

1971 No. 1065

## LANDLORD AND TENANT

**The Rent Assessment Committees (England and Wales)  
Regulations 1971**

<i>Made</i>	- - -	29th June 1971
<i>Laid before Parliament</i>		7th July 1971
<i>Coming into Operation</i>		2nd August 1971

The Secretary of State for the Environment (as respects England, except Monmouthshire) and the Secretary of State for Wales (as respects Wales and Monmouthshire) in exercise of their powers under section 50(1) (as read with section 114(1)) of the Rent Act 1968(a), section 56(1) of the Housing Act 1969(b) and section 6(3) of the Rent (Control of Increases) Act 1969(c), and of all other powers enabling them in that behalf, and after consultation with the Council on Tribunals, hereby make the following regulations—

*Citation and commencement*

1. These regulations may be cited as the Rent Assessment Committees (England and Wales) Regulations 1971 and shall come into operation on 2nd August 1971.

*Interpretation*

2.—(1) The Interpretation Act 1889(d) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(2) In these regulations, unless the context otherwise requires—

“chairman” means the chairman of a committee ;

“committee” means a rent assessment committee, constituted under Schedule 5 to the Rent Act 1968, to which a reference is made ;

“hearing” means the meeting or meetings of a committee to hear oral representations made in relation to a reference ;

“party” means, in the case where a reference is subject to a hearing, any person who is entitled under regulation 3(3) of these regulations to receive notice of the hearing and, in the case where a reference is not to be subject to a hearing, any person who is entitled to make representations in writing to the committee ;

“reference” means a matter or an application, as the case may be, which is referred by a rent officer to a rent assessment committee under Schedule 6 or Schedule 7 to the Rent Act 1968, or Part II of Schedule 2 to the Housing Act 1969.

(3) For the purpose of any of these regulations relating to procedure at a hearing, any reference to a party shall be construed as including a reference to a person authorised by a party to make oral representations on his behalf pursuant to paragraph 8, or paragraph 12(1), of Schedule 6, or paragraph 7(3) of Schedule 7, to the Rent Act 1968, or paragraph 13 of Schedule 2 to the Housing Act 1969, as the case may be.

(a) 1968 c. 23.

(b) 1969 c. 33.

(c) 1969 c. 62.

(d) 1889 c. 63.

*Hearings*

3.—(1) A hearing by a committee shall be in public unless, for special reasons, the committee decide otherwise; but nothing in these regulations shall prevent a member of the Council on Tribunals in that capacity from attending any hearing.

(2) Such hearing shall be on such date and at such time and place as the committee shall appoint.

(3) Notices of such date, time and place shall be given by the committee, not less than 10 days before the said date—

(a) where the reference is an application for a certificate of fair rent referred pursuant to paragraph 2 or paragraph 6 of Schedule 7 to the Rent Act 1968, to the applicant and, in a case to which paragraph 9 of the said Schedule applies, to the tenant ;

(b) where the reference is an application supported by a certificate of fair rent referred pursuant to paragraph 11 of Schedule 6 to the Rent Act 1968, to the applicant ; and

(c) in every other case, to the landlord and to the tenant.

4. At the hearing—

(a) the parties shall be heard in such order, and, subject to the provisions of these regulations, the procedure shall be such as the committee shall determine ;

(b) a party may call witnesses, give evidence on his own behalf and cross-examine any witnesses called by the other party.

*Documents, etc.*

5.—(1) The committee shall, where the reference is to be subject to a hearing, take all reasonable steps to ensure that there is supplied to each of the parties before the date of the hearing—

(a) a copy of, or sufficient extracts from or particulars of, any document relevant to the reference which has been received from the rent officer or from a party (other than a document which is in the possession of such party, or of which he has previously been supplied with a copy by the rent officer) ; and

(b) a copy of any document which embodies the results of any enquiries made by or for the committee for the purposes of that reference, or which contains relevant information in relation to fair rents previously determined for other dwelling-houses and which has been prepared for the committee for the purposes of that reference.

(2) Where at any hearing—

(i) any document relevant to the reference is not in the possession of a party present at that hearing ; and

(ii) that party has not been supplied with a copy of, or sufficient extracts from or particulars of, that document by the rent officer or by the committee in accordance with the provisions of paragraph (1) of this regulation,

then unless—

(a) that party consents to the continuation of the hearing ; or

(b) the committee consider that that party has a sufficient opportunity of dealing with that document without an adjournment of the hearing,

the committee shall adjourn the hearing for a period which they consider will afford that party a sufficient opportunity of dealing with that document.

6. Where a reference is not to be subject to a hearing, the committee shall supply to each of the parties a copy of, or sufficient extracts from or particulars of, any such document as is mentioned in paragraph (1)(a) of regulation 5 of these regulations (other than a document excepted from that paragraph) and a copy of any such document as is mentioned in paragraph (1)(b) of that regulation, and they shall not reach their decision until they are satisfied that each party has been given a sufficient opportunity of commenting upon any document of which a copy, or from which extracts or of which particulars, has or have been so supplied, and upon the other's case.

#### *Inspection of dwelling-house*

7.—(1) The committee may of their own motion, and shall at the request of one of the parties (subject in either case to any necessary consent being obtained) inspect the dwelling-house which is the subject of the reference.

(2) An inspection may be made before, during or after the close of the hearing, or at such stage in relation to the consideration of the representations in writing, as the committee shall decide, and the committee shall give to the parties and their representatives an opportunity to attend.

(3) Notice of an inspection shall be given as though it were notice of a hearing, save that the requirements for such notice may be dispensed with or relaxed in so far as the committee are satisfied that the parties have received sufficient notice.

(4) Where an inspection is made after the close of a hearing, the committee shall, if they consider that it is expedient to do so on account of any matter arising from the inspection, reopen the hearing; and if the hearing is to be reopened paragraph (3) of regulation 3 of these regulations shall apply as it applied to the original hearing, save in so far as its requirements may be dispensed with or relaxed with the consent of the parties.

#### *Adjournment*

8. The committee at their discretion may of their own motion, or at the request of the parties, or one of them, at any time and from time to time postpone or adjourn a hearing; but they shall not do so at the request of one party only unless, having regard to the grounds on which and the time at which such request is made and to the convenience of the parties, they deem it reasonable to do so. Such notice of any postponed or adjourned hearing as is reasonable in the circumstances shall be given to the parties by the committee.

#### *Non-appearance*

9. If a party does not appear at a hearing the committee, on being satisfied that the requirements of these regulations regarding the giving of notice of hearings have been duly complied with, may proceed to deal with the reference upon the representations of any party present and upon the documents and information which they may properly consider.

#### *Decisions*

10.—(1) The decision of the committee upon a reference shall be recorded in a document signed by the chairman (or in the event of his absence or incapacity, by another member of the committee) which shall contain the reasons for the decision, but shall contain no reference to the decision being by a majority (if that be the case) or to any opinion of a minority.

(2) The chairman (or in the event of his absence or incapacity, either of the other members of the committee) shall have power, by certificate under his hand, to correct any clerical or accidental error or omission in the said document.

(3) A copy of the said document and of any such correction shall be sent by the committee to the parties and to the rent officer.

*Giving of notices, etc.*

11. Where any notice or other written matter is required under the provisions of these regulations to be given or supplied by the committee (including any such matter to be supplied to a party for the purposes of a reference to which regulation 6 of these regulations applies) it shall be sufficient compliance with the regulations if such notice or matter is sent by post in a prepaid letter and addressed to the party for whom it is intended at his usual or last known address, or if that party has appointed an agent to act on his behalf in relation to the reference, to that agent at the address of the agent supplied to the committee.

*Peter Walker,*  
Secretary of State for the Environment.

29th June 1971.

*Peter Thomas,*  
Secretary of State for Wales.

29th June 1971.

---

#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These regulations, which apply in England and Wales, regulate the procedure to be followed by rent assessment committees appointed under Part IV of the Rent Act 1968. They supplement the provisions regulating the procedure to be followed by those committees which are contained in Schedules 6 and 7 to the Rent Act 1968 (which relate to applications for the registration of rents and to applications for certificates of fair rent) and in Part II of Schedule 2 to the Housing Act 1969 (which relates to applications for the registration of a rent where that registration will be the first after a tenancy has been converted from control to regulation under Part III of the Housing Act).