1954 No. 1073 (L. 10)

The Rent (Restrictions) Rules, 1954

Made - - - - *5th August,* 1954
Coming into Operation *30th August,* 1954

I, Gavin Turnbull, Baron Simonds, Lord High Chancellor of Great Britain, in the exercise of the powers conferred upon me by section 17 (1) of the Increase of Rent & Mortgage Interest (Restrictions) Act, 1920(a), and section 48 (1) of the Housing Repairs and Rents Act, 1954(b), hereby make the following Rules:—

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Rent (Restrictions) Rules, 1954, and shall come into operation on the 30th day of August, 1954.

(2) The Interpretation Act, 1889(c), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(3) In these Rules "the Act" means the Housing Repairs and Rents Act, 1954, and "the principal Rules" means the Increase of Rent and Mortgage Interest (Restrictions) Rules, 1920(d), as amended.

(4) An Order and Rule referred to by number in these Rules means the Order and Rule so numbered in the County Court Rules, 1936(e), as amended.

Venue for proceedings under the Act

2.—(1) An application to the county court to determine—

(*a*) any question arising under section 23 of the Act whether the landlord is responsible for repairs or as to the amount of any reduction under the proviso to subsection (2) of that section ; or

(*b*) any question under paragraph 4 (1) of the Second Schedule to the Act relating to work of repair specified in a declaration accompanying a notice of increase ; or

(*c*) the just proportion of any repairs increase payable by a tenant which is recoverable from a sub-tenant under subsections (1) and (2) of section 28 of the Act,

shall be made to the court in the district of which the premises are situate.

(2) An application to the county court under subsection (4) of section 25 of the Act to amend a notice of increase or a declaration accompanying such a notice shall—

(*a*) where proceedings are pending before a county court in which the validity of the notice or declaration is in question or is material, be made in the course of those proceedings, and

(a) 10 & 11 Geo. 5. c. 17. (b) 2 & 3 Eliz. 2. c. 53.
(c) 52 & 53 Vict. c. 63. (d) S.R. & O. 1920/1261 (Rev. XII, p. 196: 1920 I, p. 1072).
(e) S.R. & O. 1936/626 (1936 I, p. 282).

(*b*) in any other case, be made to the court in the district of which the premises are situate.

Applications for rescission or variation of orders

3.—(1) An application by a tenant for the rescission or variation of an order or judgment under paragraph (*a*) of subsection (6) of section 33 of the Act shall be made—

(*a*) on notice in accordance with Order XIII, Rule 1;

(*b*) to the judge, if the order or judgment was made or given by him, and in any other case to the registrar.

(2) Where a tenant desires to make an application to the judge in accordance with paragraph (1) of this Rule, he may, in the absence of the judge, apply to the registrar, who may stay proceedings under the order or judgment until application can be made to the judge.

(3) Forms 9 and 10 in the Appendix to the principal Rules shall be used, with such modifications as may be necessary, for the application and order thereon.

Amendment and revocation of previous Rules

4.—(1) The principal Rules shall be amended as follows:—

(*a*) Sub-paragraph (c) of paragraph (1) of Rule 2 shall be revoked.

(*b*) Rule 3 shall be revoked.

(*c*) At the end of Rule 4 there shall be added the words "or as the case may be".

(*d*) In Rule 5 after the words "copies, and" there shall be inserted the words "if service is to be effected otherwise than by an officer of the court".

(*e*) Rule 6 shall be amended as follows:—

(i) In paragraph (1) the words "On an application" to the end of the paragraph shall be omitted.

(ii) The following paragraph shall be substituted for paragraph (2):—

"Service may be effected in accordance with the provisions of Order VIII, Rule 39, of the County Court Rules by any person authorised by Order VIII, Rule 2, of those Rules to effect personal service of a document or, where the summons is for leave to distrain, by any person regularly authorised by or on behalf of the applicant to collect the rent of the premises to which the application relates."

(*f*) Rule 10 shall be revoked.

(*g*) In Rule 13 for the words "duplicates thereof shall be delivered to the bailiff, who shall within twenty-four hours send the same, by post or otherwise, to" there shall be substituted the words "served by him on".

(*h*) In Rule 14 for the words "and with respect to discovery and inspection of documents" there shall be substituted the words "the discovery and inspection of documents, and the transfer of proceedings from one court to another".

(*h*) In paragraph (2) of Rule 16 for the words "Column A of the Higher Scale" there shall be substituted the words "Scale 2 of the scales of costs".

(*j*) Paragraph (2) of Rule 17 shall be revoked.

(*k*) In Rule 19 the word "intestate" shall be omitted.

(2) Paragraph (2) of Rule 2 of the Rent (Restrictions) Rules, 1923(a), the Rent (Restrictions) Rules, 1924(b), the Rent (Restrictions) Rules, 1933(c), and the Rent (Restrictions) Rules, 1938(d), shall be revoked.

Forms

5.—(1) Forms 7, 8, 13 and 14 in the Appendix to the principal Rules shall be revoked.

(2) The forms in the Appendix to these Rules shall be added to the forms in the Appendix to the principal Rules and shall stand as Forms 7, 8, 13, 14 and 18 to 23 respectively.

Application of principal Rules

6. Subject to the provisions of these Rules, the principal Rules as amended by these Rules shall apply, with such modifications as may be necessary, to proceedings in a county court under Part II of the Act as they apply to proceedings in a county court under the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.

Dated the 5th day of August, 1954.

Simonds, C.

APPENDIX

7

SUMMONS ON APPLICATION TO DETERMINE STANDARD RENT

In the County Court

No. of Application

In the Matter of the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939

BETWEEN

[*name, address and description*] Applicant

and

[*name, address and description*] Respondent

TO THE RESPONDENT

TAKE NOTICE that you are hereby summoned to appear at County Court, at on , the day of , 19 , at o'clock, on the hearing of an application by the above-named applicant for the determination of the rent on the 3rd day of August, 1914, *or* 1st day of September, 1939, *as the case may be* [*or, if the property was last let before or first let after that date, insert the date on which it was so let*] of certain premises situate at and known as ,

and for an order providing for the costs of the application.

AND FURTHER TAKE NOTICE that if you do not attend in person or by your solicitor or counsel at the time and place above-mentioned, such proceedings will be taken and determination made as the Court may think just.

Dated this day of , 19 .

Registrar.

(a) S.R. & O. 1923/901 (Rev. XII, p. 217: 1923, p. 433).
(b) S.R. & O. 1924/818 (Rev. XII, p. 219: 1924, p. 621).
(c) S.R. & O. 1933/995 (Rev. XII, p. 219: 1933, p. 1004).
(d) S.R. & O. 1938/551 (Rev. XII, p. 219: 1938 I, p. 1649).

8

ORDER ON APPLICATION TO DETERMINE STANDARD RENT

In the County Court

No. of Application

In the Matter of the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939

BETWEEN

[*name, address and description*] Applicant

and

[*name, address and description*] Respondent

On the application of , and upon hearing .

It is hereby determined that the rent on the 3rd day of August, 1914, *or* 1st day of September, 1939, *as the case may be* [*or, if the property was last let before or first let after that date, insert the date on which it was so let*] of certain premises situate at and known as was £ a [week].

And it is ordered that the respondent [*or* applicant] do pay to the applicant [*or* respondent] his costs of this application, which are hereby allowed at the sum of £ [*or* to be taxed], on or before the day of , 19 [, or if the costs have not been taxed before the expiration of that day, within 3 days after taxation].

Dated this day of , 19 .

Registrar.

To the Applicant and the Respondent.

13

SUMMONS ON APPLICATION FOR LEAVE TO DISTRAIN

In the County Court

No. of Application

In the Matter of the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939

BETWEEN

[*name, address and description*] Applicant

and

[*name, address and description*] Respondent

TO THE RESPONDENT

TAKE NOTICE that you are hereby summoned to appear at County Court, at on , the day of , 19 , at o'clock, on the hearing of an application by the above-named applicant for an order giving leave to levy a distress for rent amounting to £ on premises situate at and known as , on the ground that the said premises are let by the applicant to you the respondent on a [weekly] tenancy at £ per [week] and that rent for [weeks] amounting to £ was, by , the day of , 19 , and is still in arrear,

and for an order providing for the costs of the application.

AND FURTHER TAKE NOTICE that if you do not attend in person or by your solicitor or counsel at the time and place above-mentioned, such proceedings will be taken and order made as the Court may think just.

Dated this day of , 19 .

Registrar.

14

ORDER ON APPLICATION FOR LEAVE TO DISTRAIN

In the County Court
No. of Application

In the Matter of the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939

BETWEEN

[*name, address and description*] Applicant

and

[*name, address and description*] Respondent

On the application of and upon hearing .

It is ordered that notwithstanding the provisions of section 6 of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, the applicant be at liberty to levy a distress for rent amounting to £ due to him from the respondent in respect of certain premises situate at and known as .

And it is ordered that the respondent do pay to the applicant his costs of this application, which are hereby allowed at the sum of £ [*or* to be taxed] [*add, if order not suspended,* on the day of , 19 [, or if the costs have not been taxed before the expiration of that day, within 3 days after taxation]].

And it is further ordered that this order shall not be enforced so long as the respondent punctually pays to the applicant or his agent the said sum of £ arrears of rent and £ costs [*or* his costs when taxed] by instalments of £ per [week] in addition to the current rent, and that the order shall cease to be enforceable when the said arrears of rent and costs are satisfied.

Dated this day of , 19 .

Registrar.

To the Applicant and the Respondent.

18

SUMMONS ON APPLICATION TO DETERMINE WHETHER LANDLORD RESPONSIBLE FOR REPAIRS

In the County Court
No. of Application

In the Matter of the Housing Repairs and Rents Act, 1954

BETWEEN

[*name, address and description*] Applicant

and

[*name, address and description*] Respondent

TO THE RESPONDENT

TAKE NOTICE that you are hereby summoned to appear at County Court, at on , the day of , 19 , at o'clock, on the hearing of an application by the above-named applicant for the determination, pursuant to section 23 (5) of the above-mentioned Act, of a question relating to the repairs increase in the rent of certain premises [*or* of part, that is to say (*here specify the part*) , of certain premises] situate at and known as , of which the applicant is the tenant and you the respondent are the landlord [*or* of which you the respondent are the tenant and the applicant is the landlord], the question being whether the landlord is responsible for the repair of the said premises

[*or* the said part of the premises] [*or* as to the amount of any reduction in the repairs increase under the proviso to section 23 (2) of the Act],
and for an order providing for the costs of the application.

AND FURTHER TAKE NOTICE that if you do not attend in person or by your solicitor or counsel at the time and place above-mentioned, such proceedings will be taken and determination made as the Court may think just.

Dated this day of , 19 .

Registrar.

19

ORDER ON APPLICATION TO DETERMINE WHETHER LANDLORD RESPONSIBLE FOR REPAIRS

In the County Court

No. of Application

In the Matter of the Housing Repairs and Rents Act, 1954

BETWEEN

[*name, address and description*] Applicant

and

[*name, address and description*] Respondent

On the application of and upon hearing ,

It is hereby determined pursuant to section 23 (5) of the above-mentioned Act

[(*a*) that the applicant [*or* respondent], the landlord of certain premises [*or* of part, that is to say (*here specify the part*) , of certain premises] situate at and known as , of which the respondent [*or* applicant] is the tenant, is [not] responsible for the repair of the said premises [*or* the said part of the premises] [to the following extent, namely]].

[*Or* (*b*) that the amount of the repairs increase in the rent of certain premises [*or* of part, that is to say (*here specify the part*) , of certain premises] situate at and known as , of which the applicant [*or* respondent] is the tenant and the respondent [*or* applicant] is the landlord, be reduced to under the proviso to section 23 (2) of the above-mentioned Act by reason that the landlord is responsible in part only for the repair of the said premises [*or* the said part of the premises]].

And it is ordered that the respondent [*or* applicant] do pay to the applicant [*or* respondent] his costs of this application, which are hereby allowed at the sum of £ [*or* to be taxed on scale], on or before the day of , 19 [, or if the costs have not been taxed before the expiration of that day, within 3 days after taxation].

Dated this day of , 19 .

Registrar.

To the Applicant and the Respondent.

20

SUMMONS ON APPLICATION FOR CERTIFICATE THAT WORK OF REPAIR REQUISITE FOR REPAIRS INCREASE HAS NOT BEEN CARRIED OUT

In the County Court

No. of Application

In the Matter of the Housing Repairs and Rents Act, 1954

BETWEEN

[*name, address and description*] Applicant

and

[*name, address and description*] Respondent

TO THE RESPONDENT

TAKE NOTICE that you are hereby summoned to appear at County Court, at on , the day of , 19 , at o'clock, on the hearing of an application by the above-named applicant for the determination, pursuant to paragraph 4 (1) of the Second Schedule to the above-mentioned Act, of the question whether work of repair has been carried out on certain premises [*or* on part, that is to say (*here specify the part*) , of certain premises] situate at and known as , of which the applicant is the tenant and you the respondent are the landlord, during the period of twelve months specified in a declaration accompanying a notice of increase served by you on the applicant on the day of , 19 , to a value not less than that specified in the said declaration, and whether the value so specified is at least the value required by paragraph[s] 1 [and 3] of the said Schedule

[*or* during the period of three years specified in a declaration accompanying a notice of increase served by you on the applicant on the day of , 19 , to a value not less than that specified in the said declaration, and whether the value so specified is at least the value required by paragraph[s] 2 [and 3] of the said Schedule,]

and for an order providing for the costs of the application.

AND FURTHER TAKE NOTICE that if you do not attend in person or by your solicitor or counsel at the time and place above-mentioned, such proceedings will be taken and determination made as the Court may think just.

Dated this day of , 19 .

Registrar.

21

ORDER ON APPLICATION FOR CERTIFICATE THAT WORK OF REPAIR REQUISITE FOR REPAIRS INCREASE HAS NOT BEEN CARRIED OUT

In the County Court

No. of Application

In the Matter of the Housing Repairs and Rents Act, 1954

BETWEEN

[*name, address and description*] Applicant

and

[*name, address and description*] Respondent

On the application of and upon hearing

The Court, not being satisfied that work of repair has been carried out on certain premises [*or* on part, that is to say (*here specify the part*) of certain premises] situate at and known as , of which the applicant is the tenant and the respondent is the landlord, during the period of twelve months specified in a declaration accompanying a notice of increase served by the respondent on the applicant on the day of , 19 , to a value not less than that specified in the said declaration, and that the value so specified is at least the value required by paragraph[s] 1 [and 3] of the Second Schedule to the above-mentioned Act [*or* during the period of three years specified in a declaration accompanying a notice of increase served by the respondent on the applicant on the day of , 19 , to a value not less than that specified in the said declaration and that the value so specified is at least the value required by paragraph[s] 2 [and 3] of the Second Schedule to the above-mentioned Act], certifies accordingly pursuant to paragraph 4 (1) of the said Schedule.

[*Or*, it is ordered that this application be dismissed.]

And it is ordered that the respondent [*or* applicant] do pay to the applicant [*or* respondent] his costs of this application, which are hereby allowed at the sum of £ [*or* to be taxed on scale], on or before the day of , 19 [, or if the costs have not been taxed before the expiration of that day, within 3 days after taxation].

Dated this day of , 19 .

Registrar.

To the Applicant and the Respondent.

22

Summons on Application to determine just Proportion of Repairs Increase recoverable from Sub-tenant

In the County Court

No. of Application

In the Matter of the Housing Repairs and Rents Act, 1954

Between

[*name, address and description*] Applicant

and

[*name, address and description*] Respondent

To the Respondent

Take notice that you are hereby summoned to appear at County Court, at on , the day of , 19 , at o'clock, on the hearing of an application by the above-named applicant for the determination, pursuant to section 28 (2) of the above-mentioned Act, of a question relating to the repairs increase in the rent payable by the applicant [*or* by you the respondent] in respect of certain premises situate at and known as , of which he is [*or* you are] the tenant, the question being what is the just proportion of the said repairs increase recoverable from you the respondent [*or* from the applicant] as sub-tenant of part, that is to say [*here specify the part*] , of the said premises,

and for an order providing for the costs of the application.

AND FURTHER TAKE NOTICE that if you do not attend in person or by your solicitor or counsel at the time and place above-mentioned, such proceedings will be taken and determination made as the Court may think just.

Dated this day of , 19 .

Registrar.

23

ORDER ON APPLICATION TO DETERMINE JUST PROPORTION OF REPAIRS INCREASE RECOVERABLE FROM SUB-TENANT

In the County Court

No. of Application

In the Matter of the Housing Repairs and Rents Act, 1954

BETWEEN

[*name, address and description*] Applicant

and

[*name, address and description*] Respondent

On the application of and upon hearing ,

It is hereby determined, pursuant to section 28 (2) of the above-mentioned Act, that of the repairs increase in the rent payable by the applicant [*or* respondent] in respect of premises situate at and known as , of which the applicant [*or* respondent] is the tenant, the just proportion recoverable from the respondent [*or* applicant] as sub-tenant of part, that is to say (*here specify the part*) , of the said premises, is .

And it is ordered that the respondent [*or* applicant] do pay to the applicant [*or* respondent] his costs of this application, which are hereby allowed at the sum of £ [*or* to be taxed on scale], on or before the day of , 19 [, or if the costs have not been taxed before the expiration of that day, within 3 days after taxation].

Dated this day of , 19 .

Registrar.

To the Applicant and the Respondent.

EXPLANATORY NOTE

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

These Rules lay down the procedure to be followed on applications to the county court under Part II of the Housing Repairs and Rents Act, 1954. They also prescribe new forms to be used on applications under the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, for the determination of standard rent and for leave to distrain, and generally bring up to date the Rules made under those Acts.