CHAPTER 13.

An Act to amend the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, with respect to the effect of notices to increase rent given thereunder; and for purposes consequential thereon. [7th June 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Effect of notices to increase rent under principal Act. 10&11 Geo. 5. c. 17.

1.—(1) Where notice of intention to increase rent has, whether before or after the passing of this Act, been served on a tenant in conformity with subsection (2) of section three of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920 (hereinafter referred to as the principal Act), and a notice to terminate the tenancy was necessary in order to make such increase effective, the notice of intention to increase the rent shall have effect and shall be deemed always to have had effect as if it were or had been also a notice to terminate the existing tenancy on the day immediately preceding the day as from which the increase is or was first to take effect, or on the earliest day thereafter on which if it had been a notice to terminate the tenancy, it would have been effective for that purpose, and in the latter case a notice of increase served before the passing of this Act shall be deemed to have had effect as if such earliest date had been specified in the notice as the date as from which the increase was to take effect:

Provided that—

(*a*) nothing in this Act shall entitle a landlord after the passing of this Act to recover from a tenant, in respect of any period before the first day of December, nineteen hundred and twenty-two, the increase of rent made valid by this Act, or any sums which have been recovered from the landlord before that date

by means of deductions from rent or otherwise, or any rent due before that date which has not been paid by reason of such deductions having been made therefrom; but section fourteen, subsection (1), of the principal Act shall not apply to an increase of rent made valid by this Act which was paid by, or recovered from, a tenant prior to the first day of December, nineteen hundred and twenty-two;

(*b*) nothing in this Act shall affect the right to enforce any judgment of a court of competent jurisdiction given before the fifteenth day of February, nineteen hundred and twenty-three, or render recoverable any sum paid under such a judgment.

(2) Any increase of rent made valid by this Act is hereinafter referred to as a validated increase of rent.

Payment of arrears by instalments

2.—(1) The amount due under this Act on account of any arrears of rent, that is to say,—

(*a*) any validated increase of rent in respect of the period from the first day of December, nineteen hundred and twenty-two, to the date of the passing of this Act, both inclusive; and

(*b*) any sum which during the said period has been recovered by the tenant from the landlord by deductions from rent or otherwise, and which would not have been so recoverable had this Act been then in force;

shall be payable by instalments with and as part of the periodical payments of rent, each instalment being fifteen per cent. of the standard rent for the week, month, or other period for which the rent is payable, fractions of a penny being disregarded; and such instalments shall continue payable until the whole of the amount of such arrears is paid off:

Provided that—

(i) the tenant may at any time pay to the landlord the full amount of such arrears subject to the deduction of the aggregate amount of the instalments (if any) already paid; and

(ii) if a tenant by whom any such instalments are payable gives up possession of the premises either voluntarily or on any order or judgment of a court, the balance of the sum payable by instalments shall immediately become due and recoverable.

(2) A landlord claiming that a sum on account of arrears of rent is due to him under this Act shall serve on the tenant a notice to that effect, and the notice shall specify the amount so claimed and the amount of the instalments claimed to be payable, and the first instalment shall not be payable until after the expiration of one clear week from the date of the notice. If such notice contains any statement or representation which is false or misleading in any material respect, the landlord shall be liable on summary conviction to a fine not exceeding ten pounds unless he proves that the statement was made innocently and without intent to deceive.

(3) The notice shall be in the form contained in the Schedule to this Act, or in a form substantially to the same effect, and the landlord shall furnish the tenant with details in writing showing how the amount claimed is arrived at, and how the amount of the instalments has been calculated.

(4) Any question as to the amount of arrears due from a tenant, or the amount of any instalment, shall be determined on the application either of the landlord or the tenant by the county court, and the decision of the court shall be final and conclusive.

Power to suspend liability if premises unfit for human habitation or in state of disrepair.

3.—(1) A tenant, who becomes by virtue of this Act liable to pay any sum by way of rent or on account of arrears, or the sanitary authority, may apply to the county court for an order suspending such liability on the ground that the house is not in all respects reasonably fit for human habitation or that it is otherwise not in a reasonable state of repair, and section two of the principal Act shall apply as if the application had been made under subsection (2) of that section.

(2) Where the liability in respect of the payment of instalments is so suspended, the instalments which would have become payable during the period of suspension, shall, for the purpose of calculating the aggregate amount of instalments paid, be deemed to have been paid.

(3) Where a tenant has obtained from the sanitary authority a certificate that the house is not in a reasonable state of repair, and has served a copy of the certificate upon the landlord, it shall be a good defence to any claim against the tenant for the payment of any sum which the tenant is by virtue of this Act liable to pay by way of rent or on account of arrears in respect of any subsequent rental period that the house was not in a reasonable state of repair during that period, and in any proceedings against the tenant for the enforcement of such claim (including proceedings for recovery of possession or ejectment on the ground of non-payment of rent so far as the rent unpaid includes any such sum), the production of the said certificate shall be sufficient evidence that the house was and continues to be in the condition therein mentioned unless the contrary is proved:

Provided that the foregoing provision shall not apply in any case where and so far as the condition of the house is due to the tenant's neglect or default or breach of express agreement.

(4) For the purposes of this Act, a certificate of a sanitary authority shall specify what works (if any) require to be executed in order to put the house into a reasonable state of repair.

(5) An instrument purporting to be a certificate of a sanitary authority and to be signed by an officer of the authority shall, without further proof, be taken to be a certificate of the authority unless the contrary is proved.

(6) A sanitary authority may appoint a committee for the purposes of this Act and may delegate, with or without restrictions, to such committee or to an existing committee of the authority all or any of the powers of the authority under this Act.

Short title and construction.

4. This Act may be cited as the Rent Restrictions (Notices of Increase) Act, 1923, and shall be construed as one with the principal Act, except that this Act shall not extend to Ireland.

SCHEDULE.

Section 2.

FORM OF NOTICE BY LANDLORD.

RENT RESTRICTIONS (NOTICES OF INCREASE) ACT, 1923.

Date

To

Address of premises to which this notice refers - -

TAKE NOTICE that I claim that the sum of is due to me from you as tenant of the above premises on account of arrears of rent under the above-mentioned Act.

The amount due on account of such arrears is payable by instalments with, and as part of, your weekly [*monthly, or other periodical*] rent until the amount of such arrears is paid off. The first instalment will be payable on the day of *.

The amount of the instalments claimed by me is a week [*month, or other period, as the case may be*].

If you wish to dispute the amount of the sum claimed or of the instalments, you are entitled to apply to the county court of .

You are entitled to apply to the county court for an order suspending any sum due from you by way of rent, or on account of arrears, under the above mentioned Act, if you consider that the premises are not in all respects reasonably fit for human habitation or otherwise not in a reasonable state of repair. You will be required to satisfy the county court, by a report of the sanitary authority or otherwise, that your application is well founded, and for this purpose you are entitled to apply to the sanitary authority for a certificate. A fee of one shilling is chargeable, but, if the certificate is granted, you can deduct this sum from the sum due from you as aforesaid. The address of the sanitary authority is

If at any time you give up posession of the above premises, either voluntarily or on an order or judgment of the court, the balance of the sum payable by instalments will immediately become due.

* The date to be inserted will be the first rent day after the expiration of one clear week from the date of the notice.

A statement is sent herewith showing how the amount of the above claim is arrived at, and how the amount of the instalments has been calculated.

Signed

Address

CHAPTER 14.

An Act to grant certain Duties of Customs and Inland Revenue (including Excise), to alter other Duties, to amend the Law relating to Customs and Inland Revenue (including Excise) and the National Debt, and to make further provision in connection with Finance. [18th July 1923.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

CUSTOMS AND EXCISE.

Duty on tea. 12 & 13 Geo. 5. c. 17. 9 & 10 Geo. 5. c. 32.

1. The duty of customs payable on tea until the first day of August, nineteen hundred and twenty-three, under the Finance Act, 1922, shall, subject to the provisions of section eight of the Finance Act, 1919 (which relates to imperial preferential rates), continue to be charged, levied and paid until the first day of August, nineteen