

SCHEDULES

SCHEDULE 21

Section 145.

RENTS OF SUBSIDISED PRIVATE HOUSES NOT SUBJECT TO CONTROLLED TENANCIES

- 1 (1) This paragraph applies, subject to sub-paragraph (9) and to paragraph 2 below, where a condition to which section 145 of this Act applies (a "section 145 condition")—
- (a) was imposed before 8th December 1965, and
 - (b) limits the rent under a tenancy which is not a controlled tenancy.
- (2) Any section 145 condition shall limit, or as the case may be shall have effect as if it limited, the rent to the amount which would be the rent limit if the tenancy were a controlled tenancy.
- (3) In ascertaining that amount, in a case where a dwelling-house was produced by the conversion of any premises and the conversion resulted in a change in the valuation list after 7th November 1956, any entry in that list before the change shall be disregarded.
- (4) The provisions of Part II of this Act enabling rents to be increased and the provisions of that Part and of section 141(1) of this Act conferring jurisdiction on the county court shall apply in relation to the tenancy as they apply in relation to a controlled tenancy.
- (5) In sub-paragraph (2) above "the rent limit" has the same meaning as in Part II of this Act except that if any section 145 condition was imposed before 6th July 1957 and then limited the rent to an amount exceeding what would be the rent limit if ascertained under section 27(1) and (2) of this Act, the rent limit shall be that amount, subject however to section 27(3).
- (6) Notwithstanding anything in section 32(3) of this Act, for the purposes of section 32 as applied by sub-paragraph (4) above, a reference to any tenant of the dwelling shall be substituted in section 32(3) for the reference to a tenant under a controlled tenancy and the appropriate percentage shall be 12£ per cent 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.
- (7) For the purposes of sub-paragraph (6) above, where a person to whom a tenancy was 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.
- (8) Nothing in this paragraph shall be construed as applying the provisions of Part II of Schedule 6 to this Act to a tenancy which is not a controlled tenancy.
- 2 (1) This paragraph applies where a section 145 condition limits the rent under a tenancy which is neither a regulated nor a controlled tenancy and either—

Status: This is the original version (as it was originally enacted).

- (a) the interest of the landlord belongs to a housing trust, as mentioned in section 15(2)(b) of this Act; or
 - (b) that interest belongs to a housing association, as mentioned in section 15(1) of this Act, and one of the conditions specified in section 15(4) is fulfilled.
 - (2) Where this paragraph applies, sub-paragraphs (2) to (8) of paragraph 1 above shall not have effect in relation to the condition in question.
 - (3) In a case where this paragraph applies, the condition shall limit or, as the case may be, shall have effect as if it limited the rent to such amount as may from time to time be or have been agreed between the housing trust or association and the local authority or as may, in default of agreement, be or have been determined by the Secretary of State ; but if the condition was imposed before 6th July 1957 it shall, until the said amount has been so agreed or determined, have effect as if this Act had not been passed.
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- (1) Subject to sub-paragraph (2) below, in paragraph 2 above " local authority ", in relation to any premises, means the council of the county borough, London borough or district in which the premises are situated or, if they are situated in the City of London, the Common Council of the City of London.
 - (2) In the case of houses the construction of which was promoted either by the London County Council or by the Greater London Council or in respect of which improvement grants were made by either of those councils under the Housing (Financial Provisions) Act 1958, the reference in sub-paragraph (1) above to the local authority shall be construed as a reference to the Greater London Council.