



Housing Act 1961

1961 CHAPTER 65

PART III

MISCELLANEOUS AND GENERAL

Private improvements in housing

29 Permitted rent increase for improvements

- (1) In subsection (1) of section five of the Rent Act, 1957 (under which the rent limit under that Act may be increased for improvements by eight per cent. per annum of the amount spent), for the words " eight per cent." there shall be substituted the words " twelve and one-half per cent. ".
- (2) Subsection (1) of this section shall only apply to an improvement completed after the commencement of this Act, and shall so apply subject to the following provisions of this section.
- (3) Subsection (1) of this section shall not apply to an improvement carried out in reliance on a consent granted before the commencement of this Act by a tenant under the controlled tenancy unless the consent was a consent in writing which contained an acknowledgement (however expressed) that the rent could be increased on account of the improvement to a stated amount which is at least the maximum of the rent limit increased under the said section five with the amendment made by subsection (1) of this section.
- (4) The foregoing subsections shall be construed as one with the said section five, but those subsections as applied, as part of the said section five, by section twenty of the same Act (which limits the rent of subsidised private houses by reference to the rent limit), shall apply as follows—
 - (a) in subsection (3) of this section for the reference to a tenant under the controlled tenancy there shall be substituted a reference to any tenant of the dwelling, and

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- (b) notwithstanding subsection (3) of this section, the said section five shall have effect with the amendment made by subsection (1) of this section in relation to the rent under any tenancy created by a lease or agreement coming into operation after the time when the improvement is begun:

Provided that for the purposes of paragraph (b) of this subsection where a person to whom a tenancy is granted was immediately before the granting the tenant under another tenancy and the premises comprised in one of the tenancies are the same as, or consist of or include part of, the premises comprised in the other, the two tenancies shall be treated as together constituting one tenancy created by the lease or agreement which created the first of the two tenancies.

30 Standard grant for provision of hot water supply and water closets

- (1) Subsection (1) of section four of the House Purchase and Housing Act, 1959 (which lists the improvements, including the provision of a bath or shower, a wash-hand basin, hot water supply and a water closet, in respect of which local authorities are to make grants under that section), shall be amended as follows.
- (2) For paragraph (c) of that subsection (which reads " a hot water supply ") there shall be substituted the following paragraph—
- “(c) a hot water supply at a fixed bath or shower in a bathroom, and at a wash-hand basin, and at a sink”.
- (3) The water closet mentioned in paragraph (d) of that subsection must, if reasonably practicable, be in, and accessible from within, the dwelling or, if that is not reasonably practicable, in such a position in the curtilage of the dwelling or, where the dwelling is part of a larger building, in that building, as to be readily accessible from the dwelling.
- (4) In the said section four, in paragraph (d) of subsection (1), the words " in or contiguous to the dwelling ", and subsection (5), shall cease to have effect.

31 Provisions relating to improvement grants and standard grants

- (1) Subsection (3) of section thirty-one of the Housing (Financial Provisions) Act, 1958, and subsection (3) of section five of the House Purchase and Housing Act, 1959 (under which an applicant for an improvement grant under Part II of the said Act of 1958 or a standard grant under the said Act of 1959 must own the land to which the application relates or have a certain leasehold interest in it), shall not apply in relation to any application made after the commencement of this Act on behalf of a charity where the land to which the application relates is land which, or an interest in which, is vested in the official custodian for charities or any other custodian trustee in trust for the charity.
- (2) In paragraph 3 of the Fourth Schedule to the said Act of 1958 (which requires the dwelling to be let or kept available for letting when it is not occupied by a person of a class defined in sub-paragraphs (a) to (c) of that paragraph) the following sub-paragraph shall be inserted after sub-paragraph (a):—
- “(aa) in the case of a dwelling which, or an interest in which, has since before the application for the grant been vested in the personal representatives of a deceased person, or in trustees, by a person who on the death, or under the trust, has become interested in the dwelling or interest or the proceeds of sale thereof, or by a member of the family of such a person, or”

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- (3) There shall be substituted for sub-paragraph (2) of paragraph 9 of the Fourth Schedule to the said Act of 1958 (which exempts from paragraph 3 of that Schedule a dwelling used as an almshouse or as a residence of a minister of religion) the following sub-paragraph—
- “(2) Paragraph 3 of this Schedule shall not apply to a dwelling held upon trust for any charitable purpose, so long as it is occupied or kept available for occupation for that purpose.”
- (4) The proper officer of the local authority shall record in the register of local land charges any change effected by this section in any conditions registered in that register.

Repairing obligations

32 Repairing obligations in short leases of dwelling-houses

- (1) In any lease of a dwelling-house, being a lease to which this section applies, there shall be implied a covenant by the lessor—
- (a) to keep in repair the structure and exterior of the dwelling-house (including drains, gutters and external pipes); and
 - (b) to keep in repair and proper working order the installations in the dwelling-house—
 - (i) for the supply of water, gas and electricity, and for sanitation (including basins, sinks, baths and sanitary conveniences but not, except as aforesaid, fixtures, fittings and appliances for making use of the supply of water, gas or electricity), and
 - (ii) for space heating or heating water,
- and any covenant by the lessee for the repair of the premises (including any covenant to put in repair or deliver up in repair, to paint, point or render or to pay money in lieu of repairs by the lessee or on account of repairs by the lessor) shall be of no effect so far as it relates to the matters mentioned in paragraphs (a) and (b) of this subsection.
- (2) The covenant implied by this section (hereinafter referred to as the lessor's repairing covenant) shall not be construed as requiring the lessor—
- (a) to carry out any works or repairs for which the lessee is liable by virtue of his duty to use the premises in a tenant-like manner, or would be so liable apart from any express covenant on his part;
 - (b) to rebuild or reinstate the premises in the case of destruction or damage by fire, or by tempest, flood, or other inevitable accident; or
 - (c) to keep in repair or maintain anything which the lessee is entitled to remove from the dwelling-house ;
- and subsection (1) of this section shall not avoid any covenant by the lessee so far as it imposes on the lessee any of the requirements mentioned in paragraph (a) or paragraph (c) of this subsection.
- (3) In determining the standard of repair required by the lessor's repairing covenant, regard shall be had to the age, character and prospective life of the dwelling-house and the locality in which it is situated.
- (4) In any lease in which the lessor's repairing covenant is implied, there shall also be implied a covenant by the lessee that the lessor, or any person authorised by him in

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writing, may at reasonable times of the day, on giving twenty-four hours notice in writing to the occupier, enter the premises comprised in the lease for the purpose of viewing their condition and state of repair.

- (5) In this and the next following section the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" lease " includes an underlease, an agreement for a lease or underlease, and any other tenancy, but does not include a mortgage, and " covenant ", " demise " and " term " shall be construed accordingly ;

" lease of a dwelling-house " means a lease whereby a building or part of a building is let wholly or mainly as a private dwelling, and " the dwelling-house " means that building or part of a building ;

" lessee " and " lessor " mean respectively the person for the time being entitled to the term of a lease and to the reversion expectant thereon.

33 Application of s.32 and restriction on contracting out

- (1) Section thirty-two of this Act applies, subject to the provisions of this section, to any lease of a dwelling-house granted after the passing of this Act, being a lease for a term of less than seven years.

- (2) For the purposes of this section a lease shall be treated as a lease for a term of less than seven years if it is determinable at the option of the lessor before the expiration of seven years from the commencement of the term, and, except where the foregoing provisions of this subsection apply, shall not be so treated if it confers on the lessee an option for renewal for a term which, together with the original term, amounts to seven years or more.

- (3) Where a lease of a dwelling-house (hereinafter referred to as " the new lease ") is granted—

- (a) to a person who when, or immediately before, the new lease is granted, is the lessee under another lease of the dwelling-house, or
- (b) to a person who was the lessee under another lease of the dwelling-house which terminated at some time before the new lease is granted and who, between the termination of that other lease and the grant of the new lease was continuously in possession of the dwelling-house or the rents or profits thereof,

the said section thirty-two shall not apply to the new lease if—

- (i) the new lease is a tenancy to which Part II of the Landlord and Tenant Act, 1954, applies and the other lease either is such a tenancy or would be such a tenancy but for section twenty-eight of the said Act; or
 - (ii) the other lease is not a lease to which the said section thirty-two applies and, in the case of a lease granted before the passing of this Act would not have been such a lease if granted after that date.
- (4) The said section thirty-two does not apply to any lease of a dwelling-house which is a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act, 1948.
- (5) In the application of this section to a lease granted for a term part of which falls before the grant, that part shall be left out of account and the lease shall be treated as a lease for a term commencing with the grant.

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- (6) The county court may, by order made with the consent of the parties concerned, authorise the inclusion in a lease, or in any agreement collateral to a lease, of provisions excluding or modifying in relation to the lease the provisions of the said section thirty-two with respect to the repairing obligations of the parties if it appears to the court, having regard to the other terms and conditions of the lease and to all the circumstances of the case, that it is reasonable to do so ; and any provision so authorised shall have effect accordingly.
- (7) Subject to the last foregoing subsection, any covenant or agreement, whether contained in a lease to which the said section thirty-two applies or in any agreement collateral to such a lease, shall be void so far as it purports to exclude or limit the obligations of the lessor or the immunities of the lessee under that section, or to authorise any forfeiture or impose on the lessee any penalty, disability or obligation, in the event of his enforcing or relying upon those obligations or immunities.
- (8) The county court shall have jurisdiction to make a declaration that section thirty-two of this Act applies, or does not apply, to a lease, whatever the net annual value of the property in question and notwithstanding that the applicant for the declaration does not seek any relief other than the declaration.

Town development

34 Town development

- (1) If the Minister is satisfied that development which would be town development as defined by section one of the Town Development Act, 1952, if it were carried out in a county district can be with advantage carried out—
 - (a) in a county borough, or partly in one county borough and partly in another, or
 - (b) partly in a county borough and partly in a county district,he may by order designate that development as town development as so defined, and as development to which section two of that Act (under which the Minister may contribute to the expense of certain development) applies; and that Act shall apply accordingly subject to any necessary modifications and, in particular, as if any such county borough or county district were, in relation to the development, a receiving district as defined by subsection (2) of section one of the said Act.

An order under this subsection shall be made by statutory instrument and may be revoked or varied by a subsequent order so made.
- (2) Section four of the Town Development Act, 1952 (which enables the council of a county borough or county district to contribute to the expense of development which relieves congestion in their area), shall apply to the council of a county as it applies to the council of a county borough or county district.
- (3) The council of a county may make the services of any of their officers or servants available to the council of a receiving district for the purposes of any development in respect of which the council of the county can make a contribution under the said section four as amended by the last foregoing subsection.
- (4) In this section " the Minister" means the Minister of Housing and Local Government.

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General

35 Financial provisions

- (1) There shall be paid out of money provided by Parliament any increase which may, in consequence of the provisions of this Act, become so payable under any other Act.
- (2) There shall be paid into the Exchequer any sums falling to be so paid in consequence of any of the provisions of this Act.

36 Short title, interpretation, commencement, extent and repeals

- (1) This Act may be cited as the Housing Act, 1961.
- (2) Save where the context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment, including this Act.
- (3) This Act shall come into force on the expiration of a period of one month beginning with the day on which it is passed.
- (4) This Act shall not extend to Scotland or Northern Ireland.
- (5) The Acts mentioned in the Fourth Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.