



Rent Act 1977

1977 CHAPTER 42

PART IV

REGISTRATION OF RENTS UNDER REGULATED TENANCIES

62 Registration areas

- (1) The registration areas for the purpose of this Part of this Act are the areas of the following local authorities:—
 - (a) the councils of counties,
 - (b) the councils of London boroughs, and
 - (c) the Common Council of the City of London.
- (2) For the purposes of this Part of this Act—
 - (a) the area of the Common Council of the City of London shall be deemed to include the Inner Temple and the Middle Temple, and
 - (b) the Isles of Stilly shall be a registration area and the Council of the Isles of Stilly shall be the local authority for that registration area.

63 Schemes for appointment of rent officers

- (1) The Secretary of State shall for every registration area make, after consultation with the local authority, a scheme providing for the appointment by the proper officer of the local authority—
 - (a) of such number of rent officers for the area as may be determined by or in accordance with the scheme, and
 - (b) of deputy rent officers to exercise the functions of rent officers when rent officers are absent or incapacitated.
- (2) A scheme under this section—
 - (a) shall provide for the payment by the local authority to rent officers and deputy rent officers of remuneration and allowances in accordance with scales approved by the Secretary of State with the consent of the Treasury;

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- (b) shall prohibit the dismissal of a rent officer or deputy rent officer except by the proper officer of the local authority on the direction, or with the consent, of the Secretary of State;
 - (c) shall require the local authority to provide for the rent officers office accommodation and clerical and other assistance;
 - (d) shall allocate, or confer on the proper officer of the local authority the duty of allocating, work as between the rent officers and shall confer on the proper officer the duty of supervising the conduct of rent officers and deputy rent officers.
- (3) For the purposes of any local Act scheme, within the meaning of section 8 of the Superannuation Act 1972, rent officers and deputy rent officers appointed in pursuance of a scheme under this section shall be deemed to be officers in the employment of the local authority for whose area the scheme is made ; and for the purposes of—
- (a) Part III of the Social Security Pensions Act 1975, and
 - (b) the Social Security Act 1975,
- they shall be deemed to be in that employment under a contract of service.
- (4) References in this Part of this Act to the rent officer are references to any rent officer appointed for any area who is authorised to act in accordance with a scheme under this section.
- (5) A scheme under this section may be varied or revoked by a subsequent scheme made thereunder.
- (6) The Secretary of State shall, in respect of each financial year, make to any local authority incurring expenditure which is of a kind mentioned in subsection (7) below, a grant equal to that expenditure.
- (7) The expenditure mentioned in subsection (6) above is any expenditure—
- (a) attributable to this section, or
 - (b) incurred in respect of pensions, allowances or gratuities payable to or in respect of rent officers and deputy rent officers (appointed in pursuance of a scheme under this section) by virtue of regulations under section 7 of the Superannuation Act 1972 (superannuation of persons employed in local government service).
- (8) Any expenditure incurred by the Secretary of State by virtue of subsection (6) above shall be paid out of money provided by Parliament.

64 Default powers of Secretary of State

- (1) If the Secretary of State is of opinion that a local authority have failed to carry out any function conferred on them by a scheme under section 63 of this Act he may, after such enquiry as he thinks fit, by order revoke the scheme and, without consulting the local authority, make another scheme under that section.
- (2) A scheme made by virtue of subsection (1) above may confer functions otherwise exercisable by the local authority or the proper officer of the local authority on a person appointed by the Secretary of State and that person may, if another local authority consent, be that other local authority or, as the case may be, the proper officer of that other local authority.

- (3) If the Secretary of State is of opinion that the proper officer of the local authority has failed to carry out any functions conferred on the proper officer by a scheme under section 63 he may (after consultation with the local authority) exercise his power under subsection (5) of that section by making a scheme providing for all or any of the functions otherwise exercisable by the proper officer to be exercised by some other person.
- (4) A scheme made by virtue of this section may contain such incidental and transitional provisions as appear to the Secretary of State to be necessary or expedient.

65 Rent assessment committees

Rent assessment committees shall be constituted in accordance with Schedule 10 to this Act.

66 Register of rents

- (1) The rent officer for any area shall prepare and keep up to date a register for the purposes of this Part of this Act and shall make the register available for inspection in such place or places and in such manner as may be provided by the scheme made for the area under section 63 of this Act.
- (2) The register shall contain, in addition to the rent payable under a regulated tenancy of a dwelling-house—
 - (a) the prescribed particulars with regard to the tenancy; and
 - (b) a specification of the dwelling-house.
- (3) A copy of an entry in the register certified under the hand of the rent officer or any person duly authorised by him shall be receivable in evidence in any court and in any proceedings.
- (4) A person requiring such a certified copy shall be entitled to obtain it on payment of the prescribed fee.

67 Application for registration of rent

- (1) An application for the registration of a rent for a dwelling-house may be made to the rent officer by the landlord or the tenant, or jointly by the landlord and the tenant, under a regulated tenancy of the dwelling-house.
- (2) Any such application must be in the prescribed form and contain the prescribed particulars in addition to the rent which it is sought to register.
- (3) Subject to subsection (4) below, where a rent for a dwelling-house has been registered under this Part of this Act, no application by the tenant alone or by the landlord alone for the registration of a different rent for that dwelling-house shall be entertained before the expiry of 3 years from the relevant date (as defined in subsection (5) below) except on the ground that, since that date, there has been such a change in—
 - (a) the condition of the dwelling-house (including the making of any improvement therein),
 - (b) the terms of the tenancy,
 - (c) the quantity, quality or condition of any furniture provided for use under the tenancy (deterioration by fan-wear and tear excluded), or

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- (d) any other circumstances taken into consideration when the rent was registered or confirmed,
as to make the registered rent no longer a fair rent.
- (4) Notwithstanding anything in subsection (3) above, an application such as is mentioned in that subsection which is made by the landlord alone and is so made within the last 3 months of the period of 3 years referred to in that subsection may be entertained notwithstanding that that period has not expired.
- (5) In this section and sections 68 and 69 of this Act " the relevant date ", in relation to a rent which has been registered under this Part of this Act, means:—
- (a) where on an application for the registration of a different rent the registered rent has been confirmed, the date of that application or, if there was more than one such application, the date of the last of them;
 - (b) where on an application under section 8 of the Housing Rents and Subsidies Act 1975 a rent is substituted for the rent previously registered, the date as from which the substituted rent takes effect; and
 - (c) in any other case, the date on which the registration of rent took effect.
- (6) No application for the registration of a rent for a dwelling-house shall be entertained at a time when there is in operation, with respect to that dwelling-house, a condition relating to rent imposed under any of the following enactments:—
- (a) section 3 of the Housing (Financial Provisions) Act 1938 ;
 - (b) section 46(1) of the Housing (Financial Provisions) Act 1958 ; or
 - (c) section 104(3) of the Housing Act 1957.
- (7) Subject to section 69(4) of this Act, the provisions of Part I of Schedule 11 to this Act shall have effect with respect to the procedure to be followed on applications for the registration of rents.

68 Application to rent officer by local authority

- (1) A local authority may apply to the rent officer for consideration of the fair rent for any dwelling-house within their area for which a rent may be or has been registered under this Part of this Act.
- (2) If on the application the rent officer is satisfied that the rent, or the highest rent, payable for the dwelling-house under any lease or agreement exceeds what in his opinion is a fair rent, he shall register a rent for the dwelling-house.
- (3) The rent officer may under subsection (2) above take account of the rent payable under any lease or agreement whether or not that exceeds the recoverable rent and whether or not the lease or agreement has taken effect.
- (4) Where a rent for a dwelling-house has been registered under this Part of this Act, no application under this section shall be entertained before the expiry of 3 years from the relevant date (as denned in section 67(5) of this Act) except on the ground that, since that date, there has been such a change in—
 - (a) the condition of the dwelling-house (including the making of any improvement therein);
 - (b) the terms of the tenancy ;
 - (c) the quantity, quality or condition of any furniture provided for use under the tenancy (deterioration by fair wear and tear excluded), or

- (d) any other circumstances taken into consideration when the rent was registered or confirmed,
as to make the registered rent no longer a fair rent.
- (5) For the purposes of section 67(5)(a), a case where the rent officer does not register a rent on an application under this section shall not be treated as a confirmation of any rent already registered.
- (6) Section 67(6) of this Act shall apply to an application under this section as it applies to an application for the registration of a rent.
- (7) Regulations shall be made under section 74 of this Act prescribing the procedure on an application under this section, and the regulations shall prescribe the notices to be given to, and the rights to make representations of, the landlord and tenant.
- (8) The regulations shall confer on the landlord and the tenant a right to object to the determination of a rent by the rent officer on an application under this section and, on receipt of such an objection in circumstances prescribed by the regulations, shall provide for the reference of the matter to a rent assessment committee.
- (9) In this section " local authority " means a local authority to whom section 149 of this Act applies.

69 Certificates of fair rent

- (1) A person intending—
 - (a) to provide a dwelling-house by the erection or conversion of any premises or to make any improvements in a dwelling-house, or
 - (b) to let on a regulated tenancy a dwelling-house which is not for the time being subject to such a tenancy and which satisfies the condition either—
 - (i) that no rent for it is registered under this Part of this Act, or
 - (ii) that a rent is so registered but not less than 3 years have elapsed since the relevant date (as defined in section 67(5) of this Act),may apply to the rent officer for a certificate (to be known as a certificate of fair rent) specifying a rent which, in the opinion of the rent officer, would be a fair rent under a regulated tenancy of the dwelling-house or, as the case may be, of the dwelling-house after the erection or conversion or after the completion of the improvements.
- (2) The regulated tenancy to which the application for the certificate of fair rent relates shall be assumed to be a tenancy on such terms as may be specified in the application and, except in so far as other terms are so specified, on the terms that the tenant would be liable for internal decorative repairs, but no others, and that no services or furniture would be provided for him.
- (3) Schedule 12 to this Act shall have effect with respect to applications for certificates of fair rent.
- (4) Subject to section 67(6) of this Act, where a certificate of fair rent has been issued in respect of a dwelling-house, an application for the registration of a rent for the dwelling-house in accordance with the certificate may be made within 3 years of the date of the certificate either—
 - (a) by the landlord under such a regulated tenancy of the dwelling-house as is specified in the certificate; or
 - (b) by a person intending to grant such a regulated tenancy of the dwelling-house;

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and in lieu of the provisions of Part I of Schedule 11 to this Act, the provisions of Part II of that Schedule shall have effect with respect to an application so made.

- (5) In this section "improvement", in addition to having the meaning given by section 75 of this Act, shall be construed in accordance with paragraph 2(2) of Schedule 20 to this Act.

70 Determination of fair rent

- (1) In determining, for the purposes of this Part of this Act, what rent is or would be a fair rent under a regulated tenancy of a dwelling-house, regard shall be had to all the circumstances (other than personal circumstances) and in particular to—
- (a) the age, character, locality and state of repair of the dwelling-house, and
 - (b) if any furniture is provided for use under the tenancy, the quantity, quality and condition of the furniture.
- (2) For the purposes of the determination it shall be assumed that the number of persons seeking to become tenants of similar dwelling-houses in the locality on the terms (other than those relating to rent) of the regulated tenancy is not substantially greater than the number of such dwelling-houses in the locality which are available for letting on such terms.
- (3) There shall be disregarded—
- (a) any disrepair or other defect attributable to a failure by the tenant under the regulated tenancy or any predecessor in title of his to comply with any terms thereof;
 - (b) any improvement carried out, otherwise than in pursuance of the terms of the tenancy, by the tenant under the regulated tenancy or any predecessor in title of his;
 - (c) the provision in the locality after the material date of any new amenity or the improvement after that date of any amenity already existing in the locality, where the amenity is provided or improved—
 - (i) at the cost of a person other than the landlord or a superior landlord or a predecessor in title of the landlord or a superior landlord, or
 - (ii) by a body of a public nature which is a superior landlord, in the exercise of functions of a public nature;
 - (d) any deterioration after the material date in the amenities of the locality (including the disappearance of any of them) other than a deterioration attributable to any act or omission of the landlord or a superior landlord or a predecessor in title of the landlord or a superior landlord; and
 - (e) if any furniture is provided for use under the regulated tenancy, any improvement to the furniture by the tenant under the regulated tenancy or any predecessor in title of his or, as the case may be, any deterioration in the condition of the furniture due to any ill-treatment by the tenant, any person residing or lodging with him, or any sub-tenant of his.
- (4) In this section "improvement" includes the replacement of any fixture or fitting.
- (5) In subsection (3)(c) and (d) above "the material date" means—
- (a) where a rent is registered under this Part of this Act, the relevant date, as defined in section 67(5) of this Act, and
 - (b) where no rent is registered under this Part, 8th March 1971.

71 Amount to be registered as rent

- (1) The amount to be registered as the rent of any dwelling-house shall include any sums payable by the tenant to the landlord for the use of furniture or for services, whether or not those sums are separate from the sums payable for the occupation of the dwelling-house or are payable under separate agreements.
- (2) Where any rates in respect of a dwelling-house are borne by the landlord or a superior landlord, the amount to be registered under this Part of this Act as the rent of the dwelling-house shall be the same as if the rates were not so borne; but the fact that they are so borne shall be noted on the register.
- (3) Where subsection (2) above applies, the amount of the rates for any rental period, ascertained in accordance with Schedule 5 to this Act—
 - (a) shall, subject to paragraphs 1(4) and 4(3) of Schedule 9 to this Act, be added to the limit imposed by section 44(1) of this Act or, in relation to any such contractual period as is mentioned in paragraph (b) of section 55(1) of this Act, to the limit imposed by that paragraph ; and
 - (b) if the rental period is a statutory period, as defined in section 61 of this Act, shall be recoverable, without service of any notice of increase, in addition to the sums recoverable from the tenant apart from this subsection.
- (4) Where, under a regulated tenancy, the sums payable by the tenant to the landlord include any sums varying according to the cost from time to time of—
 - (a) any services provided by the landlord or a superior landlord, or
 - (b) any works of maintenance or repair carried out by the landlord or a superior landlord,the amount to be registered under this Part of this Act as rent may, if the rent officer is satisfied or, as the case may be, the rent assessment committee are satisfied, that the terms as to the variation are reasonable, be entered as an amount variable in accordance with those terms.

72 Effect of registration of rent

- (1) Unless the rent officer or, as the case may be, the rent assessment committee determine that it shall take effect as from a later date, the registration of any rent for a dwelling-house shall take effect—
 - (a) in a case where (by virtue of subsection (4) of section 67 of this Act) an application is made before the expiry of the period of three years referred to in subsection (3) of that section, as from the first day after the expiry of that period of 3 years;
 - (b) in a case where, on an application under section 8 of the Housing Rents and Subsidies Act 1975, a new rent has been substituted for the rent previously registered, as from the date as from which the registration of the rent for which the new registered rent was substituted took effect; and
 - (c) in any other case, as from the date of the application.
- (2) The date from which the registration takes effect shall be entered in the register and as from that date any previous registration of a rent for the dwelling-house shall cease to have effect.
- (3) Where a valid notice of increase under any provision of Part III of this Act has been served on a tenant and, in consequence of the registration of a rent, part but not the

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whole of the increase specified in the notice becomes irrecoverable from the tenant, the registration shall not invalidate the notice, but the notice shall, as from the date from which the registration takes effect, have effect as if it specified such part only of the increase as has not become irrecoverable.

73 Cancellation of registration of rent

- (1) An application may be made in accordance with this section for the cancellation of the registration of a rent for a dwelling-house where—
 - (a) a rent agreement as respects the dwelling-house takes effect, or is to take effect, after the expiration of a period of 3 years beginning with the relevant date (as defined in section 67(5) of this Act), and
 - (b) the period for which the tenancy has effect cannot end, or be brought to an end by the landlord (except for non-payment of rent or a breach of the terms of the tenancy), earlier than 12 months after the date of the application, and
 - (c) the application is made jointly by the landlord and the tenant under the agreement.
- (2) The rent agreement may be one providing that the agreement does not take effect unless the application for cancellation of registration is granted.
- (3) An application under this section must be in the prescribed form and contain the prescribed particulars, and must be accompanied by a copy of the rent agreement.
- (4) If the rent officer is satisfied that the rent, or the highest rent, payable under the rent agreement does not exceed a fair rent for the dwelling-house, he shall cancel the registration.
- (5) Where under the terms of the rent agreement the sums payable by the tenant to the landlord include any sums varying according to the cost from time to time of any services provided by the landlord or a superior landlord, or of any works of maintenance or repair carried out by the landlord or a superior landlord, the rent officer shall not cancel the registration unless he is satisfied that those terms are reasonable.
- (6) The cancellation shall not take effect until the date when the agreement takes effect; and if the cancellation is registered before that date, the date on which it is to take effect shall be noted on the register.
- (7) The cancellation of the registration shall be without prejudice to a further registration of a rent at any time after cancellation.
- (8) The rent officer shall notify the applicants of his decision to grant, or to refuse, any application under this section.
- (9) In this section "rent agreement" means—
 - (a) an agreement increasing the rent payable under a protected tenancy which is a regulated tenancy, or
 - (b) where a regulated tenancy is terminated, and a new regulated tenancy is granted at a rent exceeding the rent under the previous tenancy, the grant of the new tenancy.

74 Regulations

- (1) The Secretary of State may make regulations—

- (a) prescribing the form of any notice, application, register or other document to be given, made or used in pursuance of this Part of this Act;
 - (b) regulating the procedure to be followed by rent officers and rent assessment committees ; and
 - (c) prescribing anything required or authorised to be prescribed by this Part of this Act.
- (2) Regulations under subsection (1)(b) above may contain provisions modifying the following provisions of this Act:—
- (a) Section 67, 69 or 72 ;
 - (b) Part I or II of Schedule 11 ;
 - (c) Schedule 12;
- but no regulations containing such provisions shall have effect unless approved by a resolution of each House of Parliament.
- (3) Regulations made under this section shall be made by statutory instrument which, except in a case falling within subsection (2) above, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

75 Interpretation of Part IV

- (1) In this Part of this Act, except where the context otherwise requires—
- " improvement " includes structural alteration, extension or addition and the provision of additional fixtures or fittings, but does not include anything done by way of decoration or repair;
 - " prescribed " means prescribed by regulations under section 74 of this Act, and references to a prescribed form include references to a form substantially to the same effect as the prescribed form.
- (2) References in this Part of this Act to rates, in respect of a dwelling-house, include references to such proportion of any rates in respect of a hereditament of which the dwelling-house forms part as may be agreed in writing between the landlord and the tenant or determined by the county court.