



Rent Act 1957

1957 CHAPTER 25

Miscellaneous and Supplemental

16 Minimum length of notice to quit

No notice by a landlord or a tenant to quit any premises let (whether before or after the commencement of this Act) as a dwelling shall be valid unless it is given not less than four weeks before the date on which it is to take effect.

17 Provisions to facilitate exchange of controlled dwellings

- (1) Where it is so agreed in writing between the tenant under a statutory tenancy of a dwelling and a person proposing to occupy that dwelling (hereinafter referred to as the "incoming tenant"), the incoming tenant shall subject as hereinafter provided be deemed as from such date as may be specified in the agreement (hereinafter referred to as the "date of exchange ") to be the tenant of the dwelling under that statutory tenancy; and the question whether the provisions of the Rent Acts as to the succession by the widow of a deceased tenant or by a member of his family to the right to retain possession are capable of having effect in the event of the death of the incoming tenant shall be determined according as those provisions have or have not already had effect in relation to the statutory tenancy;
- (2) An agreement under the foregoing subsection shall not have effect unless the landlord is a party thereto, and if the consent of any superior landlord would have been required to an assignment of the tenancy on the coming to an end of which the statutory tenancy arose the agreement shall not have effect unless the superior landlord is a party thereto.
- (3) An agreement under subsection (1) of this section may provide that the provisions of the Rent Acts mentioned in that subsection shall be capable of having effect in the event of the death of the incoming tenant, notwithstanding that they had effect in favour of the tenant to whom he succeeded.
- (4) It shall be unlawful to require the payment of any pecuniary consideration for entering into an agreement under subsection (1) of this section ; and—

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- (a) the amount of any payment made which under this subsection could not lawfully be required shall be recoverable by the person by whom it was made either by proceedings for its recovery or, if it was made to the landlord, by deduction from any rent payable by the said person to the landlord;
- (b) a person requiring the payment of any consideration in contravention of this subsection shall be liable on summary conviction to a fine not exceeding one hundred pounds, and the court by which he is convicted may order the amount of the payment to be repaid by the person to whom it was paid:

Provided that subsection (4) of section two of the Landlord and Tenant (Rent Control) Act, 1949 (which allows an assignor to charge the assignee for apportioned outgoings, improvements, and goodwill) shall apply with the substitution for the reference to subsection (2) of that section of a reference to this subsection, and for references to the assignor, the assignee and the taking effect of the assignment of references to the tenant, the incoming tenant and the date of exchange.

18 Private street works to count as improvements

- (1) The following provisions of this section shall have effect for the purposes of section five of this Act or, in Scotland, for the purposes of paragraph (a) of subsection (1) of section two of the Act of 1920.
- (2) Where works have been carried out on a street under—
 - (a) section one hundred and fifty of the Public Health Act, 1875, or
 - (b) the Private Street Works Act, 1892, or
 - (c) any of the enactments referred to in section one of the Local Government (Street Works) (Scotland) Act, 1956, or
 - (d) the corresponding provisions of any local Act,

and any dwelling having access to the street is the subject of a controlled tenancy, the amount of any expenditure incurred after the commencement of this Act by the landlord or a superior landlord in the carrying out of the works, or of any liability so incurred by the landlord or a superior landlord in respect of the works to the authority by whom they were carried out (whether the liability is dischargeable in a lump sum or by instalments, but in the case of instalments exclusive of interest), shall (whether or not apart from this section it would be so treated) be treated as expenditure incurred by the landlord or superior landlord on improvement as mentioned in subsection (1) of section five of this Act or, as the case may be, in paragraph (a) of subsection (1) of section two of the Act of 1920:

Provided that if benefit accrues from the carrying out of the works not only to the dwelling but also to other premises of the landlord or superior landlord, the amount to be treated as aforesaid shall be so much only of the expenditure or liability as may be determined, by agreement in writing between the landlord and the tenant or by the county court, or in Scotland the sheriff, to be properly apportionable to the dwelling, having regard to the benefit accruing, from the carrying out of the works, to the dwelling and to the other premises.

- (3) For the purposes of this section the amount of any expenditure shall be treated as diminished by the amount of any contribution made in respect thereof under any enactment.

- (4) Subsection (3) of section five of this Act and the proviso to paragraph (a) of subsection (1) of section two of the Act of 1920 shall not apply to any increase authorised by virtue of this section.

19 Jurisdiction of county court or sheriff, and procedure

- (1) The county court shall have jurisdiction, either in the course of any proceedings relating to a dwelling or on an application made for the purpose by the landlord or the tenant, to determine any question as to the application of the Rent Acts, as to the rent limit, or the rent actually recoverable, under a controlled tenancy, as to the application of the Furnished Houses (Rent Control) Act, 1946, to any contract, or as to any matter which is or may become material for determining any such question as aforesaid.
- (2) In Scotland, the sheriff shall have jurisdiction, either in the course of any proceedings relating to a dwelling or on an application made for the purpose by the landlord or the tenant, to determine any question as to the application of the Rent Acts or of the Rent of Furnished Houses Control (Scotland) Act, 1943, or as to any matter which is or may become material for determining any such question.
- (3) Section seventeen of the Act of 1920 (which relates to rules of procedure and the jurisdiction of the county court) shall apply in relation to this Act as it applies in relation to that Act.
- (4) Any apportionment of rates, gross value or rateable value made by the county court or the sheriff for the purposes of this Act, and any apportionment made by the court or sheriff under the proviso to subsection (2) of the foregoing section, shall be final and conclusive.

20 Rents of subsidised private houses

- (1) In so far as the conditions mentioned in any of the following enactments, that is to say.—
- (a) section two of the Housing (Financial Provisions) Act, 1924;
 - (b) section three of the Housing (Rural Workers) Act, 1926;
 - (c) section three of the Housing (Financial Provisions) Act, 1938;
 - (d) section twenty-three of the Housing Act, 1949;
 - (e) section three of the Housing Act, 1952,
- relate to the rent to be charged in respect of any dwelling they shall limit that rent, and if imposed before the commencement of this Act shall have effect as if they limited that rent, to the amount of the rent limit; but if the conditions were imposed before the commencement of this Act and then limited the rent to an amount exceeding what would be the rent limit if ascertained under subsection (1) of section one of this Act, the rent limit shall be that amount, subject however to the provisions of subsection (2) of that section.
- (2) Where any such condition as aforesaid has been registered in the register of local land charges the proper officer of the local authority shall record in that register any change in that condition effected by this section.
- (3) Where any such condition as aforesaid limits the rent under a tenancy which is not a controlled tenancy then, subject to the next following subsection.—

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- (a) subsection (1) of this section shall have effect, in relation to that tenancy, as if for the reference to the amount of the rent limit there were substituted a reference to the amount which would be the rent limit if the tenancy were a controlled tenancy; and
 - (b) in ascertaining that amount in a case where a dwelling was produced by the conversion of any premises and the conversion resulted in a change in the valuation list after the seventh day of November, nineteen hundred and fifty-six, any entry in that list before the change shall be disregarded ; and
 - (c) the provisions of this Act enabling rents to be increased and conferring jurisdiction on the county court shall apply in relation to the tenancy as they apply in relation to a controlled tenancy.
- (4) In relation to a tenancy falling within paragraph (c) or (d) of section thirty-three of the Housing Repairs and Rents Act, 1954 (which exclude from the operation of the Rent Acts certain tenancies where the interest of the landlord belongs to a housing association or a housing trust).—
- (a) paragraphs (a) to (c) of the last foregoing subsection shall not apply; but
 - (b) the condition shall limit the rent, and if imposed before the commencement of this Act shall have effect as if it limited the rent, to such amount as may from time to time be agreed between the association or trust and the local authority (or the London County Council in the case of houses the construction of which was promoted by them or in respect of which improvement grants were made by them under the Housing Act, 1949) or as may, in default of agreement, be determined by the Minister; but if the condition was imposed before the commencement of this Act it shall, until the said amount has been agreed or determined under this paragraph, have effect as if this Act had not been passed.

21 Long tenancies

- (1) The Rent Acts shall not apply to any long tenancy, without prejudice however to the operation of subsection (3) of section fifteen of the Act of 1920.
- (2) Part I of the Landlord and Tenant Act, 1954, shall apply to long tenancies not at a low rent as it applies to long tenancies at a low rent.

22 Statutory tenancies of requisitioned houses

- (1) The following provisions shall have effect in the case of a statutory tenancy subsisting under section four of the Requisitioned Houses and Housing (Amendment) Act, 1955 (which applies the Rent Acts to occupiers of certain dwellings formerly requisitioned and empowers the local authority to contribute to the rent):—
 - (a) a notice of increase applying to rent for any rental period beginning before the first day of April, nineteen hundred and sixty-five, shall not have effect unless not later than three days after the service of the notice the landlord serves a copy of the notice on the local authority;
 - (b) the local authority shall have such powers of applying to the county court as are conferred by this Act on the tenant;
 - (c) the local authority shall be a necessary party to any agreement, and to any proceedings in any court, affecting the amount of the rent for any such rental period as aforesaid.

In this subsection the expression " the local authority " means the local authority (within the meaning of the said Act of 1955) which gave the invitation by virtue of the acceptance of which the statutory tenancy arose.

- (2) The said section four shall be amended as follows:—
- (a) in paragraph (b) of subsection (2) the words from " at a rent " to " this section " shall be omitted, and after the words " terms and conditions " there shall be inserted the words " (other than terms as to rent) ";
 - (b) in subsection (3) for the words "The standard rent" there shall be substituted the words " Subject to the provisions of subsection (4) of this section and of the Rent Act, 1957, the rent " , and the words from " and for the purposes " to the end of the subsection shall be omitted.

23 Concurrence of superior landlords to agreements as to 1956 gross value and rateable value

Where the landlord is himself a tenant, then unless he is tenant under a tenancy having a term with more than seven years to run an agreement between him and his tenant relating to the amount of the 1956 gross value or of the rateable value of the dwelling-house shall not have effect, for the purposes of the provisions of this Act relating to controlled tenancies and to the application of the Rent Acts, except with the concurrence in writing of his immediate landlord.

24 Payments out of moneys provided by Parliament

There shall be paid out of moneys provided by Parliament any increase attributable to this Act in—

- (a) the sums required by the Minister for making payments to local authorities under Part I of the Requisitioned Houses and Housing (Amendment) Act, 1955, and
- (b) the sums payable out of moneys provided by Parliament under Part I of the Local Government Act, 1948, or the Local Government (Financial Provisions) (Scotland) Act, 1954, as amended by the Valuation and Rating (Scotland) Act, 1956.

25 Interpretation

- (1) In this Act, except so far as the context otherwise requires:—

" the Rent Acts " . " the Act of 1920 " , " the Act of 1933 " , " landlord " , " tenant " , " tenancy " , " statutory tenancy " and " local authority " have the meanings assigned to them by subsection (1) of section forty-nine of the Housing Repairs and Rents Act, 1954, or as respects Scotland by subsection (1) of section tliirty-nine of the Housing (Repairs and Rents) (Scotland) Act, 1954;

" appropriate factor " means the number by which the 1956 gross value is to be multiplied in determining the rent limit;

" basic rental period " means the rental period comprising the commencement of this Act or, in the case of a controlled tenancy beginning thereafter, the first rental period of the tenancy;

" controlled tenancy " means a tenancy to which the Rent Acts apply or a statutory tenancy;

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" dwelling ", except in section sixteen of this Act, means in relation to a controlled tenancy the aggregate of the premises comprised in the tenancy, and in relation to a contract the aggregate of the premises to which the contract relates;

" improvement " includes structural alteration, extension or addition and the provision of additional fixtures or fittings, but does not include anything done by way of decoration or repair;

" long tenancy " and " tenancy at a low rent " have the meanings assigned to them by subsections (4) and (5) of section two of the Landlord and Tenant Act, 1954;

" 1956 gross value ", in relation to a dwelling, means, subject to the provisions of the Fifth Schedule to this Act, the gross value thereof as shown in the valuation list on the seventh day of November, nineteen hundred and fifty-six, or, where the dwelling forms part only of a hereditament shown in that list, such proportion of the gross value shown in that list for that hereditament as may be agreed in writing between the landlord and the tenant or determined by the county court;

" notice of increase " means a notice of increase under section two of this Act;

" prescribed " means prescribed by regulations under section fourteen of the Act of 1933, and references in this Act to a prescribed form include references to a form substantially to the same effect as the prescribed form;

" rateable value " shall be construed as provided in Part I of the Fifth Schedule to this Act;

" rates " includes water rents and charges but does not include an owner's drainage rate within the meaning of paragraph (a) of subsection (2) of section twenty-four of the Land Drainage Act, 1930; and any references in this Act to rates in respect of any dwelling include references to such proportion of any rates in respect of a hereditament of which the dwelling forms part as may be agreed in writing between the landlord and the tenant or determined by the county court;

" rental period " means a period in respect of which a payment for rent falls to be made;

" the Minister " means the Minister of Housing and Local Government, or as respects Scotland the Secretary of State;

" the valuation officer " has the same meaning as in Part III of the Local Government Act, 1948.

- (2) Where a controlled tenancy is followed by a statutory tenancy of the same dwelling, the two shall be treated for the purposes of this Act, in its application to England and Wales, as together constituting one controlled tenancy.
- (3) Any reference in this Act, in its application to England and Wales, to rent shall be construed as a reference to rent—
- (a) exclusive of any sums recoverable as rent under section sixteen of the Landlord and Tenant Act, 1927 (which enables landlords to recover, as rent, sums in respect of increases in taxes, rates or fire premiums ascribable to improvements made by tenants) other than—
 - (i) sums so recoverable in respect of increases in rates, or
 - (ii) sums referable to improvements executed by the tenant before the first day of April, nineteen hundred and fifty-six, or

- (iii) sums referable to improvements executed by him after that day but affecting the 1956 gross value by reason of a proposal made before the first day of April, nineteen hundred and fifty-seven;
 - (b) exclusive of any sums recoverable as rent under the First Schedule to the Landlord and Tenant Act, 1954;
 - (c) without taking into account any deduction falling to be made under the First Schedule to the Landlord and Tenant (Rent Control) Act, 1949 (which provides for the recovery of premiums by deduction from rent) or under paragraph 1 of the Second Schedule to the Landlord and Tenant Act, 1954 (which empowers the court to order a reduction of rent where the landlord fails to carry out initial repairs).
- (4) References in this Act to any enactment are references to that enactment as amended by any other enactment, including, except where the context otherwise requires, this Act.

26 Application of enactments, minor amendments, transitional provisions and repeals

- (1) The provisions of the Sixth Schedule to this Act shall have effect for applying certain enactments for the purposes of this Act and for making certain minor and consequential amendments of enactments.
- (2) The transitional provisions contained in the Seventh Schedule to this Act shall have effect.
- (3) The enactments specified in Part I of the Eighth Schedule to this Act are hereby repealed, in their application to England and Wales, to the extent specified in the third column of that Part of that Schedule; and the enactments specified in Part II of that Schedule are hereby repealed, in their application to Scotland, to the extent specified in the third column of the said Part II.

27 Short title, commencement and extent

- (1) This Act may be cited as the Rent Act, 1957.
- (2) This Act shall come into force on the expiration of the period of one month which begins with the date of the passing thereof.
- (3) The following provisions of this Act, that is to say, sections seven to nineteen, sections twenty-three and twenty-five, subsections (1) and (3) of section twenty-six, this section, the Third and Fourth Schedules, Part I of the Fifth Schedule, the Sixth Schedule, and Part II of the Eighth Schedule shall, so far as applicable, and subject to any modification specified therein, extend to Scotland, but the other provisions of this Act shall not extend to Scotland.
- (4) This Act shall not extend to Northern Ireland.