



Rent Act 1977

1977 CHAPTER 42

PART V

RENTS UNDER RESTRICTED CONTRACTS

Control of rents

78 Powers of ^{F1}... tribunals on reference of contracts.

- (1) Where a restricted contract is referred to [^{F2}the appropriate tribunal] and the reference is not, before the tribunal have entered upon consideration of it, withdrawn by the party or authority who made it, the tribunal shall consider it.
- (2) After making such inquiry as they think fit and giving to—
 - (a) each party to the contract, and
 - (b) if the general management of the dwelling is vested in and exercisable by a housing authority, that authority,an opportunity of being heard or, at his or their option, of submitting representations in writing, the tribunal, subject to subsections (3) and (4) below,—
 - (i) shall approve the rent payable under the contract, or
 - (ii) shall reduce or increase the rent to such sum as they may, in all the circumstances, think reasonable, or
 - (iii) may, if they think fit in all the circumstances, dismiss the reference, and shall notify the parties . . . ^{F3} of their decision.

- ^{F4}[(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,

Changes to legislation: There are currently no known outstanding effects for the Rent Act 1977, Section 78. (See end of Document for details)

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.]

(3) On the reference of a restricted contract relating to a dwelling for which a rent is registered under Part IV of this Act, the [^{F5}appropriate tribunal] may not reduce the rent payable under the contract below the amount which would be recoverable from the tenant under a regulated tenancy of the dwelling.

(4) An approval, reduction or increase under this section may be limited to rent payable in respect of a particular period.

(5) In [^{F6}subsection (2)] above “housing authority” [^{F7}means a local housing authority within the meaning of the Housing Act 1985].

Textual Amendments

- F1** Word in s. 78 heading omitted (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 20(a)** (with Sch. 3)
- F2** Words in s. 78(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 20(b)** (with Sch. 3)
- F3** Words repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**
- F4** S. 78(2A)(2B) inserted (1.4.1993) by [S.I. 1993/651](#), art. 2(1), **Sch. 1 para. 8**
- F5** Words in s. 78(3) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 20(c)** (with Sch. 3)
- F6** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 25 Pt. I para. 42**
- F7** Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 35(4)**

Changes to legislation:

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