

SCHEDULES

SCHEDULE 2

Sections 46, 47.

CERTIFICATES OF FAIR RENT AND REGISTRATION OF RENT FOR CONVERTED TENANCIES

PART I

APPLICATIONS FOR CERTIFICATES OF FAIR RENT BY LANDLORDS UNDER CONTROLLED TENANCIES

- 1 Where, on an application for a qualification certificate, a local authority have issued a certificate of provisional approval, the applicant may apply to the rent officer for a certificate of fair rent.
- 2 An application made under paragraph 1 of this Schedule must be accompanied by copies of the plans and specifications which accompanied the application for the qualification certificate and of the certificate of provisional approval.
- 3 A certificate of fair rent issued on an application under this Schedule shall specify the rent which would be a fair rent under the regulated tenancy that might arise by virtue of section 43 of this Act if the works shown in the plans and specifications were carried out.
- 4 Schedule 7 to the Rent Act 1968 shall have effect with respect to an application made under this Schedule as if—
 - (a) paragraphs 1(c) and 3 were omitted ; and
 - (b) in paragraph 4(1) for the words from the beginning to " he shall serve " there were substituted the words " The rent officer shall serve " , and
 - (c) in paragraph 9 the words preceding sub-paragraph (a) were omitted.

PART II

APPLICATIONS FOR REGISTRATION

Procedure on application to rent officer

- 5 On receiving the application for registration the rent officer shall ascertain whether any differences are specified in the qualification certificate in accordance with section 46(4) of this Act.
- 6 If no differences are so specified and the application was made not later than three months after the issue of the qualification certificate, the rent officer shall register the rent in accordance with the certificate of fair rent.
- 7 In any other case he shall serve a notice on the tenant informing him of the application and specifying a period of not less than seven days from the service of

Status: This is the original version (as it was originally enacted).

the notice during which representations in writing may be made to the rent officer against the registration of the rent specified in the certificate.

8 Where no such representations are made then, unless it appears to the rent officer that the rent specified in the certificate of fair rent is higher than a fair rent, he shall register that rent and notify the landlord and tenant accordingly.

9 (1) Where representations are made as mentioned in paragraph 7 of this Schedule or the rent officer is of opinion that the rent specified in the certificate of fair rent is higher than a fair rent he shall serve notice on the landlord and on the tenant informing them that he proposes, at a time (which shall not be earlier than seven days after the service of the notice) and place specified in the notice to consider in consultation with the landlord and the tenant, or such of them as may appear at that time and place, what rent, not exceeding that specified in the certificate of fair rent, ought to be registered.

(2) At any such consultation the landlord and tenant may each be represented by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

10 (1) The rent officer shall consider, in accordance with the preceding paragraph, what rent ought to be registered, and—

(a) if, after considering it, he is of opinion that the rent specified in the certificate is not higher than a fair rent he shall register it; but

(b) if, after considering it, he is of opinion that the rent so specified is higher than a fair rent he shall determine a fair rent and register that rent,

as the rent for the dwelling, and shall give notice of the registration to the landlord and the tenant.

(2) The notice shall state that if, within twenty-eight days of the service of the notice or such longer period as the rent officer or a rent assessment committee may allow, an objection in writing is received by the rent officer from the landlord or the tenant the matter will be referred to a rent assessment committee.

11 (1) If such an objection is received, then—

(a) if it is received within the period of twenty-eight days mentioned in the preceding paragraph or a rent assessment committee so direct, the rent officer shall refer the matter to a rent assessment committee ;

(b) if it is received after that period, the rent officer may either refer the matter to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer it.

(2) The rent officer shall indicate in the register whether the matter has been referred to a rent assessment committee in pursuance of this paragraph.

Determination of fair rent by rent assessment committee

12 The rent assessment committee to whom a matter is referred under paragraph 11 of this Schedule shall serve on the landlord and on the tenant a notice specifying a period of not less than fourteen days from the service of the notice during which either representations in writing or a request to make oral representations may be made by him to the committee.

13 Where, within the period specified under paragraph 12 of this Schedule or such further period as the committee may allow, the landlord or the tenant requests to make oral representations the committee shall give him an opportunity to be heard

cither in person or by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

- 14 (1) The committee shall make such inquiry, if any, as they think fit and consider any representation made to them in pursuance of the preceding paragraphs and—
- (a) if it appears to them that the rent registered by the rent officer has been rightly registered they shall confirm it;
 - (b) in any other case they shall designate as the rent for the dwelling-house either the rent specified in the certificate of fair rent or such lower rent as appears to them to be a fair rent, as the case may require ;
- and they shall notify the landlord, the tenant and the rent officer accordingly.
- (2) On receiving the notification, the rent officer shall, as the case may require, either indicate in the register that the rent has been confirmed or register the rent designated by the committee as the rent for the dwelling.