

1980 No. 1696

LANDLORD AND TENANT

**The Regulated Tenancies (Procedure)
Regulations 1980**

<i>Made - - - -</i>	<i>21st October 1980</i>
<i>Laid before Parliament</i>	<i>27th October 1980</i>
<i>Coming into Operation</i>	<i>28th November 1980</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of powers conferred upon them by section 74 of the Rent Act 1977(a) and of all other powers enabling them in that behalf, and after consultation with the Council on Tribunals hereby make the following regulations:—

1. These regulations may be cited as the Regulated Tenancies (Procedure) Regulations 1980 and shall come into operation on 28th November 1980.

2. The procedure to be followed by rent officers on applications for the registration of a rent made after the coming into operation of these regulations shall be that set out in Part I of Schedule 11 to the Rent Act 1977 as modified in accordance with Schedule 1 to these regulations, and accordingly, as respects such applications, section 67(7) of the Act shall be modified by the insertion of the words “as modified by the Regulated Tenancies (Procedure) Regulations 1980” after “this Act”.

3. The procedure to be followed by rent officers and rent assessment committees on applications for certificates of fair rent made after the coming into operation of these regulations shall be that set out in Schedule 12 to the Rent Act 1977 as modified in accordance with Schedule 2 to these regulations, and accordingly, as respects such applications, section 69(3) of the Act shall be modified by the insertion of the words “as modified by the Regulated Tenancies (Procedure) Regulations 1980” after “this Act”.

(a) 1977 c. 42.

SCHEDULE 1

MODIFICATION OF SCHEDULE 11

1. For paragraphs 2 and 3 there are substituted the following paragraphs—
 - “2.—(1) Where the application is made jointly by the landlord and the tenant and it appears to the rent officer, after making such inquiry, if any, as he thinks fit and considering any information supplied to him in pursuance of paragraph 1 above, that the rent specified in the application is a fair rent, he may register that rent without further proceedings.
 - (2) Where the rent officer registers a rent under this paragraph he shall notify the landlord and tenant accordingly.
 - 3.—(1) In the case of an application which does not fall within paragraph 2 above, the rent officer shall serve on the landlord and on the tenant a notice inviting the person on whom the notice is served to state in writing, within a period of not less than seven days after the service of the notice, whether he wishes the rent officer to consider, in consultation with the landlord and the tenant, what rent ought to be registered for the dwelling-house.
 - (2) A notice served under sub-paragraph (1) above on the person who did not make the application shall be accompanied—
 - (a) by a copy of the application; and
 - (b) where, in pursuance of section 67(2)(b), the application was accompanied by details of the landlord’s expenditure in connection with the provisions of services, by a copy of those details.
 - 3A. If, after service of a notice by the rent officer under paragraph 3(1) above, no request in writing is made within the period specified in the notice for the rent to be considered as mentioned in that paragraph, the rent officer after considering what rent ought to be registered or, as the case may be, whether a different rent ought to be registered, may—
 - (a) determine a fair rent and register it as the rent for the dwelling-house; or
 - (b) confirm the rent for the time being registered and note the confirmation in the register; or
 - (c) serve a notice under paragraph 4(2) below.”
2. For sub-paragraph (1) of paragraph 4 there is substituted the following sub-paragraph—

“(1) Where, in response to a notice served by the rent officer under paragraph 3(1) above, the landlord or the tenant states in writing that he wishes the rent to be considered as mentioned in that paragraph, the rent officer shall serve a notice under this paragraph.”
3. In sub-paragraph (2) of paragraph 4, for the word “notice” there are substituted the words “notice, or 14 days in a case falling within paragraph 3(2)(b) above”.
4. After sub-paragraph (3) of paragraph 4 there is inserted the following sub-paragraph—

“(4) The rent officer may, where he considers it appropriate, arrange for consultations in respect of one dwelling-house to be held together

with consultations in respect of one or more other dwelling-houses.”.

5. In paragraph 5, for the words “and shall”, immediately after sub-paragraph (b), there is substituted—

“5A. Where a rent has been registered or confirmed by the rent officer under paragraph 3A or 5 above, he shall”.

6. In paragraph 6(1) for “5” there is substituted “5A”.

SCHEDULE 2

MODIFICATION OF SCHEDULE 12

1. For paragraph 2 there is substituted the following paragraph—

“2. On receiving any application for a certificate of a fair rent, the rent officer may, by notice in writing served on the applicant or on the tenant, (if any), require him to give to the rent officer within such period of not less than seven days from the service of the notice as may be specified in the notice, such information as he may reasonably require regarding such of the particulars contained in the application as may be specified in the Notice.”.

2. In paragraph 3 the words “that the information supplied to him is sufficient and” shall be omitted.

3. For paragraphs 4 to 9 there are substituted the following paragraphs—

“4. In the case of an application which does not fall within paragraph 3 above and where the dwelling-house is not subject to a regulated tenancy, the rent officer shall, after consulting the applicant, consider what rent ought to be specified in the certificate, determine a fair rent, and serve notice under paragraph 7 below.

5.—(1) Where the dwelling-house is subject to a regulated tenancy, the rent officer shall serve on the applicant and on the tenant a notice inviting the person on whom it is served to state in writing, within a period of not less than seven days after the service of the notice, whether he wishes the rent officer in consultation with the applicant and the tenant to consider what rent ought to be specified in the certificate; and the notice served on the tenant shall be accompanied by a copy of the application for the certificate.

(2) If, after service of a notice by the rent officer under sub-paragraph (1) above, no request in writing is made within the period specified in the notice for the rent to be considered as mentioned in that sub-paragraph, the rent officer may—

(a) consider what rent ought to be specified in the certificate, determine a fair rent, and serve a notice under paragraph 7 below, or

(b) serve a notice under paragraph 6(2) below.

6.—(1) Where, in response to a notice served by a rent officer under paragraph 5(1) above the applicant or the tenant states in writing that he wishes the rent to be considered as mentioned in that paragraph, the rent officer shall serve a notice under this paragraph.

(2) A notice under this paragraph shall state that the rent officer 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 applicant and with the tenant, or such of them as may appear at that time and place, what rent ought to be specified in the certificate.

(3) At any such consultation the applicant and the 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.

(4) The rent officer may, where he considers it appropriate, arrange for consultations in respect of one dwelling-house to be held together with consultations in respect of one or more other dwelling-houses.

(5) After considering, in accordance with this paragraph, what rent ought to be specified in the certificate, the rent officer shall determine a fair rent and shall serve a notice under paragraph 7 below.

7. After determining a fair rent in accordance with paragraphs 4, 5(2) or 6(5) above, the rent officer shall serve on the applicant a notice stating that he proposes to issue a certificate specifying that rent, unless within 14 days from the service of the notice, or such longer period as the rent officer or a rent assessment committee may allow, the applicant requests in writing that the application should be referred to a rent assessment committee.

8.—(1) If such a request as is referred to in paragraph 7 above is made, then, subject to sub-paragraph (3) below—

(a) if it is made within the period of 14 days referred to in that paragraph or a rent assessment committee so direct, the rent officer shall refer the application to a rent assessment committee;

(b) if it is made after the expiry of those 14 days, the rent officer may either refer the application to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer to it.

(2) The rent officer shall issue the certificate if—

(a) no such request is made, or

(b) such a request is made but the application is not referred to a rent assessment committee, or

(c) in a case where the dwelling-house is not subject to a regulated tenancy, the applicant informs the rent officer in writing that he does not propose to make such a request.

(3) An application shall not be capable of being referred to a rent assessment committee at any time after the rent officer has issued the certificate in accordance with sub-paragraph (2) above.

9.—(1) Where an application is referred to a rent assessment committee, they shall serve on the applicant a notice specifying a period of not less than 14 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.

(2) Where, within the period specified under sub-paragraph (1) above or such further period as the committee may allow, the applicant requests to make oral representations, the committee shall give him an opportunity to be heard either in person or by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

10.—(1) After considering any representation made to them in pursuance of paragraph 9 above, the committee shall determine a fair rent for the dwelling-house and shall notify the applicant and the rent officer accordingly.

(2) On receiving the notification the rent officer shall issue to the applicant a certificate of fair rent specifying the rent determined by the committee.

11. Where an application under this Schedule is made with respect to a dwelling-house which is subject to a regulated tenancy,—

- (a) a notice under paragraph 7, 9(1) or 10 above shall be served on the tenant as well as on the applicant and any notice served under paragraph 7 or 9(1) above shall refer to consultation with, or, as the case may be, a request or representations by, the tenant as well as the applicant;
- (b) the tenant may make representations, request reference to a rent assessment committee and be present or represented in like manner as the applicant, and references in this Schedule to the applicant shall be construed accordingly; and
- (c) a copy of any certificate of fair rent issued in pursuance of the application shall be sent to the tenant.”.

Signed by authority of
the Secretary of State
16th October 1980.

John Stanley,
Minister for Housing and Construction,
Department of the Environment.

21st October 1980

Nicholas Edwards
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations modify the procedure to be followed—

- (1) by rent officers on applications for the registration of rents, and
- (2) by rent officers and rent assessment committees on applications for certificates of fair rent

where the application is made on or after 28th November 1980. The existing procedure is in Schedules 11 and 12 to the Rent Act 1977.

The modifications to Schedule 11 (applications for registrations of rent) are broadly the same as those in Schedule 6 to the Housing Act 1980 (c.51) but differ from that Schedule (which will not now be brought into operation) in that they do not require the Rent Officer to supply an applicant with information or documents already supplied by him.

The modifications to Schedule 12 (certificates of fair rent) generally follow the changes to Schedule 11 and enable rent officers to deal with applications more quickly, particularly in the case of unoccupied dwellings.

SI 1980/1696
ISBN 0-11-007696-6



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