Rent Act 1977

1977 CHAPTER 42

PART IV

REGISTRATION OF RENTS UNDER REGULATED TENANCIES

New basis for administration of rent officer service

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, . . . [F1]

(b) if any furniture is provided for use under the tenancy, the quantity, quality and condition of the furniture **[**[F2], and**]**

[[F2](c) any premium, or sum in the nature of a premium, which has been or may be lawfully required or received on the grant, renewal, continuance or assignment of the tenancy.**]**

(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) . . . . . [F3]

(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.

[F4][(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—

(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.]

(4) In this section "improvement" includes the replacement of any fixture or fitting.

[[F5](4A) In this section "premium" has the same meaning as in Part IX of this Act, and "sum in the nature of a premium" means—

(a) any such loan as is mentioned in section 119 or 120 of this Act,

(b) any such excess over the reasonable price of furniture as is mentioned in section 123 of this Act, and

(c) any such advance payment of rent as is mentioned in section 126 of this Act.]

(5) . . . . . [F6]

Textual Amendments

F1 Word repealed by Housing and Planning Act 1986 (c. 63, SIF 61, 75:3, 81:1, 123:1), ss. 17(2), 24(3), **Sch. 12 Pt. I**

F2 ", and" and s. 70(1)(*c*) inserted by Housing and Planning Act 1986 (c. 63, SIF 75:3), **s. 17(2)(4)**

F3 S. 70(3)(*c*)(*d*) repealed by Housing Act 1980 (c. 51, SIF 61), **Sch. 26**

F4 S. 70(3A)(3B) inserted (1.4.1993) by S.I. 1993/651, art. 2(1), **Sch. 1 para. 6**

F5 S. 70(4A) inserted by Housing and Planning Act 1986 (c. 63, SIF 75:3), **s. 17(3)(4)**

F6 S. 70(5) repealed by Housing Act 1980 (c. 51, SIF 61), **Sch. 26**

Changes to legislation:
There are currently no known outstanding effects for the Rent Act 1977, Section 70.