



**Isle of Man**

*Ellan Vannin*

**AT 6 of 1948**

**THE HOUSING (RENT CONTROL) ACT  
1948**





**Isle of Man**

*Ellan Vannin*

## THE HOUSING (RENT CONTROL) ACT 1948

### Index

Section	Page
1 Short title .....	5
2 Reference to Commissioners of contracts for letting .....	5
3 Register of rents .....	7
4 Rents in excess of registered rents and premiums illegal .....	7
5 Provision as to notice to quit served after reference to Commissioners .....	8
6 [Repealed] .....	8
7 Commissioners may act on own knowledge .....	8
7A Resale of electricity .....	8
8 Regulations .....	9
9 Offences .....	9
10 Institution of proceedings .....	9
11 Evidence .....	9
12 Interpretation and saving .....	10
13 [Repealed] .....	11
14 Commencement of Act and duration .....	11
 <b>SCHEDULE</b>	 <b>13</b>
 <b>ENDNOTES</b>	 <b>15</b>
<hr/> <b>TABLE OF LEGISLATION HISTORY</b>	<b>15</b>
<b>TABLE OF RENUMBERED PROVISIONS</b>	<b>15</b>
<b>TABLE OF ENDNOTE REFERENCES</b>	<b>15</b>



**Isle of Man***Ellan Vannin*

## THE HOUSING (RENT CONTROL) ACT 1948<sup>1</sup>

<i>Received Royal Assent:</i>	<i>22 June 1948</i>
<i>Passed:</i>	<i>5 July 1948</i>
<i>Commenced:</i>	<i>5 July 1948</i>

**AN ACT** to make provision with respect to the rent of houses or parts thereof let at a rent which includes payment for the use of furniture or for services.

**GENERAL NOTE:** The maximum fines in this Act are as increased by the *Housing (Rent Control) Act 1981* Sch 1, by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

### **1 Short title**

This Act may be cited as “The Housing (Rent Control) Act 1948”.<sup>2</sup>

### **2 Reference to Commissioners of contracts for letting**

[1946/2]

- (1) Where a contract has, whether before or after the passing of this Act, been entered into whereby one person (hereinafter referred to as the “lessor”) grants to another person (hereinafter referred to as the “lessee”) the right to occupy as a residence a house in consideration of a rent, whether or not, in the case of such a contract with regard to part of a house, the lessee is entitled, in addition to exclusive occupation thereof, to the use in common with any other person of other rooms or accommodation in the house, it shall be lawful for either party to the contract, or the Department, to refer the contract to the Commissioners, and where any such contract (hereinafter referred to as “a contract to which this Act applies”) is so referred to the Commissioners, they may by a notice in writing served on the lessor require him to give to them, within such period (which shall not be less than seven days from the date of the service of the notice) as may be specified in the notice, such information as they may reasonably require regarding such of the prescribed particulars relating to the contract as are specified in the notice.<sup>3</sup>

- (2) Where any contract to which this Act applies is referred to the Commissioners, then, unless at any time before the Commissioners have entered upon consideration of the reference it is withdrawn by the person by whom it was made, the Commissioners shall consider it and, after making such inquiry as they think fit, and giving to each party (and, if the house is one the general management whereof is vested in and exercisable by a local authority, to that authority) an opportunity of being heard, or, in his option of submitting representations in writing, shall approve the rent payable under the contract or reduce it to such sum as they may, in all the circumstances, think fair and reasonable, regard being had to the character and condition of the house and the rents of similar houses in the locality, or may, if they think fit in all the circumstances, dismiss the reference, and shall notify the parties and the Department of their decision in each case.<sup>4</sup>
- (3) Where the rent payable for any premises has been entered in the register in accordance with the provisions hereinafter contained, it shall be lawful for the lessor or the lessee or the Department to refer the case to the Commissioners for reconsideration of the rent so entered on the ground of change of circumstances, and the provisions of subsection (2) of this section shall apply on any such reference in like manner as they apply on a reference under subsection (1) of this section subject to the modification that the Commissioners shall have power to increase the rent payable.<sup>5</sup>
- (4) Where on any reference of a contract, the rent whereunder includes payment for services, the Commissioners are of opinion that it would be proper that the rent payable for the premises should include an amount in respect of increase since the third day of September, nineteen hundred and thirty-nine, in the cost of providing such services, and are also of opinion that in all the circumstances a rent higher than the rent payable under the contract might properly be chargeable for the premises in order to include an amount in respect of such increase, they may approve a rent higher by not more than such amount as they think reasonable in that respect.<sup>6</sup>
- (5) An approval, reduction or increase under this section may be limited to rent payable in respect of a particular period.
- (6) Notwithstanding anything in the foregoing provisions of this section, the Commissioners shall not be required to entertain a reference if they are satisfied, having regard to the length of time elapsing since a previous reference made by the same party or to other circumstances, that the reference is frivolous or vexatious.<sup>7</sup>
- (7) Subsection (1) of this section applies to any contract granting the right to occupy as a residence a house in consideration of a rent —
  - (a) whether the house is furnished or unfurnished; or

- (b) irrespective of whether the rent includes payment for the use of furniture or for services,

but it shall not apply to any contract of which a Board of Tynwald or a Statutory Board or a local authority or combination of local authorities or an approved housing association within the meaning of section 10 of the *Housing (Miscellaneous Provisions) Act 1976* is the lessor.<sup>8</sup>

### 3 Register of rents

[1946/3]

- (1) The Department shall prepare and keep up to date a register for the purposes of this Act, and shall make the register available for inspection in such place or places and in such manner as the Department may determine.<sup>9</sup>
- (2) The Register shall be so prepared and kept up to date as to contain, with regard to any contract under which a rent is payable that has been approved, reduced or increased under the last foregoing section, entries of —
- (a) the prescribed particulars with regard to the contract;
  - (b) a specification of the premises to which the contract relates; and
  - (c) the rent as approved, reduced or increased by the Commissioners, and, in a case in which the approval, reduction or increase is limited to rent payable in respect of a particular period, a specification of that period.<sup>10</sup>

### 4 Rents in excess of registered rents and premiums illegal

[1946/4]

- (1) Where the rent payable for any premises is entered in the register under the provisions of this Act, it shall not be lawful to require or receive —
- (a) on account of rent for those premises in respect of any period subsequent to the date of such entry (or, in a case in which a particular period is specified, in respect of that period) payment of any sum in excess of the rent so entered; or
  - (b) as a condition of the grant, renewal or continuance of a contract to which this Act applies relating to such premises, payment of any fine, premium or other like sum, or any consideration, in addition to the rent.
- (2) Where any payment or consideration has been made or received in contravention of the foregoing sub-section, the amount or value thereof shall be recoverable by the person by whom it was made or given.

## 5 **Provision as to notice to quit served after reference to Commissioners**

[1946/5]

If after a contract to which this Act applies has been referred to the Commissioners by the lessee or the Department (either originally or for reconsideration), the contract is determined by effluxion of time or a notice to quit the premises to which the contract relates is served by the lessor on the lessee at any time before the decision of the Commissioners is given or within twelve months thereafter the determination of the contract as aforesaid or the notice, as the case may be, shall not take effect before the expiration of the said twelve months:

Provided that —

- (a) the Commissioners may, if they think fit, direct that a shorter period shall be substituted for the said twelve months in the application of the section to the contract that is the subject of the reference; and<sup>11</sup>
- (b) if the reference is withdrawn, the period during which the notice is not to take effect shall end on the expiration of seven days from the withdrawal of the reference; and
- (c) the provisions of this section shall not apply where any rent lawfully due from the lessee has not been paid or any other obligation of the contract has been broken or not performed.<sup>12</sup>

## 6 **[Repealed]**<sup>13</sup>

## 7 **Commissioners may act on own knowledge**

Where any contract to which this Act applies is referred to the Commissioners, the Commissioners may act on their own knowledge as well as on any evidence which may be laid before them.<sup>14</sup>

## 7A **Resale of electricity**

- (1) Where any house is occupied under a contract to which this Act applies, it shall not be lawful for electricity to be supplied to the lessee at a price exceeding the prescribed price.
- (2) Where any payment has been made or received in contravention of subsection (1), the amount by which the payment exceeds the amount which may lawfully be demanded under that subsection shall be recoverable by the person by whom it was made.
- (3) [Repealed]<sup>15</sup>
- (4) Nothing in this section applies to the supply of electricity to the lessee by the Manx Utilities Authority.<sup>16</sup>



## 8 Regulations

[1946/8]

- (1) The Department may make regulations —
  - (a) with regard to proceedings before the Commissioners under this Act;<sup>17</sup>
  - (b) for prescribing anything which is required by this Act to be prescribed; and
  - (c) generally for carrying into effect the provisions of this Act.<sup>18</sup>
- (2) Any regulations made by the Department under this section shall be subject to the approval of Tynwald.<sup>19</sup>
- (3) Before making any regulations for the purposes of section 7A(1), the Department shall consult the Manx Utilities Authority.<sup>20</sup>

## 9 Offences

[1946/9]

- (1) A person who requires or receives any payment or consideration in contravention of section 4 or 7A of this Act shall be guilty of an offence and be liable on summary conviction to a fine not exceeding £5,000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment, and, without prejudice to any other method of recovery, the court by which he is found guilty may order the amount paid or the value of the consideration given to be repaid to the person by whom the payment was made or the consideration given.<sup>21</sup>
- (2) If the lessor under a contract to which this Act applies fails without reasonable cause, within the time limited in that behalf, to comply with the provisions of any notice served under subsection (1) of section two of this Act, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,500 or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

## 10 Institution of proceedings

[1946/10]

The Department, or any officer of police, shall have power to institute proceedings for an offence under this Act, and no such proceedings shall be instituted otherwise than by them or him.<sup>22</sup>

## 11 Evidence

[1946/11]

- (1) A certificate purporting to be made under the hand of the clerk to the Commissioners shall be received in any court as conclusive evidence of

the facts therein stated with respect to anything done or purported to be done by the Commissioners under this Act.<sup>23</sup>

- (2) A copy of an entry in the register certified under the hand of an officer duly authorised in that behalf by the Department shall be receivable in evidence of that entry in all courts and in any proceedings.<sup>24</sup>
- (3) Any person requiring such a certificate or certified copy as aforesaid shall be entitled to obtain it on payment of the prescribed fee.

## 12 Interpretation and saving

[1946/12]

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say: —

“**Board**” [Repealed]<sup>25</sup>

“**the Commissioners**” means the Isle of Man Rent and Rating Appeal Commissioners;<sup>26</sup>

“**Department**” means the Department of Infrastructure;<sup>27</sup>

“**house**” means any house or part of a house or building let as a separate dwelling where the rateable value on the date on which a reference is made to the Commissioners does not exceed £250 or such other rateable value as may be prescribed by regulations made under section 8 of this Act;<sup>28</sup>

“**local authority**” has the meaning assigned to that expression by the *Local Government Consolidation Act, 1916*, and any Act amending the same;

“**register**” means the register kept by the Department in pursuance of section three of this Act;<sup>29</sup>

“**services**” includes attendance, the provision of heating or lighting, the supply of hot water and any other privilege or facility connected with the occupancy of a house, not being a privilege or facility requisite for the purposes of access, cold water supply or sanitary accommodation;<sup>30</sup>

“**on summary conviction**” means on conviction by a High Bailiff or two Justices of the Peace.

- (2) Where separate sums are payable by the lessee of any premises to the lessor for any two or more of the following, namely: —
  - (a) occupation of the premises;
  - (b) use of furniture; and
  - (c) services;

the expression “**rent**” shall, in relation to those premises, mean the aggregate of those sums, and where such sums are payable under separate contracts, those contracts shall be deemed to be one contract.

- (3) Nothing in this Act shall apply to a house let at a rent which includes payment in respect of board:

Provided that a house shall not be deemed to be let at such a rent unless the value of such board to the lessee forms a substantial proportion of the whole rent.<sup>31</sup>

**13 [Repealed]**<sup>32</sup>

**14 Commencement of Act and duration**

This Act shall come into operation on the Royal Assent thereto being announced to Tynwald and a Certificate thereof signed by the Governor and the Speaker of the House of Keys and shall continue in force until determined by resolution of Tynwald.



**SCHEDULE<sup>E33</sup>**



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

<sup>1</sup> Original Title of Act The Furnished Houses (Rent Control) Act 1948.

<sup>2</sup> S 1 amended by Housing (Rent Control) Act 1981 s 1.

<sup>3</sup> Subs (1) amended by Housing (Rent Control) Act 1981 Sch 1, by Rent and Rating Appeal Act 1986 Sch 1 and by GC192/86.

<sup>4</sup> Subs (2) amended by Housing (Rent Control) Act 1981 Sch 1, by Rent and Rating Appeal Act 1986 Sch 1 and by GC192/86.

<sup>5</sup> Subs (3) amended by Rent and Rating Appeals Act 1986 Sch 1 and by GC192/86.

<sup>6</sup> Subs (4) amended by Rent and Rating Appeals Act 1986 Sch 1.

<sup>7</sup> Subs (6) amended by Rent and Rating Appeals Act 1986 Sch 1.

<sup>8</sup> Subs (7) added by Housing (Rent Control) Act 1981 s 2.

<sup>9</sup> Subs (1) amended by Rent and Rating Appeals Act 1986 Sch 1 and by GC192/86.

<sup>10</sup> Para (c) amended by Rent and Rating Appeals Act 1986 Sch 1.

<sup>11</sup> Para (a) amended by Rent and Rating Appeals Act 1986 Sch 1.

<sup>12</sup> S 5 amended by Rent and Rating Appeals Act 1986 Sch 1 and by GC192/86.

<sup>13</sup> S 6 repealed by Statute Law Revision Act 1986 Sch 2.

<sup>14</sup> S 7 amended by Rent and Rating Appeals Act 1986 Sch 1.

<sup>15</sup> Subs (3) repealed by Electricity Act 1996 Sch 7.

<sup>16</sup> S 7A inserted by Statute Law Revision Act 1989 s 4 and amended by SD2014/06.

<sup>17</sup> Para (a) amended by Rent and Rating Appeals Act 1986 Sch 1.

<sup>18</sup> Subs (1) amended by GC192/86 and by Rent and Rating Appeals Act 1986 Sch1.

<sup>19</sup> Subs (2) amended by GC192/86 and by Rent and Rating Appeals Act 1986 Sch1.

<sup>20</sup> Subs (3) added by Statute Law Revision Act 1989 s 4 and amended by SD2014/06.

<sup>21</sup> Subs (1) amended by Statute Law Revision Act 1989 s 4.

<sup>22</sup> S 10 amended by GC192/86 and by Rent and Rating Appeals Act 1986 Sch1.

<sup>23</sup> Subs (1) amended by Rent and Rating Appeals Act 1986 Sch 1.

<sup>24</sup> Subs (2) amended by GC192/86 and by Rent and Rating Act 1986 Sch 1.

<sup>25</sup> Definition of “Board” repealed by Rent and Rating Appeals Act 1986 Sch 1.

<sup>26</sup> Definition of “the Commissioners” inserted by Rent and Rating Appeals Act 1986 Sch 1.

<sup>27</sup> Definition of “Department” substituted by SD2015/0109.

<sup>28</sup> Definition of “house” inserted by Housing (Rent Control) Act 1981 s 3 and amended by Rent and Rating Appeals Act 1986 Sch 1 and by GC355/88.

<sup>29</sup> Definition of “register” amended by GC192/86 and by Rent and Rating Appeals Act 1986 Sch1.

<sup>30</sup> Definition of “services” amended by Housing (Rent Control) Act 1981 Sch 1.

<sup>31</sup> Subs (3) amended by Housing (Rent Control) Act 1981 Sch 1.

<sup>32</sup> S 13 repealed by Rent and Rating Appeals Act 1986 Sch 2.

<sup>33</sup> Sch repealed by Rent and Rating Appeals Act 1986 Sch 2.