

SCHEDULES

SCHEDULE 3

Section 52.

RESTRICTION ON RENT INCREASES

Restriction on rent increases after first registration

- 1 Where a rent for a dwelling which is subject to a regulated tenancy is registered under Part IV of the Rent Act 1968 and the registration is the first—
- (a) after the tenancy has become a regulated tenancy by virtue of Part III of this Act; or
 - (b) after the completion, during the existence of the tenancy, of works towards the cost of which a grant was payable under Part I of this Act;
- then if the rent payable under the tenancy for any statutory period beginning during the period of delay imposed by paragraph 2 of this Schedule is less than the rent so registered, it shall not be increased by a notice of increase under section 22(2) of the Rent Act 1968 except to the extent (if any) permitted under the following provisions of this Schedule ; and any such notice which purports to increase it further shall have effect to increase it to the extent so permitted but no further.

Period of delay

- 2 There shall be a period of delay with respect to any rent registered as mentioned in paragraph 1 of this Schedule, which shall be—
- (a) if the rent is registered as mentioned in sub-paragraph (a) of that paragraph, a period of four years ;
 - (b) if the rent is registered as mentioned in sub-paragraph (b) of that paragraph, a period of two years ;
- beginning with the date of registration.

Permitted increase

- 3 (1) The rent may be increased to the aggregate of the following:—
- (a) the amount of the previous limit, calculated in accordance with paragraph 4 of this Schedule ;
 - (b) the amount (if any) apportioned to services in accordance with paragraph 5 of this Schedule ; and
 - (c) the appropriate proportion of the difference between the registered rent and the aggregate of the amounts specified in paragraphs (a) and (b) above.
- (2) The appropriate proportion mentioned in sub-paragraph (1)(c) of this paragraph shall be ascertained for any rental period in accordance with the following Table, in which the year of the period of delay in which the rental period begins is shown in the first column and the appropriate proportion in the second or third column, according as the period of delay imposed by paragraph 2 of this Schedule is two years or four years.

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TABLE

<i>Year of period of delay</i>	<i>Appropriate Proportion</i>	
	<i>Where period of delay is two years</i>	<i>Where period of delay is four years</i>
1st year	one-third	one-fifth
2nd year	two-thirds	two-fifths
3rd year	—	three-fifths
4th year	—	four-fifths

- (3) Notwithstanding anything in the preceding provisions of this paragraph, the amount to which the rent may be increased for any rental period shall not in any case be less than seven shillings and sixpence a week above the following, that is to say—
- (a) if the rental period begins in the first year of the period of delay, the aggregate of the amounts specified in sub-paragraphs (1)(a) and (1)(b) of this paragraph ;
 - (b) if the rental period begins in a subsequent year, the amount to which the rent could be increased for a rental period beginning in the previous year ;
- but nothing in this paragraph shall be taken to enable the rent to be increased above the amount registered.

Previous limit

- 4 (1) For the purposes of this Schedule the previous limit of a rent shall be taken to be, subject to sub-paragraph (2) of this paragraph, the amount which at the date of registration was recoverable by way of the rent or would have been so recoverable if all notices of increase authorised by the Rent Act 1968 or by regulations under section 9 of the Prices and Incomes Act 1968 had been served.
- (2) Where the rent includes an amount payable in respect of rates, the amount so payable, ascertained in accordance with Schedule 4 to the Rent Act, 1968, shall be deducted from the amount specified in sub-paragraph (1) of this paragraph in calculating the previous limit of the rent.

Amount to be apportioned to services

- 5 (1) Where the registered rent includes a payment in respect of services provided by the landlord or a superior landlord, then if—
- (a) the rent is not registered as a variable rent in accordance with section 47(4) of the Rent Act 1968 ; but
 - (b) not less than 10 per cent, of the amount of the registered rent is in the opinion of the rent officer or rent assessment committee fairly attributable to the provision of the services ;
- the amount so attributable shall be noted in the register.
- (2) Where it appears to the rent officer or rent assessment committee that some amount was in the previous limit attributable to the provision of services by the landlord or a superior landlord and was less than the amount noted in pursuance of sub-paragraph (1) of this paragraph, then—

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- (a) if the amount so attributable can be ascertained the difference between it and the amount so noted shall be the amount apportioned to the services ;
- (b) if the amount so attributable cannot be ascertained it shall be taken to be an amount bearing to the previous limit the same proportion as the amount noted in pursuance of sub-paragraph (1) of this paragraph bears to the amount of the registered rent, and the difference between the amount so taken and the amount so noted shall be the amount apportioned to the services ;

and the amount apportioned to the services in accordance with this sub-paragraph shall also be noted in the register.

- (3) Where it appears to the rent officer or rent assessment committee that no amount was in the previous limit attributable to the provision of services by the landlord or a superior landlord, the amount noted in pursuance of sub-paragraph (1) of this paragraph shall be the amount apportioned to the services and shall be noted as such in the register.

Restriction on rent increases in cases of further registration during period of delay

- 6 (1) Where a rent (in this paragraph referred to as the first rent) for a dwelling which is subject to a regulated tenancy has been registered as mentioned in paragraph 1 of this Schedule and, in any year of the period of delay imposed by paragraph 2 of this Schedule, a new rent for the dwelling is registered under Part IV of the Rent Act 1968, then, if the new rent exceeds the rent for the time being recoverable under the regulated tenancy the following provisions of this paragraph shall apply and the preceding provisions of this Schedule shall not apply.
- (2) The rent for any statutory period beginning before the end of the period of delay shall not be increased by a notice of increase under section 22(2) of the Rent Act 1968 except to the extent permitted by the following provisions of this paragraph ; and any such notice which purports to increase it further shall have effect to increase it to the extent so permitted but no further.
- (3) If the new rent is less than the first rent the rent payable under the regulated tenancy may be increased (up to the amount registered) to the same extent as if the first rent had remained registered.
- (4) If the new rent exceeds the first rent the registration shall not affect the amount recoverable for any rental period beginning in the year mentioned in sub-paragraph (1) of this paragraph ; and the rent for any statutory period beginning after that year may be increased to an amount arrived at by adding the difference between the first rent and the new rent to the amount to which the rent for that period could have been increased had the first rent remained registered.

Successive tenancies

- 7 Where a rent for a dwelling which is subject to a regulated tenancy is registered as mentioned in paragraph 1 of this Schedule and, during the period of delay imposed by paragraph 2 of this Schedule with respect to the rent, the tenant, or any person who might succeed him as a statutory tenant, becomes the tenant under a new regulated tenancy of the dwelling—
 - (a) the rent limit for any contractual period of the new regulated tenancy beginning during that period of delay shall be the amount to which, if the first-mentioned tenancy had continued, the rent payable thereunder could

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have been increased in accordance with this Schedule for a statutory period beginning at the same time, and in relation to such a contractual period the reference in section 47(3) of the Rent Act 1968 to section 20(2) of that Act shall be construed as a reference to this paragraph ; and

- (b) in relation to any statutory period of the new tenancy beginning during that period of delay the preceding provisions of this Schedule shall have effect as if it were a statutory period of the first-mentioned tenancy.

8 Where—

- (a) a controlled tenancy of a dwelling becomes a regulated tenancy by virtue of Part III of this Act; or
- (b) a dwelling improved by works towards the cost of which a grant is payable under Part I of this Act is, at the time the works are completed, subject to a regulated tenancy ;

and the tenant, or any person who might succeed him as a statutory tenant, becomes the tenant under a new regulated tenancy of the dwelling, then, if during the continuance of the new regulated tenancy a rent for the dwelling is registered under Part IV of the Rent Act 1968 and the registration would be such a registration as is mentioned in paragraph 1 of this Schedule had the regulated tenancy mentioned in sub-paragraph (a) or (b) of this paragraph continued, paragraphs 1 to 6 of this Schedule shall apply as if it had continued, and paragraph 7(a) of this Schedule shall apply with the necessary modifications.

Application to tenancies converted by order under s. 8 of Rent Act 1968

- 9 Where a regulated tenancy of a dwelling has become a regulated tenancy by virtue of an order under section 8 of the Rent Act 1968 and a rent for the dwelling is registered as mentioned in paragraph 1(b) of this Schedule section 27 of that Act (restriction on rent increases) shall thereupon cease to apply to the tenancy.

Supplemental

- 10 In ascertaining for the purposes of this Schedule whether there is any difference between amounts or what that difference is such adjustments shall be made as may be necessary to take account of periods of different lengths ; and for that purpose a month shall be treated as one-twelfth and a week as one fifty-second of a year.

- 11 Where the rent specified in a certificate of fair rent includes a payment in respect of services provided by the landlord or a superior landlord and the amount which in the opinion of the rent officer or rent assessment committee is fairly attributable to the provision of the services is not less than ten per cent, of the amount of the rent then, if the application for the certificate is made in pursuance of section 46(2) of this Act or the applicant so requests the amount so attributable shall be noted in the certificate together with the amount to be entered in the register under paragraph 5 of this Schedule as the amount to be apportioned to the services.

- 12 Any amount to be noted in the register or in a certificate of fair rent in pursuance of paragraph 5 or paragraph 11 of this Schedule as an amount fairly attributable to the provision of services shall be included among the matters to be specified in an application for the registration or for the certificate and any such amount and any amount to be so noted as an amount apportioned or to be apportioned to the services shall be included among the matters with respect to which representations may be made or consultations are to be held or notices to be given under Schedule 6 or Schedule 7 to the Rent Act 1968 or Schedule 2 to this Act.

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- 13 Where a rent designated or determined by a rent assessment committee is registered in substitution for a rent determined by the rent officer, the preceding provisions of this Schedule shall have effect as if only the rent designated or determined by the rent assessment committee had been registered ; but the date of registration shall be deemed for the purposes of this Schedule (but not for the purposes of section 22(3) of the Rent Act 1968) to be the date on which the rent determined by the rent officer was registered.