



Housing Act 1980

1980 CHAPTER 51

PART II

PRIVATE SECTOR TENANTS

Rents

59 Rent officers and applications for registration of rent

- (1) In section 63(2) of the 1977 Act (provision to be made by rent officer schemes) there is inserted, at the end of paragraph (d) “; and
- (e) may require the proper officer—
- (i) to designate one of the rent officers as chief rent officer; and
- (ii) to delegate to him such of the duties imposed on the proper officer by virtue of paragraph (d) above as may be specified in the scheme.”
- (2) In section 67 of the 1977 Act (application for registration of rent) for subsection (2) there is substituted the following subsection—
- “(2) Any such application must be in the prescribed form and must—
- (a) specify the rent which it is sought to register;
- (b) where the rent includes any sum payable by the tenant to the landlord for services and the application is made by the landlord, specify that sum and be accompanied by details of the expenditure incurred by the landlord in providing those services ; and
- (c) contain such other particulars as may be prescribed.”
- (3) Schedule 6 to this Act has effect, in relation to applications made after the commencement of this subsection, for the purpose of amending the procedure provided for by the 1977 Act in relation to applications for the registration of rent.

Status: This is the original version (as it was originally enacted).

60 Applications for new registered rents and phasing of increases

- (1) In section 67 of the 1977 Act (which, among other things, prevents an application for a new registered rent from being made within 3 years of the date of an existing registration and which is applied by section 13(2) of the Rent (Agriculture) Act 1976 to rents registered under that Act) in subsections (3) and (4) for the words " 3 years" there are substituted, in each case, the words " 2 years ".
- (2) Subsection (1) above does not apply in any case where, on the determination or confirmation of a rent by the rent officer, the rent determined by him is registered, or his confirmation is noted in the register, before the commencement of this section.
- (3) In Schedule 6 to the 1976 Act and in Schedule 8 to the 1977 Act (phasing of increases in registered rents) there is substituted, in each case for paragraph 3, the following paragraph—
 - “3 (1) Subject to sub-paragraph (2) below, the permitted increase for a period falling within the period of delay is an increase to an amount calculated by applying the formula—

$$\frac{1}{2}(P + S + R)$$
 where—

P is the previous rent limit,
 S is the service element, and
 R is the registered rent.
 - (2) The maximum permitted increase by virtue of this Schedule is an increase to the registered rent”.
- (4) Sections 56 and 114 of, and Schedule 9 to, the 1977 Act (special phasing rules in cases where controlled tenancies have been converted into regulated tenancies and where certain improvements have been made to dwelling-houses) are hereby repealed; and the general rules relating to the phasing of rent increases contained in section 55 of, and Schedule 8 to, that Act shall apply in those cases.
- (5) The Secretary of State may by order make provision—
 - (a) reducing or increasing the period for the time being mentioned in section 67(3) and (4) of the 1977 Act; or
 - (b) reducing or increasing the period of delay for the time being imposed by the Schedules mentioned in subsection (3) above; or
 - (c) repealing section 55 of the 1977 Act and section 15 of the 1976 Act (phasing of rent increases).
- (6) An order under subsection (5)(a) above may make a corresponding reduction or increase in any of the periods for the time being mentioned in section 13 of the 1976 Act (application for registration of rent) and sections 73(1)(a) and (1A)(a) (cancellation of registration of rent under Part IV), 80(2) (reconsideration of rent under restricted contract) and 81A (cancellation of registration of rent under Part V) of the 1977 Act.
- (7) An order under subsection (5) above may make such supplemental, incidental and consequential provision as the Secretary of State considers necessary or expedient, including provision amending any enactment (including this Act).

61 Effect of registration of rent etc.

- (1) For section 72 of the 1977 Act (effect of registration of rent) there is substituted the following section—

“72 Effect of registration of rent.

- (1) The registration of a rent for a dwelling-house takes effect—
- (a) if the rent is determined by the rent officer, from the date when it is registered, and
 - (b) if the rent is determined by a rent assessment committee, from the date when the committee make their decision.
- (2) If the rent for the time being registered is confirmed, the confirmation takes effect—
- (a) if it is made by the rent officer, from the date when it is noted in the register, and
 - (b) if it is made by a rent assessment committee, from the date when the committee make their decision.
- (3) If (by virtue of section 67(4) of this Act) an application for registration of a rent is made before the expiry of the period mentioned in section 67(3) and the resulting registration of a rent for the dwelling-house, or confirmation of the rent for the time being registered, would, but for this subsection, take effect before the expiry of that period it shall take effect on the expiry of that period.
- (4) The date from which the registration or confirmation of a rent takes effect shall be entered in the register.
- (5) As from the date on which the registration of a rent takes effect any previous registration of a rent for the dwelling-house ceases to have effect.
- (6) 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 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.”.
- (2) For subsections (4) to (6) of section 13 of the Rent (Agriculture) Act 1976 (effect of registration of rent) there are substituted the following subsections—

- “(4) The registration of a rent in the said part of the register takes effect—
- (a) if the rent is determined by the rent officer, from the date when it is registered, and
 - (b) if the rent is determined by a rent assessment committee, from the date when the committee make their decision.
- (5) If the rent for the time being registered in the said part of the register is confirmed, the confirmation takes effect—
- (a) if it is made by the rent officer, from the date when it is noted in the register, and
 - (b) if it is made by a rent assessment committee, from the date when the committee make their decision.

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- (6) If (by virtue of section 67(4) of the Rent Act 1977, as applied by subsection (2) above) an application for registration of a rent is made before the expiry of the period mentioned in section 67(3) and the resulting registration of a rent for the dwelling-house, or confirmation of the rent for the time being registered, would, but for this subsection, take effect before the expiry of that period it shall take effect on the expiry of that period.
- (6A) The date from which the registration or confirmation of a rent takes effect shall be entered in the said part of the register.
- (6B) As from the date on which the registration of a rent takes effect any previous registration of a rent for the dwelling-house ceases to have effect.”
- (3) In Part VI of the 1977 Act (rent limit for dwellings let by housing associations, housing trusts and the Housing Corporation)
- (a) in section 87 (registration of rent), in subsection (2)(a) for the words " and 70 " there are substituted the words " 70 and 72 " and subsections (3) to (5) are hereby repealed; and
- (b) subsections (1) and (2) of section 96 (effect of determination by rent assessment committee) are hereby repealed."
- (4) In section 45 of the 1977 Act (limit of rent during statutory periods) in subsection (3) for the words " on which the rent was registered " there are substituted the words " from which the registration of the rent took effect ".
- (5) In section 67 of the 1977 Act, for subsection (5) (meaning of " relevant date " in relation to applications for registration of rent) there is substituted the following subsection—
- “(5) In this section and sections 68 and 69 of this Act " relevant date ", in relation to a rent which has been registered under this Part of this Act, means the date from which the registration took effect or, in the case of a registered rent which has been confirmed, the date from which the confirmation (or, where there have been two or more successive confirmations, the last of them) took effect.”.
- (6) In Schedule 6 to the Rent (Agriculture) Act 1976 and in Schedule 8 to the 1977 Act (phasing of rent increases)—
- (a) in paragraph 1(1)—
- (i) in the definition of "period of delay " for the words from " means " to the end there are substituted the words “means—
- (a) if the registered rent has been confirmed by a rent assessment committee, a period beginning with the date from which the registration of the rent took effect and ending one year after the date on which the committee took their decision ; and
- (b) in any other case, a period of one year beginning with the date from which the registration took effect.”.
- (ii) in the definition of " previous rent limit" for the words " at the date of registration " there are substituted the words " immediately before the relevant date "; and
- (iii) before the definition of " service element" there is inserted the following definition—
- “" relevant date " means, in relation to a registered rent—

- (a) if the rent was determined by the rent officer (and whether or not it was confirmed by a rent assessment committee), the date on which the rent was registered by the rent officer; and
 - (b) if the rent was determined by a rent assessment committee, the date on which the rent officer registered the rent determined by him or, as the case may be, noted in the register his confirmation of the rent for the time being registered.”;
 - (b) for paragraph 4 there is substituted the following paragraph—
 - “4 Where the registration of a rent takes effect in a period of delay which began by reference to an earlier registration, then—
 - (a) from the date on which the later registration takes effect the limitation under that period of delay shall cease to apply ; and
 - (b) a fresh period of delay shall begin by reference to the later registration.”; and
 - (c) paragraphs 7 (in Schedule 6) and 8 (in Schedule 8) are hereby repealed.
- (7) In Schedule 11 to the 1977 Act (procedure on application for registration of rent), in paragraph 9(2) for the word " accordingly " there are substituted the words " of their decision and of the date on which it was made ".
- (8) Subsections (1) to (5) above do not apply in any case where, on the determination or confirmation of a rent by the rent officer, the rent determined by him is registered, or his confirmation is noted in the register, before the commencement of this section.

62 Cancellation of registration of rent

- (1) Section 73 of the 1977 Act is amended as follows.
- (2) After subsection (1) there is inserted the following subsection : —
 - “(1A) Such an application may also be made where—
 - (a) not less than two years have elapsed since the relevant date (as defined in section 67(5) of this Act); and
 - (b) the dwelling-house is not for the time being subject to a regulated tenancy ; and
 - (c) the application is made by the person who would be the landlord if the dwelling-house were let on such a tenancy.”
- (3) For subsection (3) there is substituted the following subsection—
 - “(3) An application under this section must—
 - (a) be in the form prescribed for the application concerned and contain the prescribed particulars; and
 - (b) be accompanied, in the case of an application under subsection (1) above, by a copy of the rent agreement.”.
- (4) In subsection (4)—
 - (a) after the word " If " there are inserted the words " the application is made under subsection (1) above and " ; and

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- (b) at the end there are inserted the words " and he shall also cancel the registration if the application is made under subsection (1A) above ".
- (5) In subsection (5) after the word " Where " there are inserted the words " the application is made under subsection (1) above and ".
- (6) In subsection (6) for the words " The cancellation " there are substituted the words " A cancellation made in pursuance of an application under subsection (1) above ".

63 Repeal of sections 48 and 50 of Rent Act 1977

Section 48 of the 1977 Act (increase, on account of improvements, of recoverable rent for statutory periods before registration) and section 50 of that Act (private street works to count as improvements) are hereby repealed.