

2002 No. 337

LANDLORD AND TENANT, ENGLAND

**The Assured Tenancies and Agricultural Occupancies
(Forms) (Amendment) (England) Regulations 2002**

Made - - - - - *18th February 2002*

Coming into force

Regulations 1, 2 and 3 *20th February 2002*

Regulation 4 *20th June 2002*

The Secretary of State for Transport, Local Government and the Regions, in exercise of the powers conferred upon him by sections 13(2) and 45(5) of the Housing Act 1988(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Assured Tenancies and Agricultural Occupancies (Forms) (Amendment) (England) Regulations 2002.

(2) These Regulations shall come into force as follows—

(a) regulations 1, 2 and 3 on 20 February 2002; and

(b) regulation 4 on 20 June 2002.

(3) These Regulations shall extend to England only.

Interpretation

2. In these Regulations, any reference to the 1997 Regulations is a reference to the Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997(b).

Amendment of prescribed forms

3.—(1) The 1997 Regulations are amended as follows.

(2) In Regulation 3(d), after “4” insert “or 4A”.

(3) In the Schedule, after Form No. 4 insert the form in the Schedule to these Regulations.

Revocation and saving

4.—(1) Form No. 4 is hereby revoked.

(2) Nothing in paragraph (1) affects the validity of a notice under section 13(2) of the Housing

(a) 1988 c. 50. For the definition of “prescribed”, see section 45(1). For provision regarding agricultural occupancies, see section 24. The functions of the Secretary of State under s.13 are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), to which there are amendments not relevant to these Regulations.

(b) S.I. 1997/194.

Act 1988 (notice proposing a new rent) served before the coming into force of this regulation if, at the date of service of the notice, the notice was in Form No. 4 or in a form substantially to the same effect.

Signed by authority of the Secretary of State
for Transport, Local Government and the Regions

18th February 2002

Sally Keeble
Parliamentary Under Secretary of State,
Department for Transport,
Local Government and the Regions

SCHEDULE

Regulation 3

FORM PRESCRIBED FOR THE PURPOSES OF SECTION 13(2) OF THE
HOUSING ACT 1988

FORM No. 4A

Housing Act 1988 Section 13(2)—Landlord’s Notice proposing a new rent under an Assured [Periodic Tenancy] [Agricultural Occupancy]* * delete as appropriate

The notes over the page give guidance to both landlords and tenants about this notice.

To:[Tenant(s)]

of:[Address of the premises subject to the tenancy]

.....

.....

.....

From:[Landlord(s)] [Landlord’s Agent]* delete as appropriate

.....[Address for correspondence]

.....

.....

.....[Contact telephone number]

1. **This notice affects the amount of rent you pay.** Please read it carefully.
2. The landlord is proposing a new rent of £ **per [week] [month] [year]***, in place of the existing one of £ per [week] [month] [year]*.
* delete as appropriate
3. The starting date for the new rent will be (see notes 12–16 over the page).
4. Certain charges may be included and separately identified in your rent. The amounts of the charges (if any) are: (see note 10 over the page)

Charges	Amount included and separately identified (enter “nil” if appropriate)	
	In the existing rent	In the proposed new rent
Council tax	£	£
Water charges	£	£
Fixed service charges	£	£

5. If you accept the proposed new rent, you should make arrangements to pay it. If you do not accept it, there are steps you should take before the starting date in section 3 above. **Please see the notes over the page for what to do next.**

Signed: [Landlord(s)] [Landlord’s Agent]* (see note 11 over the page)

* delete as appropriate

Date:

Please read these notes carefully.

What you must do now

1. This notice proposes that you should pay a new rent from the date in section 3. **If you are in any doubt or need advice about any aspect of this notice, you should immediately either discuss it with your landlord or take it to a citizens' advice bureau, a housing advice centre, a law centre or a solicitor.**

2. If you accept the proposed new rent, please make arrangements to pay it. If you pay by standing order through your bank, you should inform them that the amount has changed. You should also notify your Housing Benefit office, if you are claiming benefit. If you are worried that you might not be able to pay your rent, you should seek advice from a citizens' advice bureau or housing advice centre.

3. If you do **not** accept the proposed new rent, and do not wish to discuss it with your landlord, you can refer this notice to your local rent assessment committee. **You must do this before the starting date of the proposed new rent in section 3 of the notice.** You should notify your landlord that you are doing so, otherwise he or she may assume that you have agreed to pay the proposed new rent.

4. To refer this notice to the local rent assessment committee, you must use the form *Application referring a notice proposing a new rent under an Assured Periodic Tenancy or Agricultural Occupancy to a Rent Assessment Committee*. You can obtain this from a rent assessment panel, housing advice centre or legal stationer (details can be found in the telephone directory).

5. The rent assessment committee will consider your application and decide what the maximum rent for your home should be. In setting a rent, the committee must decide what rent the landlord could reasonably expect for the property if it were let on the open market under a new tenancy on the same terms. The committee may therefore set a rent that is higher, lower or the same as the proposed new rent.

Guidance notes for landlords on how to complete the notice

6. This notice can either be completed in ink or printed.

7. This notice should be used when proposing:

- a new rent under an assured periodic tenancy (including an assured shorthold periodic tenancy); or
- a new rent or licence fee for an assured agricultural occupancy. In such cases, reference to "landlord" and "tenant" can be read as references to "licensor" and "licensee".

8. Do not use this notice if the tenancy agreement contains a term allowing rent increases, or there is some other basis such as a separate agreement with the tenant for raising the rent. Any provision you rely on needs to be binding on the tenant. Legal advice should be sought if there is any doubt on this score.

9. You need to use a different form to propose a rent increase for a statutory periodic tenancy (the first case mentioned in note 15) if you are seeking to adjust rent solely because of a proposed change of terms under section 6(2) of the Housing Act 1988. Seek legal advice if you think this may apply to you. You can obtain the form headed *Notice proposing different terms for a Statutory Periodic Tenancy* from a rent assessment panel or a legal stationer.

10. In every notice each of the boxes in the table in section 4 should be completed, by either entering "Nil" or the amount of the existing or proposed charge in the second and third columns. Do **not** include in the table any **variable** service charges as referred to in sections 18–30 of the Landlord and Tenant Act 1985.

11. You or your agent (someone acting on your behalf) must sign and date this notice. If there are joint landlords, each landlord must sign unless one signs on behalf of the rest with their agreement. The signature does not have to be hand-written if, for instance, the form is being printed or if you wish to use a laser or autosignature.

When the proposed new rent can start

12. The date in section 3 of the notice must comply with the following three rules.

13. **First**, a minimum period of notice must be given before the proposed new rent can take effect. That period is:

- one month for a tenancy which is monthly or for a lesser period, for instance weekly or fortnightly;
- six months for a yearly tenancy;
- in all other cases, a period equal to the length of the period of the tenancy—for example, three months in the case of a quarterly tenancy.

14. **Secondly**, the starting date for the proposed new rent must not be earlier than the first anniversary of the date on which the rent was last increased using this statutory notice procedure or, if the tenancy is new, the date on which it started.

15. This rule does not apply in two cases where a statutory tenancy has followed on from an earlier tenancy. In these cases the landlord can propose a new rent at once, but the first and third rules must still be followed. These cases are:

- where the tenancy was originally for a fixed term (for instance, 6 months), but continues on a periodic (for instance a monthly) basis after the term ends; and
- where the tenancy came into existence on the death of the previous tenant who had a regulated tenancy under the Rent Act 1977.

16. **Thirdly**, the proposed new rent must start at the beginning of a period of the tenancy. For instance, if the tenancy is monthly, and started on the 20th of the month, rent will be payable on that day of the month, and a new rent must begin then, not on any other day of the month. If the tenancy is weekly, and started, for instance, on a Monday, the new rent must begin on a Monday.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe a new form to be used by landlords in proposing a new rent for an assured tenancy or an assured agricultural occupancy under section 13(2) of the Housing Act 1988.

Form No. 4 in the Schedule to the Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997 (“Form No. 4”), which is the form currently prescribed for the purpose, is revoked on 20 June 2002.

The new form, numbered 4A, can be used on and after 20 February 2002. Between that date and 20 June 2002, either Form No. 4 or Form No. 4A can be used.

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