

1978 No. 495

LANDLORD AND TENANT

The Rent Regulation (Forms etc.) Regulations 1978

<i>Made</i>	22nd March 1978
<i>Laid before Parliament</i>	7th April 1978
<i>Coming into Operation</i>	19th June 1978

The Secretary of State for the Environment as respects England and the Secretary of State for Wales as respects Wales, in exercise of powers conferred upon them by sections 60(1), 74(1) and 117(1) of the Rent Act 1977(a) and of all other powers enabling them in that behalf hereby make the following regulations:—

1. These regulations may be cited as the Rent Regulation (Forms etc.) Regulations 1978 and shall come into operation on 19th June 1978.

2.—(1) In these regulations “the Act” means the Rent Act 1977 and “Part VI tenancy” means a tenancy to which Part VI of the Act applies.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament and as if these regulations and the regulations revoked by these regulations were Acts of Parliament.

(3) In these regulations, unless the context otherwise requires, references to a numbered Schedule or a numbered Form shall be construed as references to the Schedule or, as the case may be, to the Form bearing that number in these regulations.

3. The forms contained in Schedule 2 and Schedules 4 to 7 are listed in Schedule 1.

4. The forms contained in Schedule 2, or forms substantially to the same effect, shall be the forms to be used for the purposes of notices of increase of rent under Part III of the Act in the following cases—

(a) in the case of a notice under section 46(2) of the Act, Form No. 1;

(a) 1977 c. 42.

(b) 1889 c. 63.

- (b) in the case of a notice under section 48(3) or, as the case may be, paragraph 4 of Schedule 17 to the Act, Form No. 2;
- (c) in the case of a notice under section 45(2), where the rent is subject to the phasing provisions of Schedule 9 to the Act, Form No. 4, and in any other case, Form No. 3.

5. The register kept for the purposes of Part IV of the Act under section 66(1) thereof shall contain the particulars with regard to a regulated tenancy or, as the case may be, a Part VI tenancy, which are specified in Schedule 3.

6. The fee to be paid under section 66(4) of the Act for a copy of an entry in the register certified under the hand of the rent officer or a person duly authorised by him shall be 25p.

7. The forms contained in Schedule 4, or forms substantially to the same effect, shall be the forms to be used for the purposes of Part IV of the Act, where an application is made to the rent officer, in the following cases—

- (a) in the case of an application under section 67 of the Act, where a statutory tenancy arises at the end of a long tenancy under Part I of the Landlord and Tenant Act 1954(a), Form No. 6, and in any other case, Form No. 5;
- (b) in the case of an application under section 69(4) of the Act, Form No. 7;
- (c) in the case of an application under section 73, Form No. 8;
- (d) in the case of an application under paragraph 1 of Schedule 12 to the Act, Form No. 10.

8. The particulars to be supplied when an application is made to the rent officer shall be those specified in whichever of the following forms is applicable in any particular case—

- (a) in the case of an application falling within regulation 7(a) above, in Form No. 5 or, as the case may be, in Form No. 6;
- (b) in the case of an application falling within regulation 7(b) above, in Form No. 7;
- (c) in the case of an application falling within regulation 7(c) above, in Form No. 8.

9. The form of notice to be served by a rent assessment committee under paragraph 7 of Schedule 11 to the Act shall be Form No. 9, or a form substantially to the same effect.

10. The manner of notifying the rent officer for the purposes of paragraph 13 of Schedule 11 to the Act that a regulated tenancy or, as the case may be, a Part VI tenancy, has been granted, shall be by the landlord serving on the rent officer a notice in the form set out in Schedule 5, or in a form substantially to the same effect.

11. The form contained in Schedule 6, or a form substantially to the same effect, shall be the form of notice to be served by a local authority pursuant to section 109(3) of the Act, and such notice shall contain the information and explanation specified in the form so contained.

12. The form contained in Schedule 7, or a form substantially to the same effect, shall be the form of document to be given to the local authority by the landlord pursuant to section 52(6) of the Act.

13. The particulars to be supplied to the local authority, when a document is given to them pursuant to section 52(6) of the Act shall be those specified in the said form contained in Schedule 7.

14. The regulations mentioned in Part I of Schedule 8 are hereby revoked by the Secretary of State for the Environment and the regulations mentioned in Part II of Schedule 8 are hereby revoked by the Secretary of State for the Environment and the Secretary of State for Wales.

THE SCHEDULES

SCHEDULE 1

LIST OF FORMS

FORM No.

- | | |
|-------------|---|
| Schedule 2— | <ol style="list-style-type: none">1. Notice of increase of unregistered rent under regulated tenancy on account of increased rates.2. Notice of increase of unregistered rent under regulated tenancy on account of improvement.3. Notice of increase of rent under regulated tenancy where the rent is registered.4. Notice of increase of rent under regulated tenancy where the rent is registered and the increase is subject to the special phasing provisions of Schedule 9 to the Act. |
| Schedule 4— | <ol style="list-style-type: none">5. Application for registration of fair rent.6. Application for registration of fair rent in the case of a statutory tenancy arising at the end of a long tenancy under Part I of the Landlord and Tenant Act 1954.7. Application for registration of fair rent supported by certificate of fair rent.8. Application for cancellation of registration of rent.9. Notice by Rent Assessment Committee requiring further information.10. Application for certificate of fair rent. |
| Schedule 5— | <ol style="list-style-type: none">11. Notice to Rent Officer of grant of regulated tenancy or tenancy to which Part VI of the Act applies. |
| Schedule 6— | <ol style="list-style-type: none">12. Notice to tenant of landlord's application for qualification certificate for dwelling-house in good repair and provided with standard amenities. |
| Schedule 7— | <ol style="list-style-type: none">13. Particulars of rent agreement where tenancy is converted from rent control to rent regulation. |

SCHEDULE 2

Forms of notice of increase of rent

FORM No. 1

RENT ACT 1977

Notice of Increase of Unregistered Rent under Regulated Tenancy on account of Increased Rates. Section 46. See Notes 1 to 3.

Please read all the notes carefully as indicated in the margin

Date.....

To, tenant of

1. The rates in respect of the above premises have been increased as follows:— See Note 4.

Previous rates New rates Date of new rates
per [half year] [year] per [half year] [year] as from

2. I hereby give you notice that your rent will be increased accordingly as follows:—

Present rent Increase in rent New rent *Date of new rent
£ per £ per £ per as from

*This date cannot be earlier than 6 weeks before the service of this Notice.

[3. There will become due from you on the day after the service of this Notice the sum of £ , being arrears of the above increase.] See Note 5.

Signature of [landlord] [landlord's agent]
[Name of landlord if notice served by agent]
Address of landlord
.....
[Address of agent]
.....]

Strike out words in square brackets if they do not apply.

NOTES

Use of Notice

1. This Notice is for use to increase the rent of the premises on account of an increase in rates where—

- (a) the rent is inclusive of rates borne by the landlord or a superior landlord; and
(b) the tenancy is a regulated tenancy under the Rent Act 1977; and
(c) a fair rent has not been registered for the premises under the Act; and
(d) the increase is for any period of a statutory tenancy (see Notes 2 and 3). (There will be a statutory tenancy where a previous contractual tenancy (lease) has come to an end and the tenant has security of tenure under the Act.)

Contractual tenancies

2. If there is an existing contractual tenancy of the premises, the landlord cannot increase the rent on account of increased rates unless either—

- (a) the contract permits him to do so (in which case there is no need to serve this Notice); or
- (b) he can first terminate the contractual tenancy (e.g. by serving a notice to quit under a periodic tenancy, such as a weekly tenancy).

3. Although this Notice relates to an increase in rent under a statutory tenancy it can be served while there is still a contractual tenancy. If the contractual tenancy could be brought to an end before the date set out in paragraph 2 of this Notice by a notice to quit served at the same time as this Notice is served, this Notice will operate to convert the contractual tenancy into a statutory tenancy as from the date set out in that paragraph.

Rate demands

4. Until the local authority's demand for rates in a new rating period is made, the tenant's liability on account of rates continues to be based on the rates for the previous rating period. When the demand for the new period is received, the tenant's liability must be recalculated. If the rates have gone up, the landlord is entitled on serving this Notice to an increase of rent on account of the increased rates. If there is a further demand for rates during the rating period, for example, because the rateable value has been increased, the tenant's liability must similarly be recalculated in order to ascertain what increase of rent the landlord is entitled to on account of the increased rates.

Arrears

5. This paragraph will only be needed where the date for the increase is a date earlier than the service of this Notice, and there have been rent days between the earlier date and the date of service of this Notice.

Rent allowance

6. If the tenant has difficulty in paying his rent, he may apply to the local authority for a rent allowance. Details of the rent allowance scheme (and also of the rate rebate scheme) can be obtained from the local Council offices.

FORM No. 2

RENT ACT 1977

Section 48
and
paragraphs
3 and 4 of
Schedule 17.
See Notes
1 to 4.

Notice of Increase of Unregistered Rent under Regulated Tenancy on account of Improvement

Please read all the Notes carefully as indicated in the margin

Date.....

To, tenant of

1. The improvement described in the Schedule to this Notice has been carried out to the above premises. See Notes 5 to 7.

2. The landlord is entitled to increase the rent by 12½% of £ which is the amount spent on making the improvement, net of any grant.

3. I hereby give you notice that your rent will be increased accordingly as follows:— *This date must be later than the date of service of this Notice.

<i>Present rent</i>	<i>Increase in rent</i>	<i>New rent</i>	<i>*Date of new rent</i>
£ per	£ per	£ per	as from

4. You have a right of appeal against this increase subject to certain limitations. See Note 8.

SCHEDULE

Description of Improvement

Signature of [landlord] [landlord's agent] Strike out words in square brackets if they do not apply.
 [Name of landlord if notice served by agent]
 Address of landlord

 [Address of agent]

NOTES

Use of Notice

1. This Notice is for use to increase the rent of the premises on account of improvements where—

- (a) the tenancy is a regulated tenancy under the Rent Act 1977; and
- (b) a fair rent has not been registered for the premises under the Act; and
- (c) the increase is for any period of a statutory tenancy (see Notes 3 and 4). (There will be a statutory tenancy where a previous contractual tenancy (lease) has come to an end and the tenant has security of tenure under the Act).

2. This Notice cannot be used where—

- (i) a grant under Part I of the Housing Act 1969 or Part VII of the Housing Act 1974 is payable or has been paid towards the cost of the improvement, except where the improvement was completed while the tenancy was controlled and no notice of increase for the improvement was served during the controlled tenancy. In other cases of such grant-aided improvements the rent can only be increased following the registration of a fair rent.
- (ii) the tenancy was granted before 8th March 1973 and became a regulated tenancy by virtue of section 14(1) of the Counter-Inflation Act 1973.

Contractual tenancies

3. If there is an existing contractual tenancy of the premises the landlord cannot increase the rent unless either—

- (a) the contract permits him to do so (in which case there is no need to serve this notice); or
- (b) he can first terminate the contractual tenancy (e.g. by serving a notice to quit under a periodic tenancy, such as a weekly tenancy).

4. Although this Notice relates to an increase in rent under a statutory tenancy it can be served while there is still a contractual tenancy. If the contractual tenancy could be brought to an end before the date set out in paragraph 3 of this Notice by a notice to quit served at the same time as this Notice is served, this Notice will operate to convert the contractual tenancy into a statutory tenancy as from the date set out in that paragraph.

Grants

5. The amount to be stated in paragraph 2 of the Notice must be shown “net of any grant”, i.e. it must not include any part of the expenditure which has been met by any of the following grants or repayments—

- (a) grants towards the cost of sound proofing under section 15 of the Airports Authority Act 1965, section 29A of the Civil Aviation Act 1971, or regulations under section 20 of the Land Compensation Act 1973;
- (b) repayments under section 12 of the Clean Air Act 1956 (adaptation of fireplaces in smoke control areas);
- (c) grants under Part I of the Housing Act 1969 or Part VII of the Housing Act 1974.

Meaning of improvement

6. Improvements for this purpose include structural alterations, extensions and additions to the premises and the provision of additional fixtures or fittings; but they do not include anything done by way of decoration or repair.

7. Certain works also count as improvements, as provided by the Rent Act, namely:—

- (i) private street works carried out under sections 174, 189 or 190 of the Highways Act 1959 or any corresponding provisions in any local Act to any premises having access to the street;
- (ii) works carried out to comply with a fire precautions notice under the Fire Precautions Act 1971.

If other premises belonging to the landlord besides those occupied by the tenant benefit from such works, the landlord's expenditure must be apportioned by agreement in writing between the landlord and the tenant or be determined by the county court.

Appeals

8. If the tenant claims that any improvement was unnecessary or that an unreasonable amount was spent on it, generally he can, not later than one month after the service of this Notice, or such longer time as the court may allow, apply to the county court for an order cancelling or reducing the increase of rent stated in this Notice. No such application may be made where—

- (a) the tenant has in writing consented to the improvement and acknowledged that the rent could be increased on account of it; or
- (b) the improvement was made with the assistance of a grant listed in Note 5(a) above; or
- (c) the improvement consists of private street works (see Note 7 above).

In the case of works carried out to comply with a fire precautions notice, the tenant may apply to the Court on the ground that an unreasonable amount was spent, but not on the ground that the works were unnecessary.

Rent allowances

9. If the tenant has difficulty in paying his rent, he may apply to the local authority for a rent allowance. Details of the rent allowance scheme (and also of the rate rebate scheme) can be obtained from the local Council Offices.

FORM No. 3

RENT ACT 1977

Notice of Increase of Rent under Regulated Tenancy where the Rent is Registered

Sections 45(2) and 55 and Schedule 8. See Notes 1 to 3.

Please read all the Notes carefully as indicated in the margin

Date

To, tenant of

1. A rent of £ per (exclusive of rates) was registered on as the fair rent for the above premises.

See Notes 4 and 5.

2. I hereby give you notice that your rent (exclusive of rates) will be increased as follows:—

See Notes 6 to 13.

Present rent £ per (exclusive of rates)

Increase in rent (exclusive of rates)

£ per

New rent (exclusive of rates)

£ per

**Date of new rent (see Note 12)*

as from

*The date must not be earlier than the date of registration, the date on which the registration took effect, nor 4 weeks before the service of this Notice (see Note 14).

See Notes
16 and 17.

NOTE TO TENANT: It is important to keep this Form. It is emphasised that if more than one increase in rent is specified above, each such increase will become payable as from the date shown for that increase. The landlord is not obliged to remind the tenant when such an increase becomes payable.

†Strike out
this para-
graph if the
general
phasing
provisions do
not apply
(see Notes
6 to 13).

†[3. The following information is relevant to the calculation of each increase in rent specified above.

- | | | |
|--|---|-----------|
| (a) Previous rent limit | £ | per |
| (b) Service element recorded in the register | £ | per |
| (c) Where there has been a reference to the Rent Assessment Committee, date of registration of rent determined by Rent Officer | |] |

See Note 15.

[4. It is noted in the rent register that rates in respect of the above premises are borne by the landlord or a superior landlord. These are currently £ per [half year] [year] and the landlord is entitled to add this amount to the recoverable rent at the rate of £ per rental period. There may be further increases in the recoverable rent on account of future rate increases.]

Strike out
words in
square
brackets if
they do not
apply.

Signature of [landlord] [landlord's agent]
[Name of landlord if notice served by agent]
Address of landlord
.....
[Address of Agent]
.....]

NOTES

Use of Notice

1. This Notice is for use to increase the rent for the premises where—

- (a) the tenancy is a regulated tenancy and a fair rent is registered under the Rent Act 1977; and
- (b) the increase is for any period of a statutory tenancy (see Notes 2 and 3). (There will be a statutory tenancy where a previous contractual tenancy (lease) has come to an end and the tenant has security of tenure under the Act); and
- (c) the tenancy is not either:—
 - (i) a tenancy which has been converted from a controlled tenancy to a regulated tenancy on the issue of a qualification certificate; or
 - (ii) a tenancy where improvements have been carried out with respect to which a grant under Part I of the Housing Act 1969 or Part VII of the Housing Act 1974 is payable or has been paid.

In cases falling within paragraph (c) above form 4 is appropriate.

Contractual tenancies

2. If there is an existing contractual tenancy of the premises and the registered rent is higher than the rent payable under that contract, the landlord cannot increase the rent unless either—

- (a) the contract permits him to do so (in which case there is no need to serve this Notice); or
- (b) he can first terminate the contractual tenancy (e.g. by serving a notice to quit under a periodic tenancy, such as a weekly tenancy).

3. Although this Notice relates to an increase in rent under a statutory tenancy it can be served while there is still a contractual tenancy. If the contractual tenancy could be brought to an end before the earliest date set out in paragraph 2 of this Notice by a notice to quit served at the same time as this Notice is served, this Notice will operate to convert the contractual tenancy into a statutory tenancy as from the earliest date set out in that paragraph.

Date of registration

4. Paragraph 1 should show the latest registered rent and the date on which it was registered, *not* the date from which it took effect. If this rent was registered following a determination by a Rent Assessment Committee, paragraph 3(c) should also be filled in to show the date of the Rent Officer's registration which preceded the reference to the Rent Assessment Committee. This date is important in cases to which the general phasing provisions apply (see Note 7).

Variable rents

5. Where the rent is registered as a variable rent in relation to services or works of maintenance or repair provided for by the terms of the tenancy, the landlord may charge the tenant in relation to them in accordance with those terms.

Limitation of rent increases

6. Subject to what is said in Notes 5 and 15 the landlord is not entitled to increase the rent above the registered rent. In cases where the general phasing provisions (set out in section 55 of and Schedule 8 to the Act) apply, the landlord may only increase the rent to the extent permitted by those provisions and no further. The permitted increase may have the effect of increasing the rent to the registered rent, but even so paragraph 3 of this Notice should be filled in. A case will come under the general phasing provisions where:—

- (a) the tenancy was in existence when the rent was registered, or was granted after that date to the tenant under a previous regulated tenancy, or a person who might succeed the tenant as a statutory tenant; and
- (b) the special phasing provisions of Schedule 9 (mainly for formerly controlled tenancies) do not apply (see Note 1 above); and
- (c) the special phasing provisions of section 89 (which concern unregistered Housing Association tenancies in certain circumstances) do not apply. Details of these provisions can be obtained from a Rent Officer or a Citizens' Advice Bureau.

The general phasing provisions are explained in Notes 7 to 12 below.

How general phasing works

7. General phasing is designed to spread rent increases above a certain amount over three annual stages, according to formulae set out in Schedule 8 to the Act. This means that there are two years of delay during which the rent increase may be phased, starting with the date when the rent determined by the Rent Officer was registered. The second increase may be charged a year later, and when the third year starts the full registered rent may be recovered.

8. *Previous rent limit*—in calculating the amount of the permitted increase, the starting point is the previous rent limit. This is usually, but not necessarily, the same as the present rent. It is the amount, disregarding rates, which the landlord was entitled to charge the tenant at the date of registration, or could have charged if he had served all notices of increase that he was entitled to serve. Where the rent has been determined by a Rent Assessment Committee, the date of registration for the purposes of calculating the previous rent limit is still taken as the date of the Rent Officer's original registration.

9. It is the difference between the previous rent limit and the registered rent that determines the permitted increase. This difference may comprise two elements. The first is the service element (if any) shown in paragraph 3(b) of the Notice.

10. *The service element* (which deals with increases on account of services provided by the landlord or a superior landlord) is recorded in the rent register. It is added to the previous rent limit and forms part of the permitted increase the first time an increase is made. There will be no service element, however, if no such amount is recorded in the register. (If the rent is registered as a variable rent, then, notwithstanding phasing, the landlord may charge the tenant for services in accordance with the terms of the tenancy.)

11. *The second element* of the permitted increase consists of the remainder of the difference between the previous rent limit and the registered rent, after deducting any service element. It proceeds either—

- (a) in thirds, one third for each year of delay and the final third at the start of the third year, or
- (b) if the remainder is less than £1.20 per week, in steps of 40p per week for each year (this sum may be altered by Order) until the registered rent is reached. The last step is an increase to the registered rent and may therefore be less than 40p.

How the Notice may be used to cover more than one increase

12. Where the rent is restricted by the general phasing provisions and the dates of further increases up to the registered rent level are known, it is open to the landlord, in filling in paragraph 2 of the Notice, to specify more than one rent increase.

Booklet

13. Further details of the general phasing arrangements are given in a booklet entitled "Regulated Tenancies: your rents rights and responsibilities", available free from a Rent Officer or a Citizens' Advice Bureau.

Long tenancies coming to an end

14. In the case of a statutory tenancy which has arisen by virtue of Part I of the Landlord and Tenant Act 1954 and where the application for the registration of a fair rent was made before the commencement of such tenancy, the date shown in paragraph 2 must not be earlier than the commencement of such tenancy nor earlier than the date from which the registration takes effect.

Rates

15. The registered rent does not include any sum payable in respect of rates borne by the landlord or a superior landlord. For any rental period of a statutory tenancy while there is a registered rent, such sums may be recovered without a notice of increase.

Re-registration

16. The registered rent will remain the maximum recoverable rent (exclusive of rates and subject to phasing) until a different rent is registered (or the registration is cancelled under section 73 of the Act). In general, during the three years from the date on which the registration takes effect, no further application for a new registration may be made unless either—

- (a) it is made by the landlord and the tenant acting together, or
- (b) there has been such a change in the circumstances taken into account when the rent was registered (e.g. the making of an improvement to the premises) as to make the registered rent no longer a fair rent.

But the landlord may apply three months in advance for a new registration to take effect after the end of the three year period.

Rent allowances

17. If the tenant has difficulty in paying his rent, he may apply to the local authority for a rent allowance. Details of the rent allowance scheme (and also of the rate rebate scheme) can be obtained from the local Council Offices.

FORM No. 4

RENT ACT 1977

Notice of Increase of Rent under Regulated Tenancy where the Rent is Registered and the Increase is subject to the Special Phasing Provisions of Schedule 9 to the Act

Sections 45(2), 56 and 114. See Notes 1 to 3.

Please read all the Notes carefully as indicated in the margin

Date.....
To, tenant of.....

1. A rent of £ per (exclusive of rates) was registered on as the fair rent for the above premises.

See Note 4.

See Notes 5 to 7.

2. I hereby give you notice that your rent (exclusive of rates) will be increased as follows:—

Present rent £ per (exclusive of rates).

*The date must not be earlier than the date of registration, the date on which the registration took effect, nor 4 weeks before the service of this Notice.

<i>Increase in rent (exclusive of rates)</i>	<i>New rent (exclusive of rates)</i>	<i>*Date of new rent (See Note 7)</i>
£ per	£ per	as from

See Notes 9 and 10.

NOTE TO TENANT: It is important to keep this Form. It is emphasised that if more than one increase in rent is specified above, each such increase will become payable as from the date shown for that increase. The landlord is not obliged to remind the tenant when such an increase becomes payable.

See Note 6.

3. The following information is relevant to the calculation of each increase in rent specified above:—

- (a) Previous limit at date of first registration of rent after conversion of tenancy or completion of improvements £ per
- (b) If the rent referred to in paragraph 1 above is not the first after conversion of tenancy or completion of improvements details of other rents registered since that event £ per registered on
- (c) Where there has been a reference to the Rent Assessment Committee, date of registration of rent determined by Rent Officer

See Note 8.

[4. It is noted in the rent register that rates in respect of the above premises are paid by the landlord or a superior landlord. These are currently £ per [half year] [year] and the landlord is entitled to add this amount to the recoverable rent at the rate of £ per rental period. There may be further increases in the recoverable rent on account of future rate increases.]

Strike out words in square brackets if they do not apply.

Signature of [landlord][landlord's agent]
 [Name of landlord if notice served by agent]
 Address of landlord

 [Address of agent]

NOTES

Use of Notice

1. This Notice is for use to increase the rent for the premises where—

- (a) the tenancy is a regulated tenancy and a fair rent is registered under the Rent Act 1977; and
- (b) the increase is for any period of a statutory tenancy (see Notes 2 and 3). (There will be a statutory tenancy where a previous contractual tenancy (lease) has come to an end and the tenant has security of tenure under the Act); and
- (c) either—
 - (i) the tenancy has been converted from a controlled tenancy to a regulated tenancy on the issue of a qualification certificate; or
 - (ii) improvements have been carried out with respect to which a grant under Part I of the Housing Act 1969 or Part VII of the Housing Act 1974 is payable or has been paid;

and the increase is subject to the special phasing provisions of Schedule 9 to the Act.

Contractual tenancies

2. If there is an existing contractual tenancy of the premises and the registered rent is higher than the rent payable under that contract, the landlord cannot increase the rent unless either—

- (a) the contract permits him to do so (in which case there is no need to serve this Notice); or
- (b) he can first terminate the contractual tenancy (e.g. by serving a notice to quit under a periodic tenancy, such as a weekly tenancy).

3. Although this Notice relates to an increase in rent under a statutory tenancy it can be served while there is still a contractual tenancy. If the contractual tenancy could be brought to an end before the earliest date set out in paragraph 2 of this Notice by a notice to quit served at the same time as this Notice is served, this Notice will operate to convert the contractual tenancy into a statutory tenancy as from the earliest date set out in that paragraph.

Date of registration

4. Paragraph 1 should show the latest registered rent and the date on which it was registered, *not* the date from which it took effect. If this rent was registered following a determination by a Rent Assessment Committee, paragraph 3(c) should be filled in to show the date of the Rent Officer's registration which preceded the reference to the Rent Assessment Committee.

Limitation of rent increases

5. In cases to which the special phasing provisions apply, the landlord may only increase the rent to the extent permitted by those provisions and no further. The permitted increase may, however, have the effect of increasing the rent to the registered rent. The way in which the special phasing provisions spread rent increases over certain stages is explained in a booklet entitled "Controlled Tenancies" available free from a Rent Officer or a Citizens' Advice Bureau.

Previous rent limit

6. In calculating the amount of the permitted increase, the starting point is the previous rent limit. This is usually, but not necessarily, the same as the present rent. It is the amount, disregarding rates, which the landlord was entitled to charge the tenant at the date of registration, or could have charged if he had served all notices of increase that he was entitled to serve. Where the rent has been determined by a Rent Assessment Committee, the previous rent limit is calculated as though that rent had been registered at the date of the Rent Officer's original registration.

How the Notice may be used to cover more than one increase

7. In filling in paragraph 2 of the Notice, it is open to the landlord to specify more than one increase.

Rates

8. The registered rent does not include any sum payable in respect of rates borne by the landlord or a superior landlord. For any rental period of a statutory tenancy while there is a registered rent, such sums may be recovered without a notice of increase.

Re-registration

9. The registered rent will remain the maximum recoverable rent (exclusive of rates and subject to phasing) until a different rent is registered (or the registration is cancelled under section 73 of the Act). In general, during the three years from the date on which the registration takes effect, no further application for a new registration may be made unless either—

- (a) it is made by the landlord and the tenant acting together, or
- (b) there has been such a change in the circumstances taken into account when the rent was registered (e.g. the making of an improvement to the premises) as to make the registered rent no longer a fair rent.

But the landlord may apply 3 months in advance for a new registration to take effect after the end of the 3 year period.

Rent allowances

10. If the tenant has difficulty in paying his rent, he may apply to the local authority for a rent allowance. Details of the rent allowance scheme (and also of the rate rebate scheme) can be obtained from the local Council Offices.

SCHEDULE 3

Particulars with regard to regulated tenancy, or tenancy to which Part VI of the Act applies, to be entered in register of rents kept by Rent Officer.

1. Address of premises.
2. Names and addresses of landlord and tenant.
3. Name and address of landlord's agent.

4. Nature of tenancy (whether contractual or statutory and, if contractual, for what periods or term and date of commencement, and rental period).
5. Allocation between landlord and tenant of liabilities for repairs.
6. Services provided by the landlord.
7. Furniture provided by the landlord.
8. Any other terms of the tenancy taken into consideration in determining the fair rent.
9. In the case of a statutory tenancy which has arisen by virtue of Part I of the Landlord and Tenant Act 1954, particulars of the initial repairs.
10. In the case of a tenancy to which paragraph 1(1) of Schedule 7 to the Act applies, a note to the effect that it is such a tenancy.

SCHEDULE 4

Forms to be used for the purposes of sections 67 and 69(4) of and Schedules 11 and 12 to the Rent Act 1977 relating to the registration of rents.

FORM No. 5

RENT ACT 1977

Application for Registration of Fair Rent except in the case of:— Section 67.

- (i) an application supported by a certificate of fair rent; or
- (ii) a statutory tenancy which will arise, or has arisen, at the end of a long tenancy under Part I of the Landlord and Tenant Act 1954; or
- (iii) a statutory tenancy which has arisen under the Rent (Agriculture) Act 1976.

Please read all the Notes carefully as indicated in the margin

To the Rent Officer

THE PARTICULARS

1. Address of premises.
2. Name of tenant and address if different from 1 above.
3. Name and address of landlord.
4. (a) Are the premises separately rated? Yes/No.

(b) If the answer to (a) above is No, please give details of any apportionment or aggregation of the rateable value or values which has been made by the county court. If none write "None".

5. Description of premises (including the number of rooms and, if part only of a building, on which floor or floors).

6. Is the tenancy one where the landlord is a registered housing association, or housing trust, or the Housing Corporation? Yes/No.

7. Does the tenant share any accommodation—

(a) with the landlord? Yes/No. If Yes, details:

(b) with another tenant? Yes/No. If Yes, details:

8. Are any services provided by the landlord or a superior landlord? Yes/No. If so, full details of such services.

9. Is any furniture provided by the landlord or a superior landlord? Yes/No. If so, full details of such furniture, or if there is an inventory, please attach a copy.

10. Terms of the tenancy. (If a copy of the agreement is available, it should be attached. It will be returned without delay.)

(a) Term and date of commencement: _____ from _____

(b) (i) Rent now payable _____ £ _____ per _____ .

(ii) Does this include any rates? Yes/No.

(c) Repairing obligations—

(i) of landlord;

(ii) of tenant.

(d) Other terms.

11. (a) Has a fair rent previously been registered by the Rent Officer for the premises? Yes/No.

See Note 1. (b) If the answer to (a) above is Yes, please state the date on which the registration took effect.

See Note 2. 12. Description of any change in the state of the premises which it is claimed has occurred during the present tenancy because of—

(a) failure by the tenant (including a former tenant under the present tenancy) to comply with the terms of the tenancy;

(b) improvements, including replacement of any fixtures or fittings, carried out by the tenant (including a former tenant under the present tenancy) otherwise than under the terms of the tenancy;

(c) improvements by the tenant (including a former tenant under the present tenancy) to any furniture provided for use under the tenancy, or any deterioration in the condition of any such furniture due to ill treatment by the tenant, any person residing or lodging with him, or any sub-tenant of his.

13. Where improvements have been made, has a grant under Part VII of the Housing Act 1974 been obtained, or is one being obtained, from the local authority?

14.—(1) If this application is made within three years of the date on which a previous registration by the Rent Officer took effect (or within three years of the date of an application which resulted in a previously registered rent being confirmed), and (2) below does not apply, please state grounds of application. See Note 1.

- (2) The grounds need not be stated if the application is made—
 - (a) jointly by the landlord and the tenant at any time; or
 - (b) by the landlord alone within the last 3 months of the period of 3 years from the date on which the previous registration took effect; or
 - (c) by the landlord or tenant at any time if the previous rent was registered by a Rent Tribunal.

15. Rent which the applicant seeks to have registered (exclusive of rates) £ per . See Note 3.

16. If the landlord or a superior landlord provides any services please state what amount if any of the rent specified in 15 above the applicant claims fairly represents their value. £ per .

*I/We hereby apply for registration of a rent for the premises named in paragraph 1 above, and submit these particulars of the premises and the tenancy accordingly.

*I/We enclose a copy of the qualification certificate issued by the (name of local authority). See Note 4.

Signed

.....
(*landlord/*landlord's agent)

*Strike out words which do not apply.

.....
(*tenant/*tenant's agent)

In a joint application by landlord and tenant, both parties should sign. In an application by joint tenants, they should each sign, unless one signs as agent for the rest with their agreement, in which case he should state that he is acting as agent. See Note 5.

If signed by agent, name and address of agent

(For landlord)

(For tenant)

Date

NOTES

1. The date on which the registration took effect will be shown on the document sent by the Rent Officer to the landlord and the tenant when he registered the rent. Usually it is the date of application for registration: it is not necessarily the date from which the registered rent became payable.
2. In the case of a tenancy which has been converted from a controlled tenancy to a regulated tenancy, "present tenancy" means the tenancy both while it was controlled and since it became regulated.
3. The Rent Officer cannot entertain the application unless item 15 has been completed (i.e. the rent specified by the applicant).
4. This is only relevant where a controlled tenancy has been converted to a regulated tenancy on the issue of a qualification certificate and this is the first application for registration. Where this is the case, a copy of the certificate must be enclosed.
5. Where a joint application is made by both landlord and tenant, there is no right to have the matter referred to a Rent Assessment Committee if the Rent Officer determines without further consultation that the rent specified in the application is a fair rent.

FORM No. 6

RENT ACT 1977

Section 67. Application for Registration of Fair Rent in the case of a Statutory Tenancy arising at the end of a Long Tenancy under Part I of the Landlord and Tenant Act 1954.

Please read all the Notes carefully as indicated in the margin.

To the Rent Officer

THE PARTICULARS

1. Address of premises.
2. Name of tenant and address if different from 1 above.
3. Name and address of landlord.
4. (a) Are the premises separately rated? Yes/No.
(b) If the answer to (a) above is No, please give details of any apportionment or aggregation of the rateable value or values which has been made by the county court. If none write "None".
5. Description of premises (including the number of rooms and, if part only of a building, on which floor or floors).
6. Does the tenant share any accommodation—
(a) with the landlord? Yes/No. If Yes, details:
(b) with another tenant? Yes/No. If Yes, details:

7. Are any services provided by the landlord or a superior landlord? Yes/No. If so, full details of such services.

8. Is any furniture provided by the landlord or a superior landlord? Yes/No. If so, full details of such furniture, or if there is an inventory, please attach a copy.

- 9. (a) The date on which the statutory tenancy will commence or has commenced.
- (b) Terms of the tenancy agreed between the landlord and tenant or determined by the Court. (If a copy of the agreement or order is available, it should be attached. It will be returned without delay.)
- (c) Particulars of any initial repairs which have not been completed at the date of the application.

10. Description of any change in the state of the premises which it is claimed has occurred during the present tenancy because of—

- (a) failure by the tenant (including a former tenant under the present tenancy) to comply with the terms of the tenancy;
- (b) improvements, including replacement of any fixtures or fittings, carried out by the tenant (including a former tenant under the present tenancy) otherwise than under the terms of the tenancy;
- (c) improvements by the tenant (including a former tenant under the present tenancy) to any furniture provided for use under the tenancy, or any deterioration in the condition of any such furniture due to ill-treatment by the tenant, any person residing or lodging with him, or any sub-tenant of his.

11. Where improvements have been made, has a grant under Part VII of the Housing Act 1974 been obtained, or is one being obtained, from the local authority?

12. Rent which the applicant seeks to have registered (exclusive of rates) £ per . See Note 1.

13. If the landlord or a superior landlord provides any services please state what amount if any of the rent suggested in 12 above the applicant claims fairly represents their value. £ per .

*I/We hereby apply for registration of a rent for the premises named in paragraph 1 above, and submit these particulars of the premises and the tenancy accordingly.

Signed

(* landlord/ * landlord's agent)

*Strike out words which do not apply.

(* tenant/ * tenant's agent)

See Note 2. In a joint application by landlord and tenant, both parties should sign. In an application by joint tenants, they should each sign, unless one signs as agent for the rest with their agreement, in which case he should state that he is acting as agent.

If signed by agent, name and address of agent

(For landlord)

.....

(For tenant)

.....

Date

NOTES

1. The Rent Officer cannot entertain the application unless item 12 has been completed (i.e. the rent specified by the applicant).

2. Where a joint application is made by both landlord and tenant, there is no right to have the matter referred to a Rent Assessment Committee if the Rent Officer determines without further consultation that the rent specified in the application is a fair rent.

FORM No. 7

RENT ACT 1977

Section 69(4). Application for Registration of Fair Rent supported by Certificate of Fair Rent

Please read all the notes carefully as indicated in the margin

To the Rent Officer

THE PARTICULARS

1. Name and address of applicant.
2. Address of premises to which Certificate of Fair Rent relates.
3. (a) Are the premises separately rated? Yes/No.
 (b) If the answer to (a) above is No, please give details of any apportionment or aggregation of the rateable value or values which has been made by the county court. If none, write "None".
4. Date of Certificate of Fair Rent.

5. If the premises were subject to a controlled tenancy when the Certificate of Fair Rent was issued, has a qualification certificate been issued by the local authority? See Note 1.

6. Has a regulated tenancy, or a tenancy to which Part VI of the Act applies, been granted on the terms shown in the Certificate of Fair Rent? If so, please state which and give:— See Note 2.

Name of tenant

Date of Commencement of the tenancy

7. Where proposed works were specified in the Certificate of Fair Rent—

- (a) Have those works been carried out? Yes/No.
- (b) Has a grant under Part VII of the Housing Act 1974 been obtained, or is one being obtained, from the local authority?

8. (a) Where services are provided, are these as specified in the application for the Certificate of Fair Rent? Yes/No.

(b) If "No" please specify the differences.

9. (a) Where furniture is provided, is this as specified in the application for the Certificate of Fair Rent? Yes/No.

(b) If "No" please specify the differences.

I hereby apply for the registration of a rent for the premises named in paragraph 2 above in accordance with the Certificate of Fair Rent. [I also enclose a copy of the qualification certificate.]

Signed
 [Landlord] [Landlord's agent]
 [If signed by agent, name and address of agent]
]
 Date

See Note 1.
Strike out words in square brackets if they do not apply.

NOTES

1. Where there is a controlled tenancy the landlord may apply to the local authority for a Certificate that a dwelling-house satisfies the qualifying conditions set out in s. 108 of the Act, i.e. that the dwelling—

- (a) is provided with all the standard amenities for the exclusive use of its occupants;
- (b) is in good repair having regard to its age, character and locality, and disregarding internal decorative repair; and
- (c) is in all other respects fit for human habitation.

On the issue of a qualification certificate the tenancy will cease to be a controlled tenancy and (except in the case of business premises) become a regulated tenancy.

2. Part VI of the Act applies to tenancies where the landlord is a registered housing association, or a housing trust, or the Housing Corporation, which would otherwise be protected tenancies, and which are not business tenancies.

FORM No. 8

RENT ACT 1977

Section 73(1). Application for Cancellation of Registration of Rent

To the Rent Officer

We jointly hereby apply for the cancellation of the rent registered for the premises named in paragraph 1 below. A copy of the rent agreement is attached. This agreement increases the rent under the existing protected tenancy or grants a new regulated tenancy at a rent exceeding the rent under the previous tenancy.

*Strike out words which do not apply.

Signed (*landlord/*landlord's agent)

Signed (*tenant/*tenant's agent)

If signed by agent, name and address of agent (For landlord)

(For tenant)

Date

THE PARTICULARS

- 1. Address of premises.
2. Name of tenant and address if different from 1 above.
3. Name and address of landlord.
4. (a) Are the premises separately rated? Yes/No. (b) If the answer to (a) above is No, please give details of any apportionment or aggregation of the rateable value or values which has been made by the county court. If none write "None".
5. Existing registered rent: (i) amount £..... per (ii) effective from
6. Description of premises (including the number of rooms, and if part only of a building, on which floor or floors).
7. Does the tenant share any accommodation: (a) with the landlord? Yes/No. If Yes, details: (b) with another tenant? Yes/No. If Yes, details:

See the Note below.

8. Are any services provided by the landlord or a superior landlord? Yes/No. If so, full details of such services.

9. Is any furniture provided by the landlord or a superior landlord? Yes/No. If so, full details of such furniture, or if there is an inventory, please attach a copy.

10. Description of any change in the state of the premises which it is claimed has occurred during the present tenancy because of:—

- (a) failure by the tenant (including a former tenant under the present tenancy) to comply with the terms of the tenancy;
- (b) improvements, including replacements of any fixtures or fittings, carried out by the tenant (including a former tenant under the present tenancy) otherwise than under the terms of the tenancy;
- (c) improvements by the tenant (including a former tenant under the present tenancy) to any furniture provided for use under the tenancy, or any deterioration in the condition of any such furniture due to ill treatment by the tenant, any person residing or lodging with him, or any sub-tenant of his.

11. (a) Is the rent specified in the agreement inclusive of rates? Yes/No.

(b) If the answer to (a) above is Yes, what is the present amount of the rates? £ per

Note: The date required in paragraph 5(ii) is the date on which the registration took effect, which will be shown on the document sent by the Rent Officer to the landlord and tenant when he registered the rent. Usually it is the date of application for registration: it is not necessarily the date from which the registered rent became payable.

FORM No. 9

RENT ACT 1977

Notice by Rent Assessment Committee requiring further information

Schedule 11,
paragraph 7.

Date

To [landlord] [tenant] of

(1) The application for registration of a rent for the above-named premises, made by on has been referred by the Rent Officer for to a Rent Assessment Committee. To enable them to consider this application the Committee to whom the matter has been referred hereby require you to supply them, not later than with the further information indicated below. You should send this information to:

(2) The further information required is:

(3) If you fail without reasonable cause to comply with this notice you will be liable on summary conviction to a fine not exceeding £50 and on a second or subsequent conviction to a fine not exceeding £100.

Signed
for the Rent Assessment Committee

FORM No. 10

RENT ACT 1977

Application for Certificate of Fair Rent

Schedule 12, paragraph 1. *Please read all the notes carefully as indicated in the margin*

To the Rent Officer

1. Address of premises.
2. (a) Are the premises separately rated? Yes/No.
(b) If the answer to (a) above is No, please give details of any apportionment or aggregation of the rateable value or values which has been made by the county court. If none write "None".

*Strike out words which do not apply.

See Note 1.

3. Grounds of application—
 - (a) *conversion of tenancy from rent control to rent regulation;
 - (b) *erection/conversion/improvement of premises (otherwise than under (a) above);
 - (c) *proposal to let premises on a regulated tenancy, or on a tenancy to which Part VI of the Rent Act 1977 will apply.

4. Description of existing premises (including the number of rooms and, if part only of a building, on which floor or floors).

5. Brief description of proposed works shown in accompanying plans and specifications.

Estimated cost £ .

6. Has an application been made to the local authority for a grant under Part VII of the Housing Act 1974 or is such an application being made?

7. Does the tenant share any accommodation—
 - (a) with the landlord? Yes/No. If Yes, details:
 - (b) with another tenant? Yes/No. If Yes, details:

8. Are any services provided, or to be provided, by the landlord or a superior landlord? Yes/No. If so, full details of such services.

9. Is any furniture provided, or to be provided by the landlord or a superior landlord? Yes/No. If so, full details of such furniture, or if there is an inventory, please attach a copy. See Note 2.

10. Where it is proposed to grant a regulated tenancy, or a tenancy to which Part VI of the Rent Act 1977 will apply please state— See Note 1.

- (a) whether the tenancy will be for a fixed term and, if so, for how long;
- (b) repairing obligations—
 - (i) of landlord;
 - (ii) of tenant;
- (c) other terms (a copy of the proposed agreement should be attached when possible).

11. Where there is an existing regulated tenancy, or an existing tenancy to which Part VI of the Rent Act 1977 applies, please state which type the tenancy is (regulated or Part VI) and the name of the tenant.

Terms of tenancy—

- (a) term and date of commencement of tenancy;
- (b) (i) rent now payable;
- (ii) does this include any rates? Yes/No;
- (c) repairing obligations—
 - (i) of landlord;
 - (ii) of tenant;
- (d) other terms. (If a copy of the agreement is available, it is requested that this be attached. It will be returned without delay.)

12. Where there is an existing regulated tenancy, or an existing tenancy to which Part VI of the Rent Act 1977 applies, please also state—

- (a) any disrepair or defect which the applicant claims is due to the failure of the tenant (including a former tenant under the present tenancy) to comply with the terms of the tenancy;
- (b) any improvements, including replacements of fixtures or fittings, which have been carried out by the tenant (including a former tenant under the present tenancy) otherwise than under the terms of the tenancy;
- (c) any improvements by the tenant (including a former tenant under the present tenancy) to any furniture provided for use under the tenancy, or any deterioration in the condition of any furniture so provided due to ill treatment by the tenant, any person residing or lodging with him, or any sub-tenant of his.

13. Rent which the applicant seeks to have specified in the Certificate of Fair Rent (exclusive of rates). £ per . See Note 3.

14. If the landlord or a superior landlord provides, or will provide, any services, please state what amount, if any, of the rent specified in 13 above the applicant claims fairly represents their value. £
per

Strike out words in square brackets which do not apply.

I hereby apply for a Certificate of Fair Rent to be issued specifying a fair rent under [a regulated tenancy] [a tenancy to which Part VI of the Rent Act 1977 applies] of the premises named in paragraph 1 above (after the completion of the works shown in the accompanying plans and specifications).

Signed [landlord] [landlord's agent]

Name and address of landlord

[If signed by agent, name and address of agent

Date

NOTES

1. Part VI of the Rent Act 1977 applies to tenancies where the landlord is a registered housing association or a housing trust or the Housing Corporation, which would otherwise be protected tenancies and which are not business tenancies.

2. As far as possible, the applicant should give an indication of the value of the furniture to be provided.

3. The Rent Officer cannot entertain the application unless item 13 has been completed (i.e. the rent specified by the applicant).

SCHEDULE 5

FORM No. 11

RENT ACT 1977

Schedule 11, paragraph 13.

Notice to Rent Officer of Grant of Regulated Tenancy or Tenancy to which Part VI of the Act applies

To the Rent Officer

1. Address of premises.

Strike out words in square brackets which do not apply.

2. The [regulated tenancy] [tenancy to which Part VI of the Act applies] of the above-named premises which it was proposed to grant, and in respect of which the rent was provisionally registered on has been granted on the terms indicated in the register to (name of tenant) and commenced on

Signed [landlord] [landlord's agent]

[Name of landlord if notice served by agent

Address of landlord

[Address of agent

Date

SCHEDULE 6

FORM No. 12

RENT ACT 1977

Notice to Tenant of Landlord's Application for Qualification Certificate for dwelling-house in good repair and provided with standard amenities Section 109(3).

(This form is not appropriate where the Council have approved an application for an improvement or standard grant under the Housing Act 1969 or an improvement or intermediate grant under the Housing Act 1974 and the work specified has been carried out.)

..... Council

To
.....
.....
(Name and address of tenant)

1. An application under section 108 of the Rent Act 1977 has been made to the Council by (name of landlord or landlord's agent) for a qualification certificate in respect of the dwelling-house at

2. The attached copy of the application is sent to you as the person named as the tenant of the above dwelling-house under a controlled tenancy.

3. Before a qualification certificate can be issued, the following qualifying conditions must be satisfied:—

- (i) The dwelling-house must be provided with all the standard amenities for the exclusive use of its occupants. These are:— Housing Act 1974 s.58
 - (a) a fixed bath or shower which must be in a bathroom unless this is not reasonably practicable;
 - (b) a wash-hand basin;
 - (c) a sink;
 - (d) a hot and cold water supply at each of the above;
 - (e) except where the dwelling-house is part of a larger building, a water closet which must be in, and accessible from within, the dwelling-house unless this is not reasonably practicable.
- (ii) the dwelling-house must be in good repair, taking into account its age, character and locality and disregarding internal decorative repair.
- (iii) The dwelling-house must be in all other respects fit for human habitation. A dwelling-house is fit for human habitation, according to the standard laid down in section 4 of the Housing Act 1957 as amended by section 71 of the Housing Act 1969, if it is reasonably suitable for occupation having regard to repairs, stability, freedom from damp, internal arrangement, natural Housing Act 1957 s.4
Housing Act 1969 s.71.

lighting, ventilation, water supply, drainage and sanitary conveniences, and facilities for preparation and cooking of food and for the disposal of waste water.

4. You may, within 28 days from the service of this Notice, make representations to the Council that the dwelling-house does not satisfy the above qualifying conditions. Any written representations should be sent to

5. After considering your representations, the Council will send you a copy of the qualification certificate, or of the notice of refusal.

Section 113
of the Rent
Act 1977.

6. Within 28 days of the service of the qualification certificate on you, or such longer period as the County Court may allow, you may appeal to the County Court against the issue of the certificate.

7. Subject to this right of appeal, the tenancy will become a regulated tenancy (and paragraphs 8–11 below apply) on the issue of the certificate, unless the dwelling-house is occupied partly for business (in which case paragraph 12 below applies).

Section 67
of the Rent
Act.

8. The change from a controlled to a regulated tenancy will not affect your security of tenure under the Rent Act. But it will enable the landlord to apply to the Rent Officer for the registration of a fair rent. If he does so you will then be given an opportunity to make representations about the rent to be registered, and any increase in rent above a certain amount will be recoverable only in stages, under the phasing provisions of the Act. Further details about the change to a regulated tenancy, and how this can affect your rent are given in a booklet "Controlled tenancies and how they can be converted to rent regulation". This is available free from a Rent Officer or a Citizen's Advice Bureau.

Section 114
of and
Schedule 9
to the Rent
Act.

9. Instead of applying to the Rent Officer it is open to you and the landlord to enter into an agreement yourselves. You will be free to agree not only the rent ultimately to be paid but also any phasing of the rent increase up to that rent. Particulars of any such agreement must however be entered on a prescribed form (form No. 13) which must be deposited with the Council.

Section 32
of and
Schedule 17
to the Rent
Act.

10. If the landlord carries out improvements to a dwelling-house where there is a controlled tenancy he is entitled to increase the rent by $12\frac{1}{2}\%$ of the amount (net of grant) spent by him on the improvements. If improvements have been carried out to your dwelling-house, and the rent has not so far been increased on account of them, the landlord will still be able on giving notice to charge this increase after the tenancy has become a regulated tenancy. But if a fair rent is fixed, the landlord will not be able to recover any increase on account of improvements in excess of the fair rent.

11. If you have difficulty in paying your rent, you may apply to the Council for a rent allowance. Details of the rent allowance scheme (and also of the rate rebate scheme) can be obtained from the local Council Offices.

12. Where a dwelling-house is occupied partly for business, then on the issue of a qualification certificate, the tenancy, instead of becoming a regulated tenancy, will normally have the protection of Part II of the Landlord and Tenant Act 1954. Further information about this is given in a booklet "Security of Tenure of Business Premises" available free from a Rent Officer or a Citizens' Advice Bureau.

Date
 Signature of authorised officer.

SCHEDULE 7

FORM No. 13

RENT ACT 1977

Particulars of Rent Agreement where Tenancy is converted from Rent Control to Rent Regulation. Section 52.

This form should be used where a tenancy is converted from a controlled tenancy to a regulated tenancy and the landlord and the tenant (or one of certain members of the tenant's family) wish to enter into an agreement to increase the rent. The form should also be used for a fresh agreement made less than 3 years after a first agreement of this type.

PART I

INFORMATION FOR LANDLORD AND TENANT

Both parties should read this carefully before entering into any rent agreement.

The effect of entering into a rent agreement

1. The tenant's security of tenure under the Rent Act 1977 will not be affected if he refuses to enter into the agreement with the landlord. Entering into the agreement does not deprive the tenant or landlord of the right to apply at any time to the Rent Officer for the registration of a fair rent under Part IV of the Rent Act 1977.

(NOTE: It is a statutory requirement that the statement in paragraph 1 be in characters not less conspicuous than those in any other part of the document.)

2. Whether or not he enters into the agreement the tenant will still enjoy security of tenure, and also the rights given by the Act to pass the tenancy on to a successor. There is no obligation on the tenant to enter into the agreement if he would prefer the landlord to get a fair rent registered. Even after an agreement has been entered into both the landlord and tenant still have the right to apply to the Rent Officer at any time and the rent registered will then (subject to phasing provisions and any adjustments for rates) be the maximum which can be charged.

Repairing obligations

3. Entering into a rent agreement will almost certainly affect the statutory repairing obligations of the landlord. Under sections 32 and 33 of the Housing Act 1961, where a dwelling-house is let for a term of less than 7 years, there is implied a covenant by the landlord—

- (a) to keep in repair the structure and exterior of the dwelling-house (including drains, gutters and external pipes); and also
- (b) to keep in repair and proper working order the installations in the dwelling-house:—
 - (i) for the supply of water, gas and electricity, and for sanitation (including basins, sinks, baths and sanitary conveniences but not—except for those previously mentioned—fixtures, fittings and appliances for making use of the supply of water, gas or electricity); and
 - (ii) for space heating or heating water.

These obligations fall upon the landlord, even if they were not included in the terms of the lease or the tenant has covenanted to perform them, unless the County Court, with the consent of the parties, permits otherwise. Tenancies in existence before the Housing Act 1961 was passed (including almost all controlled tenancies) were not covered by these provisions. Entering into a rent agreement will have the effect of creating a new tenancy to which section 32 may apply.

4. An agreement to increase the rent cannot take effect until the controlled tenancy has been converted into a regulated tenancy, either—

Rent Act
1977
Part VIII.

- (a) on the issue of a “qualification certificate” by the local authority. The authority will only issue such a certificate where the landlord has applied for it and they are satisfied that the dwelling-house has all the standard amenities, is in good repair and fit for human habitation; or

Rent Act
1977 s.18(3).

- (b) when the tenancy passes to a “second successor”. A controlled tenancy can pass, on the death of the original tenant, to his widow or to a member of his family in certain circumstances. The Rent Act allows for the tenancy to be passed on a second time in this way, but it then automatically becomes a regulated tenancy.

How tenancies are converted to regulation is explained more fully in a booklet “Controlled Tenancies and how they can be converted to rent regulation” available free from Council Offices, a Citizens’ Advice Bureau or a Rent Officer.

Informing the Local Authority

Rent Act
1977 s.54(1).

5. If the tenant agrees to the terms of the agreement and signs the declaration at the end of this form the landlord must give him a copy and give the signed form to the local Council at least 28 days before the agreement takes effect. If he does not do this, the rent under the agreement will not be recoverable. The Council will write to both landlord and tenant acknowledging receipt and stating that the rent cannot be increased under the agreement until 28 days from the date the Council received the agreement. The agreement will be available for

public inspection at the Council Office from 7 days after it has been received by the Council. The Council have the power to apply to the Rent Officer at any time for the consideration of the fair rent for a dwelling-house. Rent Act
1977 s. 68.

Rent Registration

6. If the tenant does not agree to the rent proposed by the landlord in the agreement the rent cannot be increased (except for services, furniture, improvements or rates) until a fair rent has been registered by the Rent Officer. In deciding what would be a fair rent the Rent Officer would take into account all the relevant facts, including the state of repair of the dwelling-house. The fair rent would be lower if the dwelling-house were in disrepair than if it were in good repair, unless the disrepair were due to the failure of the tenant to carry out repairs for which he was responsible. If the tenant has himself improved the dwelling over and above his obligations, the Rent Officer would assess the fair rent as if those improvements had not been made. The tenant or landlord can find out what rents have been registered for other properties in the area from the Rent Register which is open to public inspection at the office of the Rent Officer.

Rent phasing where the rent is registered

7. If a rent were registered, the tenant would not normally have to pay the whole of any increase from the controlled rent straight away. The increase would be phased in up to 3 equal annual stages. There are two similar systems of phasing which may apply, depending on whether the tenancy is converted from a controlled tenancy on the issue of a qualification certificate, or on second succession (see paragraph 4 above). The phasing provisions are explained in detail in the booklets "Controlled Tenancies and how they can be converted to rent regulation" (referred to in paragraph 4 above), and "Regulated Tenancies: your rents, rights and responsibilities", available from the same sources.

8. Except where the tenancy has become converted on second succession, if a rent agreement has taken effect and a fair rent is later registered by the Rent Officer, the rent which can be charged will be calculated as if the phasing had begun when the rent agreement originally took effect. If this results in a decrease in rent, this normally takes effect from the date of application to the Rent Officer. But the landlord cannot recover any increase from a date earlier than the date when the rent is registered.

Rent Allowances

9. If the tenant has difficulty in paying his rent he may apply to the Council for a rent allowance. Details of the rent allowance scheme (and also of the rate rebate scheme) can be obtained from the local Council Officer. If the tenant applies for a rent allowance the Council will consider whether the rent in the rent agreement is higher than a fair rent would be. If, in their view, it is higher the Council must calculate the allowance on what they think the fair rent would be. The Council may if they wish ask the Rent Officer to consider the fair rent for the dwelling.

Further rent agreements

10. If the landlord and tenant enter into a rent agreement and within 3 years wish to enter into another agreement increasing the rent (except to take account of increased rates) a form the same as this must be completed and signed and given to the Council. This requirement applies where the agreement is with the same tenant or any member of the tenant's family who might succeed him as the statutory tenant, whether or not there has been a change of landlord. If the new agreement is entered into more than three years after the first one took effect different rules apply. These are explained in the booklet "Regulated Tenancies: your rents, rights and responsibilities", referred to in paragraph 7 above.

PART II

RENT ACT 1977, SECTION 52(6)

Particulars of the Agreement and of the Dwelling-house

- 1. Address of dwelling-house
- 2. Landlord's name and address
- 3. Tenant's name and address
- if different from above
- 4. Description of dwelling-house let (including the number of rooms and, if only part of a building, on which floor or floors)
- 5. Details of any accommodation shared with another occupier, stating whether shared with landlord or another tenant
- 6. Details of any services or furniture provided by the landlord or a superior landlord
- *7. Rent payable under the controlled tenancy, excluding rates:—
 £ per .
- 8. Is the rent agreement embodied in any written document?
Yes/No.
- 9. If the answer to 8 is "Yes":—
 Summary of the repairing obligations of landlord and tenant respectively and of the other terms of the tenancy. If these cannot be stated briefly a copy of the agreement may be attached to this form:

- 10. If the answer to 8 is "No":—
 (a) Is there to be any change in repairing obligations from those under the controlled tenancy, apart from any change as a result of the covenant implied by the Housing Act 1961 (see paragraph 3 in Part I above)?
- (b) What are to be the repairing obligations?
 landlord's obligations
- tenant's obligations
- (c) Is there to be any change in any other terms of the tenancy apart from rent? Yes/No.

*Strike out if there has been an earlier rent agreement and a form similar to this was deposited with the local authority.

(d) If "Yes", what are the changed terms?
.....
.....

(e) What is the term for which the tenancy is to be granted (i.e. is it a periodic tenancy, e.g. weekly, monthly, etc, or is it for a fixed term, and if so how long)?
.....
.....

*Even if the tenancy is a periodic one (for example weekly or monthly) the landlord and tenant can agree upon a series of rents to become payable on different dates.

11. The rent(s) under the agreement*

(a) £..... per from (date)
£..... per from (date)
£..... per from (date)

(b) Are these figures inclusive of rates? Yes/No If so, what is the present amount of the rates?
£..... per

12. Date on which the agreement is to take effect
(This will normally be the first date at item 11(a) above, unless the agreement specifies otherwise.)

13. Declaration by landlord and tenant

We, the undersigned, confirm that the above particulars correctly set out the relevant facts about the dwelling-house and the relevant terms of our agreement.

(Signed) landlord

(Signed) tenant

Date

SCHEDULE 8

PART I

Column 1 Regulations revoked	Column 2 References	Column 3 Extent of revocation
The Rent Regulation (Forms etc.) (Consolidation) Regulations 1973.	S.I. 1973/176	Regulations 4, 5, 7, 8, 11, 12 and 14.
The Rent Regulation (Forms etc.) (Amendment) Regulations 1973.	S.I. 1973/1539	Regulations 3, 5 and 7.
The Rent Regulations (Forms etc.) Regulations 1975.	S.I. 1975/541	Regulation 4.

PART II

Column 1 Regulations revoked	Column 2 References	Column 3 Extent of revocation
The Rent Regulation (Forms etc.) (Consolidation) Regulations 1973.	S.I. 1973/176	Regulations 1, 2, 3, 6, 9, 10, 13 and 15 (the remainder of the Regulations).
The Rent Regulation (Forms etc.) (Amendment) Regulations 1973.	S.I. 1973/1539	Regulations 1, 2, 4, and 6 (the remainder of the Regulations).
The Rent Regulation (Forms etc.) Regulations 1975.	S.I. 1975/541	Regulations 1, 2 and 3 (the remainder of the Regulations).

20th March 1978

Peter Shore
Secretary of State for the Environment.

22nd March 1978

John Morris
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations supersede the Rent Regulation (Forms etc.) (Consolidation) Regulations 1973, the Rent Regulation (Forms etc.) (Amendment) Regulations 1973 and the Rent Regulation (Forms etc.) Regulations 1975. They prescribe the forms to be used for the purposes of Part III (rents under regulated tenancies), Part IV (registration of rents), and section 109(3) (application for qualification certificate) of, and of Schedule 11 (applications for registration of rents) and Schedule 12 (certificates of fair rent) to, the Rent Act 1977 ("the 1977 Act"). This Act consolidates the provisions of the Rent Acts 1968 and 1974, the Housing Finance Act 1972 and the Housing Rents and Subsidies Act 1975 (together with certain other enactments) under which the previous regulations were made.
2. Schedule 1 to the Regulations contains a list of the prescribed forms.
3. Schedule 2 contains Forms 1-4, being the forms of notice of increase of rent under a regulated tenancy. They replace Forms 1-4A of the previous forms. They incorporate drafting amendments and include additional information particularly in respect of rent allowances. Forms 3 and 4 replace the previous Forms 3, 4 and 4A, and include provision for up to three annual rent increases to take account of phasing under Schedules 8 and 9 to the 1977 Act.
4. Schedule 3 contains the particulars of a tenancy which the Rent Officer is to enter in the register when he registers a fair rent under the 1977 Act. Regulation 5 provides that a fee of 25p is to be paid in order to obtain from the Rent Officer a certified copy of an entry in the register. The fee previously prescribed was 15p.
5. Schedule 4 contains Forms 5-10, being the forms of application to register rents, to obtain a certificate of fair rent and to cancel a registration of rent, and the form of notice by the Rent Assessment Committee requiring further information. These replace Forms 5-10 of the previous forms. Amendments have been made, one effect of which is that applicants are no longer required to state the rateable value of their premises. Explanatory notes have been added, where appropriate, concerning the date on which a previous registration of rent took effect, and concerning qualification certificates under section 109 of the 1977 Act.
6. Schedule 5 contains Form 11 which replaces the previous Form 11, and is the form of notice to the Rent Officer of the grant of a regulated tenancy or a tenancy to which Part VI of the 1977 Act applies.
7. Schedule 6 contains Form 12 which replaces the previous Form 12 and is the form of notice to be served by a local authority on a tenant under a controlled tenancy (pursuant to section 109 of the 1977 Act) following a landlord's application for a qualification certificate. The notice has been revised, and information about the tenant's right of appeal to the County Court has been added.

8. Schedule 7 contains Form 13 which is the form of document to be used where a landlord and tenant enter into a rent agreement following conversion of a tenancy from rent control to rent regulation and the particulars such a document is to contain. The document must be given to the local authority by the landlord. This Form, which replaces the previous Form 13, has been substantially amended, and now takes account of the repeal by the Housing Rents and Subsidies Act 1975 of provisions for the decontrol of controlled tenancies by reference to rateable value.

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