

1974 No. 184

COUNTER-INFLATION

The Counter-Inflation (Rents) (England and Wales)

Order 1974

<i>Made</i> - - -	8th February 1974
<i>Laid before Parliament</i>	8th February 1974
<i>Coming into Operation</i>	9th February 1974

The Secretary of State for the Environment (as respects England, except Monmouthshire) and the Secretary of State for Wales (as respects Wales and Monmouthshire), in exercise of their powers under section 11 of, and paragraphs 1 and 3 of Part I of Schedule 3 to, the Counter-Inflation Act 1973 (a) and of all other powers enabling them in that behalf, hereby make the following order:—

Citation and commencement

1. This order may be cited as the Counter-Inflation (Rents) (England and Wales) Order 1974 and shall come into operation on 9th February 1974.

Interpretation

2.—(1) The Interpretation Act 1889 (b) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order, unless the context otherwise requires—

“the 1972 Act” means the Housing Finance Act 1972 (c);

“the 1973 Act” means the Counter-Inflation Act 1973;

“rent scrutiny board rent” means the rent specified in the report as agreed by the rent scrutiny board or, as the case may be, stated in the report as the rent which in their opinion ought to be substituted for the rent provisionally assessed by the authority;

“report” means a report of a rent scrutiny board under section 56(3) of the 1972 Act;

“statutory increase” has the meaning given by article 3(1) of this order; and

other expressions used which are also used in Part VI of the 1972 Act shall have the same meaning as they have in that Part, and in particular section 70(2) of the 1972 Act shall apply in relation to any reference in this order to the amount of a rent as it applies in relation to such a reference in the said Part VI, save that the proviso to the said subsection in its application to this order shall have effect as if for the reference to a fair rent there were substituted a reference to the rent scrutiny board rent.

(3) In this order, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment.

(a) 1973 c. 9.

(b) 1889 c. 63.

(c) 1972 c. 47.

Housing authority dwellings: restriction on increase towards fair rents in the year 1974-75

3.—(1) This article applies in the case of any Housing Revenue Account dwelling of an authority in respect of which an increase towards fair rents would, apart from the provisions of this order, fall to be made in the year 1974-75 in accordance with Part VI of the 1972 Act (hereinafter called “the statutory increase”), where before the relevant date in relation to the statutory increase the authority receive a report which includes that dwelling and that relevant date is not later than 31st July 1974.

(2) Notwithstanding sections 62 and 64 of the 1972 Act and the terms of any tenancy or agreement in relation to the dwelling, the increase towards fair rents in the year 1974-75 in respect of any dwelling to which this article applies shall be restricted or, as the case may be, prevented so that the rent of the dwelling shall not exceed the rent scrutiny board rent.

(3) Any notice to give effect to the statutory increase, whether served before or after the coming in operation of this order, shall not have effect so as to increase the rent of any dwelling to which this article applies above the rent scrutiny board rent, and where any such notice would, apart from the provisions of this article, have such effect, that notice shall instead have effect so as to increase the rent to the rent scrutiny board rent or, in a case where the rent is not less than the rent scrutiny board rent, shall not have any effect.

(4) Nothing in this article shall affect any calculation required to be made by virtue of Part VI of the 1972 Act in relation to the statutory increase.

Housing authority dwellings: restriction on rent payable on new lettings

4.—(1) This article applies in the case of a new letting of any Housing Revenue Account dwelling of an authority which takes place at any time after the relevant date in relation to the statutory increase, but before 1st August 1974, where before the said relevant date the authority receive a report which includes that dwelling.

(2) Notwithstanding the provisions of sections 62 and 64 and subsection (4) of section 66 of the 1972 Act, the rent payable on such a new letting shall not exceed the rent scrutiny board rent.

Recovery of excess rent

5.—(1) If a tenant has paid on account of rent any amount which, by virtue of article 3 or 4 of this order, is not payable by the tenant, then, subject to paragraph (3) of this article, the tenant who paid it shall be entitled to recover the amount from the authority.

(2) Subject to paragraph (3) of this article, any amount which a tenant is entitled to recover under paragraph (1) of this article may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the authority.

(3) No amount which a tenant is entitled to recover under paragraph (1) of this article shall be recoverable at any time after the expiry of one year from the date of payment.

Transitional

6. Without prejudice to paragraph 4 of Part I of Schedule 3 to the 1973 Act, any right acquired or liability or obligation incurred by virtue of any of the provisions of this order shall not be affected by Part II of the 1973 Act ceasing to be in force, and accordingly any legal proceeding or remedy in respect of any such right, liability or obligation may be instituted, continued or enforced as though the said Part II had continued in force.

8th February 1974.

Geoffrey Rippon,
Secretary of State for the Environment.

8th February 1974.

Peter Thomas,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order restricts certain increases in the rents of local authorities' Housing Revenue Account dwellings due under the requirements of the Housing Finance Act 1972. The Order provides that where an authority has received the report of the Rent Scrutiny Board on its fair rents before the date by reference to which the increase is to take effect (provided that it is not later than 31st July 1974), but such a report has not become a final determination, no rent shall be increased beyond the figure given in the report. In the case of new lettings, the Order requires that the rent shall not be above the figure given in the Rent Scrutiny Board's report.

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