

SCHEDULE 1

Article 2(1)

AMENDMENTS

**Landlord and Tenant Act 1954(1)**

1. In section 2 (tenancies to which section 1 applies), in subsection (7)(2) after “rates,” insert “council tax,”.

**Rent (Agriculture) Act 1976(3)**

2. In section 9 (effect of determination of superior tenancy, etc), in subsection (7) after “rates,” insert “council tax,”.

**Rent Act 1977(4)**

3. In section 4 (dwelling-houses above certain rateable values), in subsection (5)(5) after “rates,” insert “council tax,”.

4. In section 5 (tenancies at low rents), in subsection (4) after “rates,” insert “council tax,”.

5. In section 67 (application for registration of rent), after subsection (3)(6) insert—

“(3A) If the dwelling-house forms part of a hereditament in respect of which the landlord or a superior landlord is, or was on the relevant date, liable under Part I of the Local Government Finance Act 1992 to pay council tax, then, in determining for the purposes of subsection (3) above whether since the relevant date there has been such a change falling within paragraph (d) of that subsection as to make the registered rent no longer a fair rent, any change in the amount of council tax payable in respect of the hereditament shall be disregarded unless it is attributable to—

- (a) the fact that the hereditament has become, or has ceased to be, an exempt dwelling,
- (b) an alteration in accordance with regulations under section 24 of the Local Government Finance Act 1992 of the valuation band shown in a valuation list as applicable to the hereditament, or
- (c) the compilation of a new valuation list in consequence of an order of the Secretary of State under section 5(4)(b) of that Act.

(3B) In subsection (3A) above “hereditament” means a dwelling within the meaning of Part I of the Local Government Finance Act 1992 and, subject to that, expressions used in subsection (3A) and in Part I of that Act have the same meaning in that subsection as in that Part.”.

6. In section 70 (determination of fair rent), after subsection (3) insert—

“(3A) In any case where under Part I of the Local Government Finance Act 1992 the landlord or a superior landlord is liable to pay council tax in respect of a hereditament (“the relevant hereditament”) of which the dwelling-house forms part, regard shall also be had to the amount of council tax which, as at the date on which the application to the rent officer was made, was set by the billing authority—

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(1) 1954 c. 56.

(2) Subsection (7) was added by paragraph 13 of Schedule 23 to the Rent Act 1977 (c. 42).

(3) 1976 c. 80.

(4) 1977 c. 42.

(5) Subsection (5) was added by paragraph 16 of the Schedule to the References to Rating (Housing) Regulations 1990, S.I.1990/434.

(6) Subsection (3) was amended by section 60(1) of the Housing Act 1980 (c. 51).

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- (a) for the financial year in which that application was made, and
- (b) for the category of dwellings within which the relevant hereditament fell on that date,

but any discount or other reduction affecting the amount of council tax payable shall be disregarded.

(3B) In subsection (3A) above—

- (a) “hereditament” means a dwelling within the meaning of Part I of the Local Government Finance Act 1992,
- (b) “billing authority” has the same meaning as in that Part of that Act, and
- (c) “category of dwellings” has the same meaning as in section 30(1) and (2) of that Act.”.

7. In section 71 (amount to be registered as rent), in subsection (1) after “by the tenant to the landlord” insert “in respect of council tax or”.

8. In section 78 (powers of rent tribunals on reference of contracts), after subsection (2) insert—

“(2A) In any case where under Part I of the Local Government Finance Act 1992 the lessor, or any person having any title superior to that of the lessor, is liable to pay council tax in respect of a hereditament (“the relevant hereditament”) of which the dwelling forms part, the tribunal shall have regard to the amount of council tax which, as at the date on which the reference to the tribunal was made, was set by the billing authority—

- (a) for the financial year in which that reference was made, and
- (b) for the category of dwellings within which the relevant hereditament fell on that date,

but any discount or other reduction affecting the amount of council tax payable shall be disregarded.

(2B) In subsection (2A) above—

- (a) “hereditament” means a dwelling within the meaning of Part I of the Local Government Finance Act 1992,
- (b) “billing authority” has the same meaning as in that Part of that Act, and
- (c) “category of dwellings” has the same meaning as in section 30(1) and (2) of that Act.”.

9. In section 79 (register of rents under restricted contracts), after cv subsection (3) insert—

“(3A) The amount to be entered in the register under this section as the rent payable for a dwelling shall include any sums payable by the lessee to the lessor in respect of council tax, whether or not those sums are separate from the sums payable for the occupation of the dwelling or are payable under separate agreements.”.

10. In section 80 (reconsideration of rent after registration) at the end add—

“(3) If the dwelling forms part of a hereditament in respect of which the lessor, or any person having any title superior to that of the lessor, is liable under Part I of the Local Government Finance Act 1992 to pay council tax or was so liable on the date on which the rent was last considered by the tribunal, then, in determining for the purposes of subsection (2) above whether since that date there has been such a change falling within paragraph (d) of that subsection as to make the registered rent no longer a reasonable rent, any change in the amount of council tax payable in respect of the hereditament shall be disregarded unless it is attributable to—

- (a) the fact that the hereditament has become, or has ceased to be, an exempt dwelling,

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- (b) an alteration in accordance with regulations under section 24 of the Local Government Finance Act 1992 of the valuation band shown in a valuation list as applicable to the hereditament, or
- (c) the compilation of a new valuation list in consequence of an order of the Secretary of State under section 5(4)(b) of that Act.

(4) In subsection (3) above “hereditament” means a dwelling within the meaning of Part I of the Local Government Finance Act 1992 and, subject to that, expressions used in subsection (3) and in Part I of that Act (other than “dwelling”) have the same meaning in that subsection as in that Part.”

11. In section 146 (long tenancies at low rent), in subsection (1) after “rates,” insert “council tax.”

#### **Housing Act 1985(7)**

12. In section 101 (rent not to be increased on account of tenant’s improvements), in subsection (4) after “rates” insert “or to council tax”.

13. In section 102 (variation of terms of secure tenancy), in subsection (1)(b) after “rates” insert “, council tax”.

14. In section 153B(8) (payments of rent attributable to purchase price etc.), in subsection (2)(a) after “rates” insert “or council tax”.

15. In Schedule 8 (terms of shared ownership lease), in paragraph 4(1) after “rates” insert “or council tax”.

#### **Landlord and Tenant Act 1985(9)**

16. In section 31 (reserve power to limit rents), in subsection (3), in the definition of “rent”, after “rates or” insert “council tax or”.

#### **Housing Act 1988(10)**

17.—(1) Section 14 (determination of rent by rent assessment committee) is amended as follows.

(2) After subsection (3) insert—

“(3A) In making a determination under this section in any case where under Part I of the Local Government Finance Act 1992 the landlord or a superior landlord is liable to pay council tax in respect of a hereditament (“the relevant hereditament”) of which the dwelling-house forms part, the rent assessment committee shall have regard to the amount of council tax which, as at the date on which the notice under section 13(2) above was served, was set by the billing authority—

- (a) for the financial year in which that notice was served, and
- (b) for the category of dwellings within which the relevant hereditament fell on that date,

but any discount or other reduction affecting the amount of council tax payable shall be disregarded.

(3B) In subsection (3A) above—

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(7) 1985 c. 68.

(8) Section 153B was inserted by section 124 of the Housing Act 1988 (c. 50).

(9) 1985 c. 70.

(10) 1988 c. 50.

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- (a) “hereditament” means a dwelling within the meaning of Part I of the Local Government Finance Act 1992,
  - (b) “billing authority” has the same meaning as in that Part of that Act, and
  - (c) “category of dwellings” has the same meaning as in section 30(1) and (2) of that Act.”.
- (3) In subsection (4) after “furniture” insert “, in respect of council tax”.

18. After section 41 insert—

**“Provision of information as to exemption from council tax**

**41A.** A billing authority within the meaning of Part I of the Local Government Finance Act 1992 shall, if so requested in writing by a rent officer or rent assessment committee in connection with his or their functions under any enactment, inform the rent officer or rent assessment committee in writing whether or not a particular dwelling (within the meaning of Part I of the Local Government Finance Act 1992) is, or was at any time specified in the request, an exempt dwelling for the purposes of that Part of that Act.”.

19. In Schedule 1 (tenancies which cannot be assured tenancies), in paragraph 2(2)(**11**) (tenancies of dwelling-houses with high rateable values), after “rates,” insert “council tax,”.

**Local Government and Housing Act 1989(12)**

20. In Schedule 10 (security of tenure on ending of long residential leases) in paragraphs 6(4) and 11(6) after “Subsections (2),” insert “(3A),”.

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(11) Paragraph 2 was substituted by paragraph 29 of the Schedule to the References to Rating (Housing) Regulations 1990, S.I. 1990/434.

(12) 1989 c. 42.