

1981 No. 1783

LANDLORD AND TENANT

**The Rent Assessment Committees (England and Wales)
 (Amendment) Regulations 1981**

Made - - - - - 20th October 1981

Laid before Parliament 10th November 1981

Coming into Operation 1st January 1982

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the 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.—(1) These regulations may be cited as the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1981 and shall come into operation on 1st January 1982.

(2) In these regulations “the principal regulations” means the Rent Assessment Committees (England and Wales) Regulations 1971(b).

2.—(1) The procedures to be followed by rent assessment committees on—

(a) matters referred to them under paragraph 6 of Part I of Schedule 11 to the Rent Act 1977, or

(b) applications referred to them under paragraph 8(c) of Schedule 12 to the 1977 Act

where the reference is made after the coming into operation of these regulations, shall be that set out in the said Part I of Schedule 11 or in the said Schedule 12 (as the case may be) and in the principal regulations as modified or amended by these regulations.

(2) Accordingly, as respects such applications, section 67(7)(d) and section 69(3)(d) of the Rent Act 1977 shall each be modified by the insertion of the words “and by the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1981” after the words “Regulations 1980”.

3. Paragraph 7(1)(b) of Schedule 11 and paragraph 9(1)(c) of Schedule 12 to the Rent Act 1977 are each modified by the substitution of the words “7 days” for the words “14 days”.

(a) 1977 c. 42. (b) S.I. 1971/1065, as amended by S.I. 1980/1699.

(c) As substituted by the Regulated Tenancies (Procedure) Regulations 1980 (S.I. 1980/1696).

(d) As modified by the Regulated Tenancies (Procedure) Regulations 1980.

4. The principal regulations are amended as follows:—

(1) in regulation 3(3)(a) for the words “14 days” substitute the words “10 days (subject to paragraph (4) below)”;

(2) after regulation 3(3) insert the following paragraph—

“(4) The notice referred to in paragraph (3) above may be given not less than 7 days before the date of the hearing if that date has been referred to in the notice given under paragraph 7(1)(b) of Schedule 11 or under paragraph 9(1) of Schedule 12 to the Rent Act 1977 as the date when the hearing would be held if a request to make oral representations were to be made.”;

(3) in regulation 10(1) omit the words “shall contain the reasons for the decision, but”; and

(4) after regulation 10 insert the following regulation:—

“10A.—(1) Where the committee are requested, on or before the giving or notification of the decision, to state the reasons for the decision, those reasons shall be recorded in a document.

(2) Regulation 10 above shall apply to the document recording the reasons as it applies to the document recording the decision.”.

Signed by authority of
the Secretary of State
20th October 1981.

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

20th October 1981.

Nicholas Edwards,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations modify and amend the procedure to be followed by rent assessment committees on certain references to the committees made after 1st January 1982. The existing procedure is in Schedules 11 and 12 to the Rent Act 1977 (as modified by the Regulated Tenancies (Procedure) Regulations 1980) and in the Rent Assessment Committees (England and Wales) Regulations 1971 (as amended by the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1980).

The modifications and amendments:—

(1) reduce from 14 days to 7 days the period within which either representations in writing or a request to make oral representations may be made to the rent assessment committee;

(2) reduce from 14 days to 10 days the minimum notice which must be given of the date, time and place of a hearing of the committee where one is requested;

(3) reduce the minimum notice to 7 days where the notice inviting either representations in writing or a request to make oral representations itself says when the hearing will be if one is requested; and

(4) remove the necessity for the committee to give reasons for the decision in all cases. In future reasons need to be given only when a request to state such reasons is made on or before the giving or notification of the decision in accordance with section 12 of the Tribunals and Inquiries Act 1971 (c. 62).

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