



# Rent Act 1977

## 1977 CHAPTER 42

### PART V

#### RENTS UNDER RESTRICTED CONTRACTS

##### *Rent tribunals*

#### **76 Rent tribunals**

- (1) There shall continue to be a tribunal (in this Act referred to as a "rent tribunal") for each area which is a district for the purposes of this Part of this Act and Schedule 13 to this Act shall have effect with respect to rent tribunals.
- (2) Each of the following areas is a district for the purposes of this Part of this Act:—
  - (a) a non-metropolitan county;
  - (b) a metropolitan district;
  - (c) a London borough; and
  - (d) the City of London which, for this purpose, shall include the Inner Temple and the Middle Temple.
- (3) The Secretary of State may direct—
  - (a) that an area consisting of the whole or part of any 2 or more of the districts referred to in subsection (2) above shall be treated as a single district for the purposes of this Part of this Act; or
  - (b) that different parts of any such district as is referred to in that subsection shall be treated as separate districts for those purposes.

##### *Control of rents*

#### **77 Reference of contracts to rent tribunals and obtaining by them of information**

- (1) Either the lessor or the lessee under a restricted contract or the local authority may refer the contract to the rent tribunal for the district in question.

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- (2) Where a restricted contract is referred to a rent tribunal under subsection (1) above they may, by notice in writing served on the lessor, require him to give to them, within such period (not less than 7 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.
- (3) If, within the period specified in a notice under subsection (2) above, the lessor fails without reasonable cause to comply with the provisions of the notice he shall be liable on a first conviction to a fine not exceeding £50 and on a second or subsequent conviction to a fine not exceeding £100.
- (4) Proceedings for an offence under this section shall not be instituted otherwise than by the local authority.

## **78 Powers of rent tribunals on reference of contracts**

- (1) Where a restricted contract is referred to a rent tribunal and the reference is not, before the tribunal have entered upon consideration of it, withdrawn by the party or authority who made it, the tribunal shall consider it.
- (2) After making such inquiry as they think fit and giving to—
  - (a) each party to the contract, and
  - (b) if the general management of the dwelling is vested in and exercisable by a housing authority, that authority,
 

an opportunity of being heard or, at his or their option, of submitting representations in writing, the tribunal, subject to subsections (3) and (4) below,—

    - (i) shall approve the rent payable under the contract, or
    - (ii) shall reduce or increase the rent to such sum as they may, in all the circumstances, think reasonable, or
    - (iii) may, if they think fit in all the circumstances, dismiss the reference,

and shall notify the parties and the local authority of their decision.
- (3) On the reference of a restricted contract relating to a dwelling for which a rent is registered under Part IV of this Act, the rent tribunal may not reduce the rent payable under the contract below the amount which would be recoverable from the tenant under a regulated tenancy of the dwelling.
- (4) An approval, reduction or increase under this section may be limited to rent payable in respect of a particular period.
- (5) In subsection (1) above "housing authority" means a council which is a local authority for the purposes of Part V of the Housing Act 1957.

## **79 Register of rents under restricted contracts**

- (1) The local authority shall prepare and keep up to date a register for the purposes of this Part of this Act and shall make the register available for inspection in such place or places and in such manner as the Secretary of State may direct.
- (2) The register shall be so prepared and kept up to date as to contain, with regard to any contract relating to a dwelling situated in the area of the local authority and

under which a rent is payable which has been approved, reduced or increased under section 78 of this Act, entries of—

- (a) the prescribed particulars with regard to the contract;
  - (b) a specification of the dwelling to which the contract relates; and
  - (c) the rent as approved, reduced or increased by the rent tribunal, 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.
- (3) Where any rates in respect of a dwelling are borne by the lessor or any person having any title superior to that of the lessor, the amount to be entered in the register under this section as the rent payable for the dwelling shall be the same as if the rates were not so borne; but the fact that they are so borne shall be noted in the register.
- (4) It shall be the duty of the rent tribunal when, under section 78(2) of this Act, they notify the local authority of their decision in a case, to furnish to the local authority such particulars as are requisite for enabling them to discharge their functions under subsections (1) to (3) above.
- (5) A copy of an entry in the register certified under the hand of an officer duly authorised in that behalf by the local authority shall be receivable in evidence in any court and in any proceedings.
- (6) A person requiring such a certified copy shall be entitled to obtain it on payment of the prescribed fee.

## **80 Reconsideration of rent after registration**

- (1) Where the rent payable for any dwelling has been entered in the register under section 79 of this Act the lessor or the lessee or the local authority may refer the case to the rent tribunal for reconsideration of the rent so entered.
- (2) Where the rent under a restricted contract has been registered under section 79 of this Act, a rent tribunal shall not be required to entertain a reference, made otherwise than by the lessor and the lessee jointly, for the registration of a different rent for the dwelling concerned before the expiry of the period of 3 years beginning on the date on which the rent was last considered by the tribunal, except on the ground that, since that date, there has been such a change in—
- (a) the condition of the dwelling,
  - (b) the furniture or services provided,
  - (c) the terms of the contract, or
  - (d) any other circumstances taken into consideration when the rent was last considered,
- as to make the registered rent no longer a reasonable rent.

## **81 Effect of registration of rent**

- (1) Where the rent payable for any dwelling is entered in the register under section 79 of this Act, it shall not be lawful to require or receive on account of rent for that dwelling under a restricted contract payment of any amount in excess of the rent so registered—
- (a) in respect of any period subsequent to the date of the entry, or
  - (b) where a particular period is specified in the register, in respect of that period.

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- (2) Where subsection (3) of section 79 applies, the amount entered in the register under that section shall be treated for the purposes of this section as increased for any rental period by the amount of the rates for that period, ascertained in accordance with Schedule 5 to this Act.
- (3) Where any payment has been made or received in contravention of this section, the amount of the excess shall be recoverable by the person by whom it was paid.
- (4) Any person who requires or receives any payment in contravention of this section shall be liable to a fine not exceeding £100 or to imprisonment for a term not exceeding 6 months or both, and, without prejudice to any other method of recovery, the court by which a person is found guilty of an offence under this subsection may order the amount paid in excess to be repaid to the person by whom the payment was made.
- (5) Proceedings for an offence under this section shall not be instituted otherwise than by the local authority.

*Miscellaneous and general*

**82 Jurisdiction of rent tribunals**

Where a restricted contract is referred to a rent tribunal under this Part, or Part VII, of this Act and—

- (a) the contract relates to a dwelling consisting of or comprising part only of a hereditament, and
- (b) no apportionment of the rateable value of the hereditament has been made under section 25 of this Act,

then, unless the lessor in the course of the proceedings requires that such an apportionment shall be made and, within 2 weeks of making the requirement, brings proceedings in the county court for the making of the apportionment, the rent tribunal shall have jurisdiction to deal with the reference if it appears to them that, had the apportionment been made, they would have had jurisdiction.

**83 Local authorities for Part V**

- (1) For the purposes of this Part of this Act, the local authority shall be—
  - (a) in a district or London borough, the council of the district or borough in question, and
  - (b) in the City of London, the Common Council.
- (2) The local authority shall have power to publish information regarding the provisions of this Part, and sections 103 to 106, of this Act.

**84 Regulations**

The Secretary of State may by statutory instrument make regulations—

- (a) with regard to the tenure of office of chairmen and other members of rent tribunals ;
- (b) with regard to proceedings before rent tribunals under this Part, and Part VII, of this Act;

- (c) for prescribing anything which is required by this Part of this Act to be prescribed ; and
- (d) generally for carrying into effect the provisions of this Part, and sections 103 to 106, of this Act.

## **85 Interpretation of Part V**

- (1) In this Part of this Act, except where the context otherwise requires,—
- " dwelling " means a house or part of a house ;
  - " lessee " means the person to whom is granted, under a restricted contract, the right to occupy the dwelling in question as a residence and any person directly or indirectly deriving title from the grantee;
  - " lessor " means the person who, under a restricted contract, grants to another the right to occupy the dwelling in question as a residence and any person directly or indirectly deriving title from the grantor;
  - " register " means the register kept by the local authority in pursuance of section 79 of this Act;
  - " rent tribunal " has the meaning assigned to it by section 76(1) of this Act;
  - " 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 dwelling, other than a privilege or facility requisite for the purposes of access, cold water supply or sanitary accommodation.
- (2) References in this Part of this Act to a party to a contract include references to any person directly or indirectly deriving title from such a party.
- (3) Where separate sums are payable by the lessee of any dwelling to the lessor for any two or more of the following:—
- (a) occupation of the dwelling,
  - (b) use of furniture, and
  - (c) services,
- any reference in this Part of this Act to " rent " in relation to that dwelling is a reference to the aggregate of those sums and, where those sums are payable under separate contracts, those contracts shall be deemed to be one contract.
- (4) The references in sections 79(3) and 81(2) of this Act to rates, in respect of a dwelling, include references to such proportion of any rates in respect of a hereditament of which the dwelling forms part as may be agreed in writing between the lessor and the lessee or determined by the county court.