

1980 No. 1698

## LANDLORD AND TENANT

**The Rent Regulation (Cancellation of Registration of Rent) Regulations 1980**

<i>Made</i> - - - -	30th October 1980
<i>Laid before Parliament</i>	7th November 1980
<i>Coming into Operation</i>	28th November 1980

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of their powers under section 74 of the Rent Act 1977(a), and of all other powers enabling them in that behalf, hereby make the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Rent Regulation (Cancellation of Registration of Rent) Regulations 1980 and shall come into operation on 28th November 1980.

*Interpretation*

2. In these regulations—

“the 1977 Act” means the Rent Act 1977;

“a joint application” means an application for the cancellation of a fair rent under section 73(1) of the Rent Act 1977; and

“relevant rent agreement” means the rent agreement, within the meaning of section 73(1)(a) of the 1977 Act, as the result of which a joint application is made.

*Procedures on joint application to rent officer*

3. If, in the case of a joint application, after making such inquiry, if any, as he thinks fit and considering any information supplied to him, the rent officer is not satisfied that the rent, or the highest rent, payable under the relevant rent agreement does not exceed a fair rent for the dwelling-house, he shall serve a notice under regulation 4 below.

4.—(1) A notice under this regulation shall be served on the landlord and on the tenant informing them 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 landlord and the tenant, or such of them as may appear at that time and place, whether the registration of the rent for the dwelling-house should be cancelled pursuant to section 73(4) of the 1977 Act.

(2) At any such consultation the landlord 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.

(3) Where the rent officer is to consider, in accordance with paragraph (1) above, whether the registration of the rent for the dwelling-house should be cancelled, he shall not reach his decision until after such consideration.

(4) The rent officer may, where he considers it appropriate, arrange for consultation in respect of more than one joint application to be held together with consultations in respect of one or more other joint applications.

#### *Notices*

5.—(1) In the case of a joint application, any notices required to be served under regulation 4 above, and any notifications to be given under section 73(8) of the 1977 Act (notification of rent officer's decision) shall be sent by post in a prepaid letter or delivered—

- (a) to the landlord and to the tenant at their respective addresses given in the application; or
- (b) where the application is made on behalf of the landlord or of the tenant by an agent acting on his behalf, to that agent at the address of the agent given in the application.

(2) In the case of an application under section 73(1A) of the 1977 Act<sup>(a)</sup>, any notification to be given under section 73(8) of the 1977 Act shall be sent by post in a prepaid letter or delivered—

- (a) to the applicant at the address given in the application; or
- (b) where the application is made by an agent acting on behalf of the applicant, to that agent at the address of the agent given in the application.

#### *Revocation*

6. The Rent Regulation (Cancellation of Registration of Rent) Regulations 1972<sup>(b)</sup> are hereby revoked.

Signed by authority of  
the Secretary of State  
28th October 1980.

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

30th October 1980.

*Nicholas Edwards,*  
Secretary of State for Wales.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations prescribe the procedure to be followed when an application is made jointly by the landlord and tenant for the cancellation of the registration of a rent under section 73 of the Rent Act 1977. That section has been amended by section 62 of the Housing Act 1980, so that an application for cancellation may also be made where the dwelling-house is not for the time being subject to a regulated tenancy. The regulations also provide for the service of notifications by the rent officer in such a case.

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<sup>(a)</sup> Inserted by section 62 of the Housing Act 1980 (c. 51).  
<sup>(b)</sup> S.I. 1972/1987.



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