CHAPTER 64

An Act further to regulate the requiring of payments for furniture, fittings or other articles as a condition of the grant, renewal, continuance or assignment of tenancies of dwellings. [29th July, 1959]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Punishment of attempts to obtain from prospective tenants excessive prices for furniture, fittings, etc.

12, 13 & 14 Geo. 6. c. 40. 5 & 6 Eliz. 2. c. 25.

1.—(1) Any person who, in connection with the proposed grant, renewal, continuance or assignment, on terms which require the purchase of furniture, of a tenancy to which for the time being section two of the Landlord and Tenant (Rent Control) Act, 1949 (which prohibits the requiring of premiums), or that section as extended by section thirteen of the Rent Act, 1957, applies—

(*a*) offers the furniture at a price which he knows or ought to know is unreasonably high, or otherwise seeks to obtain such a price for the furniture, or

(*b*) fails to furnish, to any person seeking to obtain or retain accommodation whom he provides with particulars of the tenancy, a written inventory of the furniture, specifying the price sought for each item,

shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(2) Where a local authority have reasonable grounds for suspecting that an offence under paragraph (*a*) of the foregoing subsection has been committed as respects a tenancy or proposed tenancy of any premises, they may give notice to the person entitled to possession of the premises or his agent that on such date as may be specified in the notice (not being earlier than twenty-four hours after the giving of the notice or, if the premises are unoccupied, than the expiration of such period after the giving of the notice as may be reasonable in the circumstances) facilities will be required for entry on the premises and inspection of the furniture therein; and where such a notice is given any person authorised by the local authority may avail himself of any facilities for such entry and inspection provided on the specified date, but shall, if so required, produce some duly authenticated document showing that he is authorised as aforesaid.

Any notice under this subsection may be given by post.

(3) If it is shown to the satisfaction of a justice of the peace on sworn information in writing that a person required under the foregoing subsection to give facilities has failed to give them, the justice may by warrant under his hand empower the local authority, by any person authorised by them, to enter the premises in question, if need be by force, and inspect the furniture therein.

This subsection shall, in its application to Scotland, have effect as if for any reference to a justice of the peace there were substituted a reference to the sheriff or to a magistrate or justice of the peace having jurisdiction in the place where the premises are situated.

(4) A person empowered by or under the foregoing provisions of this section to enter premises may take with him such other persons as may be necessary, and if the premises are unoccupied shall leave them as effectively secured against trespassers as he found them.

(5) A person who wilfully obstructs any person acting in pursuance of a warrant issued under subsection (3) of this section shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent offence to a fine not exceeding fifty pounds.

(6) A local authority in England or Wales shall have power to institute proceedings for any offence under this section.

(7) A local authority shall have power to publish information, for the assistance of persons offering or seeking tenancies, as to the operation of this Act.

(8) In this Act "furniture" includes fittings and other articles, and "local authority" means the council of a county borough, county district or metropolitan borough or the Common Council of the City of London, or as respects Scotland the council of a county or burgh.

Short title, commencement, repeal and extent.

2.—(1) This Act may be cited as the Landlord and Tenant (Furniture and Fittings) Act, 1959.

(2) This Act shall come into operation on the expiration of the period of one month beginning with the date of its passing.

(3) In section three of the Landlord and Tenant (Rent Control) Act, 1949, subsection (2) (which enables a person asked to purchase furniture to require a written statement of the price demanded) is hereby repealed.

(4) This Act shall not extend to Northern Ireland.