

1987 No. 266

LANDLORD AND TENANT

**The Rent Act 1977 (Forms etc.) (Amendment)
Regulations 1987**

Made - - - - 23rd February 1987

Laid before Parliament 6th March 1987

Coming into force - - 4th May 1987

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 sections 49, 60 and 61 of the Rent Act 1977 (a), and of all other powers enabling them in that behalf, hereby make the following Regulations:—

1. These Regulations may be cited as the Rent Act 1977 (Forms etc.) (Amendment) Regulations 1987 and shall come into force on 4th May 1987.

2. The Rent Act 1977 (Forms etc.) Regulations 1980 (b) are amended as follows—

(i) For sub-paragraphs (a) and (b) of regulation 3(1) substitute—

“(a) in the case of a notice under section 45(2) of the 1977 Act where the rent is not subject to the phasing provisions of Schedule 8 to the Act, form No. 1;

(b) in the case of a notice under section 45(2) of the 1977 Act where a rent is subject to the phasing provisions of Schedule 8 to the Act, form No. 2; and”.

(ii) In the list of contents in Schedule 1 for the entries relating to forms Nos. 1 to 3 substitute—

“1. Notice of increase of rent under regulated tenancy where the increase is not subject to the phasing provisions of Schedule 8 to the Act.

2. Notice of increase of rent under regulated tenancy where the increase is subject to the phasing provisions of Schedule 8 to the Act.”.

(iii) In Schedule 1, for forms Nos. 1 and 2 substitute the forms bearing those numbers in the Schedule to these Regulations and omit form No. 3.

(a) 1977 c.42; in section 61, see the definition of ‘prescribed’.

(b) S.I. 1980/1697, to which there are amendments not relevant to these Regulations.

SCHEDULE

Regulation 2(iii)

FORM 1

RENT ACT 1977, SECTION 45(2), AS AMENDED BY HOUSING ACT 1980 AND RENT (RELIEF FROM PHASING) ORDER 1987

See Notes 1 to 3

NOTICE OF INCREASE OF RENT UNDER REGULATED TENANCY WHERE A FAIR RENT HAS BEEN REGISTERED AND THE INCREASE IS NOT SUBJECT TO THE PHASING PROVISIONS OF SCHEDULE 8 TO THE RENT ACT 1977

See Note 4

PLEASE READ THE NOTES CAREFULLY AND KEEP THIS FORM

To, tenant of

Cross out words which do not apply

1. A rent of £ per (exclusive of rates) has been [registered by the Rent Officer] [determined by a Rent Assessment Committee] for the above premises and takes effect from

See Note 5

2. Unless—

(a) a different rent is registered by the Rent Officer or determined by a Rent Assessment Committee, or

See Note 6

(b) the Rent Officer agrees to cancel the registration, or

See Note 7

(c) the rent is registered as variable—

the maximum rent (exclusive of rates) you can be charged from the date in paragraph 1 is the full registered rent as shown in that paragraph.

3. I hereby give you notice that your rent (exclusive of rates) will be increased as follows—

Present rent

£ per

New rent from*

£ per

The date at * must not be earlier than the date in paragraph 1 above nor 4 weeks before the date of service of this Notice.

Cross out this paragraph if tenant pays rates

[It is noted in the rent register that rates in respect of the above premises are borne by me or a superior landlord. I am entitled to add the amount for rates to the rent and to pass on to you future increases in rates without serving a Notice of Increase.]

Signed

Cross out words in square brackets if they do not apply

[On behalf of]

Address of Landlord

[Name and Address of Agent

Date

Notes

Use of Notice

1. This notice is for use for rent increases which are **not** subject to phasing. Except in the circumstances described in paragraph 2 below, phasing does not apply to increases which result from a determination by the rent officer or rent assessment committee if the registration (or confirmation of the existing registration) resulting from the rent officer's determination of the fair rent takes effect *on or after 4th May 1987*.

2. Phasing does apply in the circumstances described above if the registration of rent is the first such registration for a tenancy which has been converted from a controlled tenancy to a regulated tenancy. Form No. 2 should be used for these cases.

3. This Notice can only be used for increases which are to take effect when the tenancy is a statutory tenancy. A statutory tenancy comes into being when a tenancy agreed between the landlord and tenant (known as a contractual tenancy) has come to an end and the tenant has security of tenure under the Rent Act 1977. The Notice can be served while there is still a contractual tenancy. If the contractual tenancy can be terminated before the date in paragraph 3, this notice can be used instead of a notice to quit to turn the contractual tenancy into a statutory tenancy from that date.

Explanatory booklet

4. The Department of the Environment and Welsh Office booklet "Regulated Tenancies" explains in more detail than these Notes how the fair rent system works and the rights and duties of landlords and tenants under the Rent Act. It is available free from Rent Officers, and Citizens' Advice Bureaux, and you are advised to obtain a copy.

Re-registration

5. No application for a new registration may be made during the two years from the date in paragraph 1 of the Notice unless either—

- (a) it is made by the landlord and the tenant acting together, or
- (b) there has been such a change in the circumstances taken into account when the rent was registered (e.g. the making of an improvement to the premises) as to make the registered rent no longer a fair rent.

But the landlord may apply three months in advance for a new registration to take effect after the end of the two year period.

Cancellation

6. As long as there is a regulated tenancy an application to the Rent Officer to cancel the registration can only be made jointly by landlord and tenant.

Limitation of rent increases

7. The rent shown in paragraph 1 of the Notice may not be exceeded unless the rent is registered as variable. It will only be registered as variable if the terms of the tenancy provide for the rent to be varied according to the cost of services or works of maintenance and repair carried out by the landlord or superior landlord and the Rent Officer considers the terms reasonable.

Help with rent and rates

8. If the tenant has difficulty in paying his rent or rates he should apply to the local council offices for details of the rent allowance and rate rebate schemes. The council will also advise if he may be better off receiving supplementary benefit from the Department of Health and Social Security.

FORM 2

RENT ACT 1977, SECTION 45(2), AS AMENDED BY HOUSING ACT 1980

See Notes 1
and 2

NOTICE OF INCREASE OF RENT UNDER REGULATED TENANCY WHERE A FAIR RENT HAS BEEN REGISTERED AND THE INCREASE IS SUBJECT TO THE PHASING PROVISIONS OF SCHEDULE 8 TO THE RENT ACT 1977

See Note 3

PLEASE READ THE NOTES CAREFULLY AND KEEP THIS FORM

To, tenant of

See Note 4
Cross out words
which do not
apply

1. A rent of £..... per (exclusive of rates) has been [registered by the Rent Officer] [determined by a Rent Assessment Committee] for the above premises and takes effect from

2. Unless—

See Note 5

(a) a different rent is registered by the Rent Officer or determined by a Rent Assessment Committee, or

See Note 6

(b) the Rent Officer agrees to cancel the registration, or

(c) the rent is registered as variable—

the maximum rent (exclusive of rates) you can be charged during the first year from the date in paragraph 1 is

See Note 7

£	per
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This is calculated as follows:—

See Note 8

New registered rent

£	per
---	-----

+

Previous rent limit

£	per
---	-----

+

See Note 9

Service element (if any)

£	per
---	-----

=

£	per
---	-----

÷ 2

=

£	per
---	-----

3. After the end of the first year from the date in paragraph 1 the maximum rent (unless 2(a), (b) or (c) applies) is the full registered rent as shown in 1 above of

£	per
---	-----

4. I hereby give notice that your rent (exclusive of rates) will be increased as follows:—

Present rent

£ per

New rent from*

£ per

New rent from

£ per

If two increases are shown above I am not obliged to remind you when the second increase becomes payable. The date at * must not be earlier than the date in paragraph 1 above nor 4 weeks before the date of service of this Notice.

Cross out this paragraph if tenant pays rates

[It is noted in the rent register that rates in respect of the above premises are borne by me or a superior landlord. I am entitled to add the amount for rates to the rent and to pass on to you future increases in rates without serving a Notice of Increase.]

Cross out words in square brackets if they do not apply

Signed
 [On behalf of]
 Address of Landlord

 [Name and Address of Agent]

 Date

Notes

Use of Notice

1. This Notice is only for use for rent increases which are subject to phasing. Phasing applies in the following circumstances—

- (a) if the registration of rent is the first such registration for a tenancy which has been converted from a controlled tenancy to a regulated tenancy, or
- (b) if the rent was determined by a rent officer or rent assessment committee and the registration (or confirmation of the existing registration) resulting from the rent officer's determination of the fair rent took effect *before 4th May 1987*.

2. The Notice can only be used for increases which are to take effect when the tenancy is a statutory tenancy. A statutory tenancy comes into being when a tenancy agreed between the landlord and tenant (known as a contractual tenancy) has come to an end and the tenant has security of tenure under the Rent Act 1977. The Notice can be served while there is still a contractual tenancy. If the contractual tenancy can be terminated before the (earliest) date in paragraph 4, this Notice can be used instead of a notice to quit to turn the contractual tenancy into a statutory tenancy from that date.

Explanatory booklet

3. The Department of the Environment and Welsh Office booklet "Regulated Tenancies" explains in more detail than these Notes how the fair rent system works and the rights and duties of landlords and tenants under the Rent Act. It is available free from Rent Officers, and Citizens' Advice Bureaux, and you are advised to obtain a copy.

Limitation of rent increase

4. The rent shown in paragraph 1 of the Notice may not be exceeded unless the rent is registered as variable. It will only be registered as variable if the terms of the tenancy provide for the rent to be varied according to the cost of services or works of maintenance and repair carried out by the landlord or superior

landlord and the Rent Officer considers the terms reasonable. Secondly, the landlord may only increase the rent during the first year from the date in paragraph 1 of the notice to the extent allowed under the provisions for the phasing of increases.

Re-registration

5. No application for a new registration may be made during the two years from the date in paragraph 1 of the Notice unless either—

- (a) it is made by the landlord and the tenant acting together, or
- (b) there has been such a change in the circumstances taken into account when the rent was registered (e.g. the making of an improvement to the premises) as to make the registered rent no longer a fair rent.

But the landlord may apply three months in advance for a new registration to take effect after the end of the two year period.

Cancellation

6. As long as there is a regulated tenancy an application to the Rent Officer to cancel the registration can only be made jointly by landlord and tenant.

How phasing works

7. During the first year from the date in paragraph 1 of the Notice the landlord is permitted to charge half of the increase, except that where there is a service element he may charge this in full at once. After the end of the first year he can charge the full registered rent shown in paragraph 1.

Previous rent limit

8. The amount of increase permitted has to be worked out by taking as a starting point the previous rent limit. The previous rent limit is the amount the landlord was permitted by the Rent Act to charge immediately before the Rent Officer registered the rent (whether or not there has been an appeal to a Rent Assessment Committee). (Rates are disregarded for this purpose.) The landlord may not actually have been charging this amount.

Service element

9. The service element is the increase in the rent permitted on account of services provided by the landlord or a superior landlord. If there is a service element it has to be recorded in the Rent Officer's register.

Help with rent and rates

10. If the tenant has difficulty in paying his rent or rates he should apply to the local council offices for details of the rent allowance and rate rebate schemes. The council will also advise if he may be better off receiving supplementary benefit from the Department of Health and Social Security.

23rd February 1987

Nicholas Ridley
Secretary of State for the Environment

19th February 1987

Nicholas Edwards
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Rent Act (Forms etc.) Regulations 1980 and are consequential on the provisions of the Rent (Relief from Phasing) Order 1987 (S.I. 1987/264). They replace the forms to be used for giving notice of increase of rent under a regulated tenancy where the rent is registered.