used in a form prescribed by the principal regulations before the coming into operation of these regulations.

Given under the official seal of the Minister of Housing and Local Government this twenty-first day of November, nineteen hundred and sixty-one.

(L.S.)

Charles Hill,
Minister of Housing and Local Government.

(a) 12, 13 & 14 Geo. 6. c. 60.
(b) 38 & 39 Vict. c. 55.
(c) 55 & 56 Vict. c. 57.
(d) 7 & 8 Eliz. 2. c. 25.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

The Housing Act, 1961, alters the permitted rent increase under a tenancy controlled by the Rent Acts from 8 per cent. to 12½ per cent. of the amount spent by the landlord on improvements. These Regulations make the consequential amendments to the forms of notice (and the notes thereto) which have to be served on the tenant by the landlord in order to increase the rent. They also bring up to date statutory references in the notes to other forms prescribed for use under the Rent Act, 1957.