STATUTORY INSTRUMENTS

# 1974 No. 1928

# COUNTER-INFLATION

## The Counter-Inflation (Private Sector Residential Rents) (England and Wales) No. 2 Order 1974

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| *Made* - - - - | *20th November* 1974 |
| *Laid before Parliament* - | *22nd November* 1974 |
| *Coming into Operation* | *25th November* 1974 |

The Secretary of State for the Environment as respects England, and the Secretary of State for Wales as respects Wales, in exercise of the powers conferred on them by sections 11 and 23(2) of and paragraphs 1 and 3 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 (Private Sector Residential Rents) (England and Wales) No. 2 Order 1974 and shall come into operation on 25th November 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—

" the principal order " means the Counter-Inflation (Private Sector Residential Rents) (England and Wales) Order 1974(c);

" the remainder of the standstill period " means in relation to any tenancy of a dwelling-house to which the principal order applies, that part of the standstill period remaining unexpired on the coming into operation of this order; and

any other expression used in this order which is also used in the principal order shall, unless otherwise expressly provided or the context otherwise requires, have the same meaning in this order as it has in the principal order.

*Extension of the standstill period*

**3.** For the purposes of the principal order the standstill period shall, except in a case falling within article 4 of this order, be extended beyond 31st December 1974 so as to end with 31st March 1975, or with the date immediately preceding that on which the principal order is repealed by, or revoked under, any enactment, whichever is the earlier, and any reference in that order or this order to " the standstill period " shall be construed accordingly.

(a) 1973 c. 9. (b) 1889 c. 63. (c) S.I. 1974/380 (1974 I, p. 1209).

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*Lettings, etc. by Educational Institutions*

**4.** On 1st January 1975 the principal order shall cease to apply to any Part VI contract which either—

(i) creates a tenancy which is excepted from being a protected tenancy by virtue of section 2(1)(*bb*) of the Rent Act 1968(**a**) (whether or not it is also excepted by virtue of any other provision of that Act); or

(ii) does not create a tenancy, but if it did create a tenancy, would be excepted from being a protected tenancy by virtue of section 2(1)(*bb*) of the said Act (whether or not it would also be excepted by virtue of any other provision of that Act).

*Increase in counter-inflation limit in respect of certain services*

**5.**—(1) Where there is a rise (whether occurring before or after the coming into operation of this order) in the cost of fuel used for the purposes of a service provided for the tenant by the landlord or a superior landlord and this rise is such as to affect the amount of the rent which it is reasonable to charge, nothing in the principal order shall prevent the rent recoverable under a tenancy of a dwelling-house to which that order applies being increased in respect of the remainder of the standstill period by an appropriate amount and the counter-inflation limit shall be increased accordingly.

(2) Any question whether, or by what amount, the rent recoverable is increased by virtue of paragraph (1) of this article shall be determined by agreement in writing between the landlord and the tenant or determined by the county court under article 8(1) of the principal order.

(3) Article 4(4) of the principal order shall not prevent any notice of increase taking effect during the remainder of the standstill period which increases the rent by the appropriate amount as provided in paragraph (1) of this article.

(4) Nothing in the foregoing provisions of this article shall affect the rent recoverable under a tenancy of a dwelling-house to which the principal order applies in respect of that part of the standstill period falling before the coming into operation of this order.

(5) In this article " fuel " includes gas, electricity, coal and oil.

*Supplemental*

**6.**—(1) Any reference in article 5, 6, 7, 8 or 9 of the principal order to that order, however expressed, shall, unless the context otherwise requires, include a reference to that order as varied by this order.

(2) Where by virtue of the provisions of this order there is an increase in the counter-inflation limit in the case of any tenancy of a dwelling-house to which the principal order applies, any necessary adjustment shall be made to take account of rental periods which either begin before the coming into operation of this order and end either during the remainder of the standstill period or after that period has expired, or begin during the remainder of the standstill period and end after that period has expired.

*Anthony Crosland.*
Secretary of State for the Environment.

20th November 1974.

*John Morris.*
Secretary of State for Wales.

20th November 1974.

**(a)** 1968 c. 23 (s. 2(1)(*bb*) inserted by Rent Act 1974 (c. 51) s. 2(1)).

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order, which applies to England and Wales, varies the Counter-Inflation (Private Sector Residential Rents) (England and Wales) Order 1974 (" the principal order ")—

(*a*) by extending the standstill period in respect of all tenancies (including licences) to which the principal order applies, with the exception of those contracts to which Part VI of the Rent Act 1968 applies which are not protected tenancies, or would not be such tenancies if the contracts created tenancies, by reason of section 2(1) (*bb*) of that Act (which relates to certain student lettings);

(*b*) by removing the prohibition on rent increases under the principal order in respect of the remainder of the standstill period in so far as those increases result from rises in the cost of fuel used in the provision of services and by providing for an appropriate increase in the counter-inflation limit.

The Order also contains supplemental provisions.

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