

1980 No. 1672 (S. 136)

**LANDLORD AND TENANT
RENT CONTROL, ETC. (SCOTLAND)**

The Rent Regulation (Forms etc.) (Scotland) Regulations 1980

Made - - - - - 30th October 1980

Laid before Parliament 11th November 1980

Coming into Operation 1st December 1980

In exercise of the powers conferred upon me by sections 35 and 46(1)(a) and (c) of the Rent (Scotland) Act 1971(a) as read with sections 50 and 51 respectively of the Housing (Financial Provisions) (Scotland) Act 1972(b), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Rent Regulation (Forms etc.) (Scotland) Regulations 1980 and shall come into operation on 1st December 1980.

Interpretation

2. In these regulations, unless the context otherwise requires—

“the Act of 1971” means the Rent (Scotland) Act 1971;

“the Act of 1972” means the Housing (Financial Provisions) (Scotland) Act 1972;

“rent agreement” means a rent agreement with a tenant having security of tenure within the meaning of section 42(1) of the Act of 1972 to which section 43 of that Act applies; and

“the register” means the register kept by the Rent Officer for the purposes of Part IV of the Act of 1971 and includes the separate part of the register under that Part of that Act kept for the purposes of section 61 of the Act of 1972.

Revocation

3. The Rent Regulation (Forms etc.) (Scotland) Regulations 1972(c) and the Rent Regulation (Forms etc.) (Scotland) (Amendment) Regulations 1975(d) are hereby revoked, except insofar as the forms therein prescribed are required to be used in connection with proceedings after the date on which these regulations come into force and consequent upon action taken before that date.

(a) 1971 c. 28.
(c) S.I. 1972/1221.

(b) 1972 c. 46.
(d) S.I. 1975/791.

Rent register

4. The particulars set out in Schedule 1 to these regulations shall be the particulars with regard to the tenancy which the register is required to contain in pursuance of section 39(2)(a) of the Act of 1971 or that section as applied by section 61(2) of the Act of 1972.

Rent agreements

5. The particulars set out in Schedule 2 to these regulations shall be the particulars which a rent agreement is required to contain in pursuance of section 43(5)(a) of the Act of 1972.

Forms

6. The forms set out in Schedule 3 to these regulations, or forms as near thereto as circumstances admit, shall be the forms to be used for the purposes of the Act of 1971 and the Act of 1972 in the cases to which those forms are applicable.

Fee for certified copy

7. For the purposes of section 39(3) of the Act of 1971 and of section 43(13) of the Act of 1972, the fee to be paid for a certified copy of an entry in the register or for a certified copy of a rent agreement shall be 35p.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
30th October 1980.

Regulation 4

SCHEDULE 1

PARTICULARS WITH REGARD TO THE TENANCY WHICH THE REGISTER IS REQUIRED TO CONTAIN

1. The names and addresses of landlord and tenant.
2. The name and address of landlord's agent.
3. Whether sections 60 to 63 and section 66 of the Act of 1972 (rent limit for dwellinghouses let by housing associations and the Housing Corporation) apply to the tenancy.
4. The furniture provided by the landlord.
5. The services provided by the landlord.
6. The respective liability of the landlord and the tenant for—
 - (a) the maintenance and repair of the dwellinghouse, and
 - (b) the rates in respect of the dwellinghouse.
7. A description of any part of the premises, comprised in the dwellinghouse which is used as a shop or office, or for business, trade or professional purposes.
8. Any other terms of the tenancy taken into consideration in determining a fair rent for the dwellinghouse.

Regulation 5

SCHEDULE 2

PARTICULARS WHICH A RENT AGREEMENT IS REQUIRED TO CONTAIN

1. A statement must be set out at the head of the agreement in characters not less conspicuous than those used in any other part of the agreement, in words to the following effect:—

The tenant's security of tenure under the Rent (Scotland) Act 1971 will not be affected if he refuses to enter into the agreement, and that entry into the agreement will not deprive the tenant or the landlord of the right to apply at any time to the rent officer for the registration of a fair rent, under Part IV of that Act. If a rent is so registered any increase in the rent may be subject to the annual limit prescribed by order made under section 37 of the Tenants' Rights Etc (Scotland) Act, 1980.
2. Declare that the tenant's attention has been drawn specifically to Notes 1 to 9 before he has entered into the rent agreement.
3. Name and address of landlord and tenant and of the respective agents (if any).
4. Address and description of the dwellinghouse (*Note 10*).
5. Current gross annual value of the dwellinghouse.
6. State the rent which is at present payable and whether it is exclusive/inclusive of rates borne by the landlord and, if inclusive, state the amount of rates included in the rent.

7. The date of commencement and duration of the tenancy.
8. The rental period.
9. State the respective liability of the landlord and the tenant for the maintenance and repair of the dwellinghouse.
10. State the proposed rent which is agreed and the instalments (if any) in which that rent is payable.
11. If the proposed rent is inclusive of rates borne by the landlord, state the amount of rates included in the rent.
12. State whether any services or furniture are provided by the landlord and the amount of the proposed rent which is considered to be fairly attributable to each of them.
13. If any part of the dwellinghouse is used as a shop or office, or for business, trade or professional purposes, state the amount of the proposed rent which is considered to be fairly attributable to that part.
14. State whether any change has occurred during the present tenancy in the condition of the dwellinghouse (*Note 2*) which is considered to be due to—
 - (a) any disrepair or other defect attributable to a failure by the tenant (including a former holder of the present tenancy) to comply with the terms of the tenancy, or
 - (b) any improvement, including the replacement of any fixture or fitting, carried out by the tenant, (including a former holder of the present tenancy), other than under the terms of the tenancy, or
 - (c) if any furniture is provided for use under the regulated tenancy, any deterioration in the condition of the furniture due to any ill-treatment by the tenant, any person lodging or residing with him, or any sub-tenant of his.

NOTES

(To be incorporated with the Particulars in any Rent Agreement and any Copy Thereof)

1. After the controlled tenancy has become converted into a regulated tenancy, the tenant is protected to ensure that the controlled rent may not be increased above the fair rent for the dwellinghouse.
2. In determining what is a fair rent for the dwellinghouse, section 42 of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971") as amended by section 47 of the Tenants Rights Etc (Scotland) Act 1980 provides that regard should be had to all the circumstances (except personal circumstances) and in particular to the current rents of comparable property in the area as well as to the age, character and locality and state of repair of the dwellinghouse and, if any furniture is provided for use under the tenancy, to the quantity, quality and condition of the furniture. There requires to be disregarded any scarcity element and any changes in the condition of the dwellinghouse which are mentioned in paragraph 14 of the particulars.
3. There are in general two main ways in which the controlled rent may be increased after the tenancy has become a regulated tenancy (other than for rates, services and improvements). These are either:—
 - (a) the landlord or the tenant or both may apply to the rent officer for the registration of a fair rent for the dwellinghouse, in which case any increase in rent up to the registered rent would be subject to the annual limit prescribed by order made under section 37 of the Tenants' Rights Etc. (Scotland) Act 1980.
 - (b) the landlord and the tenant may enter into a rent agreement which may be either an agreement increasing the rent payable under the existing contractual tenancy or the grant of another regulated tenancy at a higher rent than under the previous tenancy.

4. If after the landlord and tenant enter into a rent agreement, then, before it can take effect, it is, as explained in the following paragraphs, subject to the tacit approval of the rent officer to ensure that the rent agreed between the parties does not take effect if it exceeds what, in his opinion, is a fair rent for the dwellinghouse.

5. Section 43(6) of the Housing (Financial Provisions) (Scotland) Act 1972 (referred to hereafter as "the Act of 1972") provides that a rent agreement cannot take effect earlier than 28 days after it has been lodged by the landlord with the rent officer. At the same time as it is lodged with the rent officer, the landlord is required to serve a copy of the agreement on his tenant.

6. The rent agreement may only take effect after the expiry of that 28-day period if the rent officer does not, within that period, notify both the landlord and the tenant in writing that he proposes to treat it as a joint application for the registration of a fair rent for the dwellinghouse because he is satisfied that the rent payable under the agreement exceeds a fair rent for the dwellinghouse.

7. If the rent agreement takes effect, the rent officer is required to make it available for public inspection without charge and a certified copy of it may be obtained upon payment of the prescribed fee.

8. If the landlord fails to comply with any of the requirements of sections 42, or 43 of the Act of 1972 in connection with the rent agreement, the increase in rent may be recovered by the tenant.

9. If the landlord and tenant agree upon any further increases in rent, then, unless either the increase is solely on account of an increase in rates borne by the landlord or the new rent agreement takes effect more than three years after the first such agreement took effect, the rent agreement must also contain these particulars and be subject to the tacit approval of the rent officer as explained above.

10. The description of the dwellinghouse should include:—

- (a) the location of the flat, if the dwellinghouse is situated in tenement property;
- (b) the number of rooms comprised in the dwellinghouse and the use which is made of them;
- (c) any accommodation of which the tenant has shared use and state whether the sharing is with the landlord or with another tenant; and
- (d) a description of any part of the premises comprised in the dwellinghouse which is used as a shop or office, or for business, trade or professional purposes.

Regulation 6

SCHEDULE 3

LIST OF FORMS

<i>Form No.</i>	<i>Purpose</i>	<i>Statutory references</i>
1.	Notice of increase of unregistered rent under a regulated tenancy on account of an increase in rates borne by the landlord.	ss. 22(2) and 25 of the Act of 1971.
2.	Notice of increase of rent under a regulated tenancy where a rent has been registered after the conversion of the tenancy into a regulated tenancy under section 34 of the Housing (Financial Provisions) (Scotland) Act 1972 and there are restrictions on rent increases.	ss. 21(2) and 25 of the Act of 1971 and s. 37 of the Tenants' Rights Etc (Scotland) Act 1980
3.	Application for the registration of a rent, unsupported by a certificate of fair rent, where the dwellinghouse is or is to be let under a regulated tenancy.	s. 40 of the Act of 1971.

<i>Form No.</i>	<i>Purpose</i>	<i>Statutory references</i>
4.	Application for the registration of a rent, unsupported by a certificate of fair rent, where the dwellinghouse is let under a tenancy to which sections 60 to 63 and section 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply.	s. 40 of the Act of 1971 and s. 61 of the Act of 1972.
5.	Application for a certificate of fair rent where the dwellinghouse is or is to be let under a regulated tenancy.	s. 41(1) of the Act of 1971.
6.	Application for a certificate of fair rent where the dwellinghouse is or is to be let under a tenancy to which sections 60 to 63 and section 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply.	s. 41(1) of the Act of 1971 and s. 61 of the Act of 1972.
7.	Application for the registration of a rent, supported by a certificate of fair rent, where the dwellinghouse is or is to be let under a regulated tenancy.	s. 41(4) of the Act of 1971.
8.	Application for the registration of a rent, supported by a certificate of fair rent, where the dwellinghouse is or is to be let under a tenancy to which sections 60 to 63 and section 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply.	s. 41(4) of the Act of 1971 and s. 61 of the Act of 1972.
9.	Application for the cancellation of a registration.	ss. 44A and 44B of the Act of 1971.
10.	Notice requiring further information to be given to a rent assessment committee.	Paragraph 7 of Schedule 6 to the Act of 1971 and s. 61 of the Act of 1972.
11.	Notice of grant of a regulated tenancy.	Paragraph 13 of Schedule 6 to the Act of 1971.
12.	Notice of grant of a tenancy to which sections 60 to 63 and section 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply.	Paragraph 13 of Schedule 6 to the Act of 1971 and s. 61 of the Act of 1971.
13.	Application for the cancellation of a rent registered under section 89 of the Rent (Scotland) Act 1971 (Part VII Contract).	s. 91A of the Act of 1971.

FORM NO. 1

RENT (SCOTLAND) ACTS 1971 TO 1980

Notice of increase of unregistered rent under a regulated tenancy on account of an increase in rates borne by the landlord (Note 1)

To Date

1. The amount of the rent which is, at present, lawfully recoverable from you as tenant of the dwellinghouse situated at is £.....per.....

2. The rates in respect of the dwellinghouse are borne by the landlord and the amount of rates, as ascertained in accordance with Schedule 4 to the Rent (Scotland) Act 1971 (Note 2), which is included in the above rent, is £.....per.....(Note 3).

3. The rates for the dwellinghouse have been increased from £.....per annum to £.....per annum with effect as from and therefore the amount of the rates borne by the landlord, as ascertained in accordance with the said Schedule 4 (Note 2), is £.....for a rental period of

4. The landlord is entitled, in terms of section 22(1) of the Rent (Scotland) Act 1971, to increase the recoverable rent for any statutory period of the tenancy to take account of any increase in rates borne by the landlord for that period.

5. Accordingly I hereby give you notice that the rent lawfully recoverable from you as a tenant of the dwellinghouse is hereby increased by £.....per.....(Note 4) to £.....per....., with effect as from.....(Note 5).

Delete words in square brackets if they do not apply

[6. The new rent of £.....per.....will be payable for the dwellinghouse as from, the beginning of the first rental period after the service of this notice.

In addition, the sum of £....., being the arrears of the above increase from the date when it took effect, will be due from you on the day after the service of this notice.]

.....
(Signature of Landlord/Landlord's Agents)

.....
Address of Landlord/Landlord's Agents)

NOTES

(To be incorporated in the notice)

1. This notice of increase is required where:

- (a) the tenancy of the dwellinghouse is a regulated tenancy within the meaning of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971");
- (b) the tenancy of the dwellinghouse is a statutory tenancy within the meaning of the Act of 1971 or will become one as a result of the operation of this notice (Note 7);
- (c) no rent has been registered for the dwellinghouse, and
- (d) the rent payable for the dwellinghouse is inclusive of rates borne by the landlord.

In these circumstances section 22(1) of the Act of 1971 provides that the rent recoverable for any statutory period of the tenancy may, upon service of this notice, be increased to take account of any increase in rates borne by the landlord for that period.

2. Schedule 4 of the Act of 1971 provides that the amount of rates for any rental period should be ascertained by dividing the total rates payable for the whole rating period, in which the rent for that rental period is payable, by the number which is obtained by dividing the length of that rating period by the length of the rental period.

Until the local authority make their first demand for, or for an instalment of, the rates for a rating period, the amount of the rates for any rental period is to be calculated on the basis that the rates for that rating period continue to be the same as for the previous rating period.

When the local authority have made their first such demand or when they have made any subsequent demand during the rating period, the amount of the rates for any rental period must, if necessary, be recalculated, but any such recalculation cannot effect the ascertainment of rates for any rental period beginning more than six months before the date of service of the demand which gives rise to the recalculation.

3. If this is the first notice of increase of rent on account of rates which has been served for a statutory period of the regulated tenancy, insert the amount of the rates borne by the landlord for the last contractual period, that is, the last rental period beginning before the protected (i.e. contractual) tenancy came to an end and the tenancy became a statutory tenancy.

If this is the first such notice of increase which has been served for a statutory period of a tenancy which has been converted from being a controlled into a regulated tenancy, insert the amount of the rates borne by the landlord for the last rental period beginning before the conversion.

If this is not the first such notice of increase, insert the amount of the rates borne by the landlord for the rental period(s) to which the last previous notice of increase related.

4. Insert the amount of the difference between the amount of the rates included in the rent at present lawfully recoverable from the tenant and the amount of the rates borne by the landlord for the rental period(s) to which this notice of increase relates. This should be the difference between the amounts specified in paragraphs 2 and 3 of the notice.

Section 34 of the Act of 1971 provides that where, in ascertaining the amount of any difference with respect to rates, the rental periods to be compared are not of equal length, a period of one month is to be treated as equivalent to one-twelfth of a year and a period of a week as equivalent to one-fifty-second of a year.

5. The date to be inserted cannot be earlier than six months before the service of this notice of increase.

If this notice is served during a contractual period of the tenancy (that is, a rental period beginning before the protected tenancy comes to an end) the date to be inserted must be later than the date in which the tenancy could be brought to an end by a notice to quit served by the landlord at the same time as this notice (*Note 7*).

6. Paragraph 6 of the notice will only be required if the date from which the increase is to take effect is earlier than the date of service of this notice.

In that case, section 22(3) of the Act of 1971 provides that any rent unpaid shall become due on the day after the service of the notice.

7. If this notice is served during a contractual period of the regulated tenancy and the landlord, by serving a notice to quit at the same time as this notice, could bring the tenancy to an end before the date specified in this notice for the increased rent to take effect, section 25(3) of the Act of 1971 provides that this notice will operate to convert the tenancy into a statutory tenancy as from that date.

FORM NO. 2

RENT (SCOTLAND) ACTS 1971 TO 1980

Notice of increase of rent under a regulated tenancy where a rent has been registered under Section 43 of the Rent (Scotland) Act 1971 (Notes 1 and 2).

To Date

1. A rent of £..... per..... was registered on
(Note 3) as the fair rent for the dwellinghouse situated at
of which you are the tenant.

Delete words
in square
brackets if
they do not
apply

[2. In the register it is noted that the fair rent includes a sum attributable to the provision of services provided by the landlord and that "the noted amount" recorded by the Rent Officer is £..... (Note 6(a)).

3. Accordingly, I hereby give you notice that your rent will be increased from your present rent of £..... per..... to a new rent of £..... per..... and the date from which the new rent is to take effect is..... (Note 4).

Your new rent is made up of the following elements—

5) (a) the amount of the previous rent limit (Note	£..... per annum
ADD	
(b) permitted increase (Note 6) PLUS	£..... per annum
(c) the "noted amount" (if any)	£..... per annum
Total of the above, being the rent lawfully recoverable from you as tenant of the dwellinghouse	£..... per annum
Deduct the amount of the rent which as at present is lawfully payable by you as tenant of the dwellinghouse	£..... per annum
The amount of the increase is	£..... per annum

[4. It is noted in the register that the rates in respect of the dwellinghouse are borne by the landlord and, in terms of section 43(3) of the Rent (Scotland) Act 1971, the amount of the rates for any rental period, ascertained in accordance with Schedule 4 to that Act (Note 8), is recoverable from you in addition to the above rent for any statutory period of the tenancy, without service of any notice of increase. The amount of the rates which is at present lawfully recoverable from you, in addition to the above rent, is £..... per.....]

.....
(Signature of landlord/landlord's agents)

.....
(Address of landlord/landlord's agents)

NOTES

(To be incorporated in the notice)

1. This notice of increase is required where:—

- (a) the tenancy of the dwellinghouse is a regulated tenancy within the meaning of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971" as amended by the Rent Act 1974 (referred to hereafter as "the Act of 1974")); and
- (b) the tenancy of the dwellinghouse is a statutory tenancy or will become one as a result of the operation of this notice under the provisions of section 25(3) of the Act of 1971; and

- (c) a rent has been registered for the dwellinghouse which is higher than the rent at present payable.

In these circumstances the rent may only be increased by a notice of increase under Section 21(2)(b) (as read with section 25(3) of the Act of 1971). Section 37(2) of the Tenant's Rights Etc (Scotland) Act 1980 (referred to hereafter as "the Act of 1980") provides that the Secretary of State shall specify by order the maximum amount by which a rent may be increased. (*Note 6*).

2. Following registration the restrictions on rent increases imposed by the order referred to in Note 1(c) cannot be evaded by the landlord granting to the tenant or to any of his potential statutory successors a new tenancy of the dwellinghouse.

The restrictions imposed by the order are that the amount payable by way of rent for the last rental period beginning before the date of registration of the fair rent may be increased up to the registered rent by the amount of the "permitted increase" (*Note 6*) at each annual stage.

An annual stage is the period of 12 months beginning with the date of registration and with each subsequent anniversary of that date.

3. Insert the date upon which the rent determined by the Rent Officer or by the Rent Assessment Committee was registered for the dwellinghouse. The rent register may be inspected at the office of the Rent Officer.

4. The date to be inserted here must be a date which is not earlier than—
- (a) the date of registration which is specified in paragraph 1 of this notice; and
 - (b) four weeks before the date of service of this notice; and
 - (c) where an application for a fair rent (other than a joint application or following a change of circumstances) is made within the last three months of the period of three years commencing when the registration of a fair rent took effect, the first day after the expiry of that period of three years.

If this notice is served during a contractual period of the tenancy the date to be inserted must also be later than the date on which the tenancy could be brought to an end by a notice to quit served by the landlord at the same time as this notice (*Note 1(b)*).

5. The "previous rent limit" is the amount exclusive of the "noted amount" (if any) and of rates (ascertained in accordance with Schedule 4 to the Act of 1971) which for the last rental period beginning—

- (a) before the date of registration; or
 - (b) as the case may require, before each subsequent anniversary of that date,
- was payable by way of rent, having regard to the provisions of any enactment.

6. The "permitted increase" is the amount by which the rent for any rental period may be increased in accordance with the provisions of an order made under section 37(2) of the Act of 1980. The order currently in force provides that a rent may, subject to a maximum increase which would bring the rent payable up to the registered rent, be increased at each annual stage by the greater of the following—

- (a) £104; or
- (b) one-quarter of the previous rent limit (*Note 5*).

The "noted amount" (if any) is payable in addition to whichever of the sums mentioned in (a) or (b) above is payable in respect of the annual stage in question.

7. Schedule 4 to the Act of 1971 provides that the amount of rates for any rental period should be ascertained by dividing the total rates payable for the whole rating period, in which the rent for that rental period is payable, by the number which is obtained by dividing the length of that rating period by the length of the rental period.

Until the local authority make their first demand for, or for an instalment of, the rates for a rating period, the amount of the rates for any rental period is to be calculated on the basis that the rates for that rating period continue to be the same as for the previous rating period. When the local authority have made their first such demand or when they have made any subsequent demand during the rating period, the amount of the rates for any rental period must, if necessary, be recalculated, but any such recalculation cannot affect the ascertainment of rates for any rental period beginning more than six months before the date of service of the demand which gives rise to the recalculation.

FORM No. 3

RENT (SCOTLAND) ACTS 1971 TO 1980

Application for the registration of a rent unsupported by a certificate of fair rent where the dwellinghouse is let under a regulated tenancy (Notes 1 and 2).

Date

To the Rent Officer.

Delete words in square brackets if they do not apply

[I,] [We, jointly, (Note 3)] hereby apply, under section 40 of the Rent (Scotland) Act 1971 as amended by section 4(3) of and paragraph 7 of Schedule 1 to the Rent Act 1974, for the registration of a fair rent for the dwellinghouse, situated at under a regulated tenancy.

The rent proposed by the applicant for the dwellinghouse is £..... per.....(Note 4).

The following particulars are submitted.

Signed Signed
[Tenant/Tenant's agents] [Landlord/Landlord's agents]

A signature is required for or on behalf of both landlord and tenant only in the case of a joint application (Note 3).

THE PARTICULARS

(Please write in block letters or type and strike out words which do not apply)

1. Name and address of landlord and of his agents (if any).
2. Name and address of tenant and of his agents (if any).
3. Description of the dwellinghouse (Note 5).
4. Current gross annual value of the dwellinghouse.
5. The rent at present payable is £.....per....., exclusive/inclusive of rates borne by the landlord and if inclusive, state the amount of the rates included in the rent.
6. State the particulars of the tenancy:—
 - (a) The date on which the tenancy commenced; and
 - (b) Whether the tenancy is a short tenancy to which sections 34 to 36 of the Tenants' Rights Etc (Scotland) Act 1980 apply; and
 - (c) Whether the landlord supplies furniture under the tenancy; and
 - (d) The respective liability of the landlord and tenant for the maintenance and repair of the dwellinghouse; and
 - (e) Details of any services provided under the tenancy.
7. State whether any change has occurred during the present tenancy in the condition of the dwellinghouse or furniture which is claimed by the applicant(s) should be disregarded under sub-section 42(3) of the Rent (Scotland) Act 1971 (Note 6).
8. Where an improvement grant has been obtained from the local authority state whether this is the first registration since completion of the works.

9. If a rent has already been registered for the dwellinghouse state—
 - (a) the registration number (if known), and
 - (b) the date upon which the registration took effect, and
 - (c) if the application is made by the landlord or the tenant alone within 3 years of that date, state the grounds upon which the application is made (*Note 7*).
10. Specify the amount, if any, of the rent proposed to be registered which it is considered should be noted in the register as the amount fairly attributable to—
 - (a) the provision of any service by the landlord,
 - (b) the use of furniture provided by the landlord,
 - (c) the use of part of the premises comprised in the dwellinghouse as a shop or office or for business, trade or professional purposes.

NOTES

(To be incorporated in the application and any copy thereof.)

1. This form of application is required where—
 - (a) the tenancy of the dwellinghouse (being a dwellinghouse whose rateable value—
 - (i) did not exceed £200 on 23rd March 1965; or
 - (ii) if the entry in the valuation roll was made after that date but before 1st April 1978, did not exceed £200 when the value was first shown on the valuation roll; or
 - (iii) in any other case, does not exceed £600)is a regulated tenancy within the meaning of the Rent (Scotland) Act 1971 (referred to hereafter as “the Act of 1971”); and
 - (b) either the landlord or the tenant or both the landlord and the tenant jointly wish to apply to the Rent Officer for the registration of a rent for the dwellinghouse under the regulated tenancy; and
 - (c) the application is not, nor is required to be (*Note 2*), supported by a certificate of fair rent.

An application for the registration of a rent cannot be entertained at a time when there is in operation, with respect to the dwellinghouse, a condition relating to rent imposed under any of the enactments specified in section 40(5) of the Act of 1971.

2. A certificate of fair rent is applicable in a case where a landlord proposes to provide or to let a dwellinghouse on a regulated tenancy. After a certificate of fair rent has been issued on an application under Part I of Schedule 12 to the Act of 1971 (ie after the issue of a certificate of provisional approval), this form of application is not appropriate and the appropriate form may be obtained from the Rent Officer.

3. Where an application is made jointly by the landlord and the tenant, there is no right to have the matter referred to a rent assessment committee if the Rent Officer is satisfied that the rent proposed to be registered is a fair rent.

4. The rent specified should be a rent exclusive of any rates borne by the landlord but inclusive of any sums payable by the tenant for the use of furniture or for services provided by the landlord (section 43 of the Act of 1971).

5. The description of the dwellinghouse should include—
 - (a) the location of the flat, if the dwellinghouse is situated in tenement properties;
 - (b) the number of rooms comprised in the dwellinghouse and the use which is made of them;
 - (c) any accommodation of which the tenant has shared use and state whether the sharing is with the landlord or with another tenant, and
 - (d) a description of any part of the premises comprised in the dwellinghouse which is used as a shop or office or for business, trade, or professional purposes.

6. Any such changes in the condition of the dwellinghouse are required by section 42(3) of the Act of 1971, to be disregarded in determining a fair rent for the dwellinghouse. There is to be disregarded—

- (a) any disrepair or other defect attributable to a failure by the tenant (including a former holder of the present tenancy) to comply with the terms of the tenancy, or
- (b) any improvement, including the replacement of any fixture or fitting, carried out by the tenant (including a former holder of the present tenancy) other than under the terms of the tenancy, or
- (c) if any furniture is provided under the tenancy, any deterioration in the condition of the furniture due to any ill-treatment by the tenant, any person residing or lodging with him, or any sub-tenant of his.

7. In these circumstances, section 40(3) of the Act of 1971 provides that the Rent Officer can only entertain the application on the grounds that “since that date, there has been such a change in the condition of the dwellinghouse (including the making of any improvement therein), the terms of the tenancy, the quantity, quality or condition of any furniture provided for use under the tenancy (excluding any deterioration in that furniture due to fair wear and tear) or any other circumstances taken into consideration when the rent was registered or confirmed as to make the registered rent no longer a fair rent”. Where these circumstances do not apply an application made by the landlord alone may be entertained by the Rent Officer in the last three months of the three-year period commencing with the date when the previous registration took effect but in this case the new registration takes effect from the end of the three-year period.

FORM No. 4

RENT (SCOTLAND) ACTS 1971 TO 1980

Application for the registration of a rent unsupported by a certificate of fair rent where the dwellinghouse is let under a tenancy to which sections 60 to 63 and section 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply (Note 1)

Date

To the Rent Officer

[I,] [We, jointly, (Note 2)] hereby apply, under section 40 of the Rent (Scotland) Act 1971, as applied by section 61 of the Housing (Financial Provisions) (Scotland) Act 1972, for the registration of a fair rent for the dwellinghouse situated at..... under a housing association tenancy (Note 1).

Delete words in square brackets if they do not apply

The rent which it is proposed should be registered for the dwellinghouse is £.....per.....(Note 3).

The following particulars are submitted.

Signed..... [Landlord/Landlord's agents]

..... [Tenant/Tenant's agents]

THE PARTICULARS

(Please write in block letters or type and strike out words which do not apply)

- 1. Name and address of landlord and of his agents (if any).
2. Name and address of tenant and of his agents (if any).
3. Description of the dwellinghouse (Note 4).
4. Current gross annual value of the dwellinghouse.
5. The rent at present payable is £ per , exclusive/inclusive of rates borne by the landlord and, if inclusive, state the amount of the rates included in the rent.
6. State the particulars of tenancy (Note 5).
7. State whether any change has occurred during the present tenancy in the condition of the dwellinghouse (Note 6) which is claimed by the applicant(s) to be due to (a) any disrepair or other defect attributable to a failure by the tenant (including a former holder of the present tenancy) to comply with the terms of the tenancy, or (b) any improvement, including the replacement of any fixture or fitting, carried out by the tenant (including a former holder of the present tenancy) other than under the terms of the tenancy.
8. If a rent has already been registered for the dwellinghouse, state the date upon which the registration took effect (Note 7), and if the application is made by the landlord or the tenant alone within 3 years of that date, state the grounds upon which the application is made (Note 8).

9. Specify the amount, if any, of the rent proposed to be registered which it is considered should be noted in the register as the amount fairly attributable to the provision of any furniture or any service by the landlord.

NOTES

(To be incorporated in the application and any copy thereof)

1. This form of application is required where
 - (a) the tenancy of the dwellinghouse is one to which sections 60 to 63 and section 66 of the Housing (Financial Provisions) (Scotland) Act 1972 (referred to hereafter as "the Act of 1972") apply, that is a tenancy (referred to as "a housing association tenancy") where
 - (i) the interest of the landlord under that tenancy belongs to a housing association or to the Housing Corporation and
 - (ii) the tenancy would be a protected tenancy but for section 1(1)(a) or section 5 of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971"); and
 - (b) either the landlord or the tenant or both the landlord and the tenant jointly wish to apply to the rent officer for the registration of a rent for the dwellinghouse under the tenancy, and
 - (c) the application is not supported by a certificate of fair rent.

The application for the registration of a rent cannot be entertained at a time when there is in operation, with respect to the dwellinghouse, a condition relating to rent imposed under any of the enactments specified in section 40(5) of the Act of 1971.
2. Where an application is made jointly by the landlord and the tenant, there is no right to have the matter referred to a rent assessment committee if the rent officer is satisfied that the rent proposed to be registered is a fair rent.
3. The rent specified should be a rent exclusive of any rates borne by the landlord but inclusive of any sums payable by the tenant for the use of furniture or for services provided by the landlord (s. 43 of the Act of 1971, as applied by section 61 of the Act of 1972).
4. The description of the dwellinghouse should include:
 - (a) the location of the flat if the dwellinghouse is situated in tenement property;
 - (b) the number of rooms comprised in the dwellinghouse and the use which is made of them; and
 - (c) any accommodation of which the tenant has shared use and state whether the sharing is with the landlord or with another tenant.
5. The particulars of the tenancy which should be given are:—
 - (i) the date of commencement and duration of the tenancy;
 - (ii) the rental period;
 - (iii) any services or furniture provided by the landlord and the amount (if any) of the rent which is apportioned to them under the tenancy agreement;
 - (iv) the respective liability of the landlord and tenant for the maintenance and repair of the dwellinghouse; and
 - (v) any other terms of the tenancy (if these cannot be briefly stated a copy of the tenancy agreement may be attached).
6. In determining what is a fair rent for the dwellinghouse, any such changes in the condition of the dwellinghouse are required to be disregarded (s. 42(3) of the Act of 1971, as applied by section 61 of the Act of 1972).
7. Section 61(3) of the Act of 1972 provides that the registration of a rent for a housing association tenancy takes effect on the date of registration.

8. In these circumstances, section 40(3) of the Act of 1971, as applied by section 61 of the Act of 1972, provides that the rent officer can only entertain the application on the grounds that "since that date, there has been such a change in the condition of the dwellinghouse (including the making of any improvement therein), the terms of the tenancy or any other circumstances taken into consideration when the rent was registered or confirmed as to make the registered rent no longer a fair rent". Where these circumstances do not apply an application may be entertained by the Rent Officer in the last three months of the three-year period commencing with the date when the previous registration took effect but in this case the new registration takes effect from the end of the three-year period.

FORM No. 5

RENT (SCOTLAND) ACTS 1971 TO 1980

Application for a certificate of fair rent where the dwellinghouse is or is to be let under a regulated tenancy.

Date

To the Rent Officer

Delete words
in square
brackets if
they do not
apply

I hereby apply under [section 41(1) of] the Rent (Scotland) Act 1971 for a certificate of fair rent specifying a fair rent under a regulated tenancy of the dwellinghouse [to be] situated at
[after the completion of the works shown in the plans and specifications which accompany this application (*Note 1*).]

I propose that the rent to be specified in the certificate of fair rent should be £ per (*Note 2*).

The following particulars are submitted.

Signed.....
Applicant/Applicant's agents

THE PARTICULARS

(Please write in block letters or type and strike out words which do not apply)

1. Name and address of applicant and of his agents, (if any).
2. State the grounds upon which the application is made, that is whether the applicant is intending
 - (a) to provide a dwellinghouse by the erection or conversion of any premises,
 - (b) to make any improvements in the dwellinghouse, or
 - (c) to let on a regulated tenancy a dwellinghouse which is not at present subject to such a tenancy and, if a rent has been registered for such a dwellinghouse, the date upon which the registration took effect (*Note 3*).
3. If the grounds of the application are as stated in paragraphs 2(a) or (b) above give a brief description of the proposed works shown in the accompanying plans and specifications and state the estimated cost of the works.
4. In the case of an existing dwellinghouse, give a brief description of the dwellinghouse (*Note 4*) and state
 - (a) its current gross annual value, and
 - (b) its rateable value on 23rd March 1965 (or upon such later date as its rateable value was first shown on the valuation roll).
5. Where the dwellinghouse is already subject to a regulated tenancy, state
 - (a) the name of the tenant;
 - (b) the rent at present payable, £ per exclusive/
inclusive of rates borne by the landlord and, if inclusive, state the amount of rates included in the rent;
 - (c) the particulars of the tenancy (*Note 5*);

- (d) whether any change has occurred during the present tenancy in the condition of the dwellinghouse (*Note 6*) which is claimed by the applicant to be due to
- (i) any disrepair or other defect attributable to a failure by the tenant (including a former holder of the present tenancy) to comply with the terms of the tenancy, or
 - (ii) any improvement, including the replacement of any fixture or fitting carried out by the tenant (including a former holder of the present tenancy) other than under the terms of the tenancy.
6. Where paragraph 5 does not apply and it is proposed to grant a regulated tenancy, state (*Note 7*)
- (a) the proposed duration of the tenancy;
 - (b) the proposed rental period;
 - (c) the proposed respective liability of the landlord and the tenant for the maintenance and repair of the dwellinghouse;
 - (d) any service or furniture to be provided by the landlord;
 - (e) whether the rates will be borne by the landlord, and
 - (f) any other terms (a separate sheet may be attached if necessary).
7. Whether it is proposed to let the dwellinghouse on a short tenancy within the meaning of the Tenants' Rights Etc (Scotland) Act 1980.
8. State the amount, if any, of the rent proposed to be specified in the certificate of fair rent which it is considered should be noted on the certificate of fair rent as the amount fairly attributable to:—
- (a) the use of part of the premises comprised in the dwellinghouse as a shop or office or for business, trade or professional purposes;
 - (b) the use of furniture provided or to be provided by the landlord; and
 - (c) the provision of any service by the landlord.

NOTES

(To be incorporated in the application and any copy thereof)

1. These words are only required if the grounds of the application are as stated in paragraph 2(a) or (b) of the submitted particulars.
2. The rent specified should be a rent exclusive of rates borne by the landlord but inclusive of any sums payable by the tenant for the use of furniture or for services provided or to be provided by the landlord (section 43 of the Act of 1971).
3. The application cannot be entertained until three years after the date (if any) which is specified.
4. The description of the dwellinghouse should include
 - (a) the location of the flat, if the dwellinghouse is situated in tenement property;
 - (b) the number of rooms comprised in the dwellinghouse and the use which is or is to be made of them;
 - (c) any accommodation of which the tenant has or is to have shared use and state whether sharing is or is to be with the landlord or with another tenant and,
 - (d) a description of any part of the premises comprised in the dwellinghouse which is used as a shop or office or for business, trade or professional purposes.

5. The particulars of the tenancy which should be given are:—

- (i) the nature of the tenancy, that is whether it is a contractual/statutory tenancy;
- (ii) the date of commencement of the contractual/statutory tenancy;
- (iii) the duration of the contractual tenancy;
- (iv) the rental period;
- (v) any services or furniture provided by the landlord and the amount (if any) of the rent which is apportioned to them under the tenancy agreement;
- (vi) the respective liability of the landlord and tenant for the maintenance and repair of the dwellinghouse; and
- (vii) any other terms of the tenancy (if these cannot be briefly stated, a copy of the tenancy agreement may be attached).

6. In determining what is a fair rent for the dwellinghouse, any such changes in the condition of the dwellinghouse are required to be disregarded (section 42(3) of the Act of 1971).

7. Except in so far as other terms are specified, it will be assumed that the tenant will be liable for internal decorative repairs but for no others and that no services or furniture will be provided for him.

FORM No. 6

RENT (SCOTLAND) ACTS 1971 TO 1980

Application for a certificate of fair rent where the dwellinghouse is, or is to be, let under a tenancy to which sections 60 to 63 and section 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply (Note 1).

Date

To the Rent Officer

I hereby apply, under section 41(1) of the Rent (Scotland) Act 1971, as applied by section 61 of the Housing (Financial Provisions) (Scotland) Act 1972, for a certificate of fair rent specifying a fair rent under a housing association tenancy (Note 1) of the dwellinghouse [to be] situated at [after the completion of the works shown in the plans and specifications which accompany this application (Note 2)].

Delete words
in square
brackets if
they do not
apply

I propose that the rent to be specified in the certificate of fair rent should be £ per (Note 3).

The following particulars are submitted.

Signed.....
Applicant/Applicant's agents

THE PARTICULARS

(Please write in block letters or type and strike out words which do not apply)

1. Name and address of applicant and of his agents (if any).
2. State the grounds upon which the application is made, that is whether the applicant is intending
 - (a) to provide a dwellinghouse by the erection or conversion of any premises,
 - (b) to make any improvements in the dwellinghouse, or
 - (c) to let on a housing association tenancy a dwellinghouse which is not at present subject to such a tenancy and, if a rent has been registered for such a dwellinghouse, the date upon which the registration took effect (Note 4).
3. If the grounds of the application are as stated in paragraphs 2(a) or (b) above, give a brief description of the proposed works shown in the accompanying plans and specifications and specify the estimated cost of the works.
4. In the case of an existing dwellinghouse, give a brief description of the dwellinghouse (Note 5) and state its current gross annual value.
5. Where the dwellinghouse is already subject to a housing association tenancy, state
 - (a) the name of the tenant;
 - (b) the rent at present payable, £ per exclusive-inclusive of rates borne by the landlord, and, if inclusive, state the amount of rates included in the rent;
 - (c) the particulars of the tenancy (Note 6); and
 - (d) whether any change has occurred during the present tenancy in the condition of the dwellinghouse (Note 7) which is claimed by the applicant to be due to

- (i) any disrepair or other defect attributable to a failure by the tenant (including a former holder of the present tenancy) to comply with the terms of the tenancy or,
 - (ii) any improvement, including the replacement of any fixture or fitting, carried out by the tenant (including a former holder of the present tenancy) other than under the terms of the tenancy.
6. Where paragraph 5 does not apply and it is proposed to grant a housing association tenancy, state (*Note 8*)
- (a) the proposed duration of the tenancy;
 - (b) the proposed rental period;
 - (c) the proposed respective liability of the landlord and the tenant for the maintenance and repair of the dwellinghouse;
 - (d) any service or furniture to be provided by the landlord;
 - (e) whether the rates will be borne by the landlord; and
 - (f) any other terms (a separate sheet may be attached if necessary).
7. State the amount, if any, of the rent proposed to be specified in the certificate of fair rent which it is considered should be noted on the certificate of fair rent as the amount fairly attributable to any services or furniture provided or to be provided by the landlord.

NOTES

(To be incorporated in the application and any copy thereof.)

1. A tenancy to which sections 60 to 63 and section 66 of the Housing (Financial Provisions) (Scotland) Act 1972 (referred to hereafter as "the Act of 1972") apply is a tenancy (referred to as a "housing association tenancy") where
 - (a) the interest of the landlord under that tenancy belongs to a housing association or to the Housing Corporation; and
 - (b) the tenancy would be a protected tenancy but for section 1(1)(a) or section 5 of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971").
2. These words are only required if the grounds of the application are as stated in paragraph 2(a) or (b) of the submitted particulars.
3. The rent specified should be a rent exclusive of rates borne by the landlord but inclusive of any sums payable by the tenant for the use of furniture or for services provided or to be provided by the landlord (section 43 of the Act of 1971).
4. The application cannot be entertained until three years after the date (if any) which is specified.
5. The description of the dwellinghouse should include—
 - (a) the location of the flat, if the dwellinghouse is situated in tenement property;
 - (b) the number of rooms comprised in the dwellinghouse and the use which is, or is to be, made of them; and
 - (c) any accommodation of which the tenant has, or is to have, shared use and state whether sharing is or is to be with the landlord or with another tenant.
6. The particulars of the tenancy, which should be given are—
 - (a) the date of commencement and duration of the tenancy;
 - (b) the rental period;
 - (c) any services or furniture provided by the landlord and the amount (if any) of the rent which is apportioned to them under the tenancy agreement;
 - (d) the respective liability of the landlord and tenant for the maintenance and repair of the dwellinghouse; and

(e) any other terms of the tenancy (if this cannot be briefly stated, a copy of the tenant's agreement may be attached).

7. In determining what is a fair rent for the dwellinghouse, any such changes in the condition of the dwellinghouse are required to be disregarded (section 42(3) of the Act of 1971).

8. Except in so far as other terms are specified, it will be assumed that the tenant will be liable for internal decorative repairs but for no others and that no services or furniture will be provided for him.

FORM No. 7

RENT (SCOTLAND) ACTS 1971 TO 1980

Application for the registration of a rent, supported by a certificate of fair rent, where the dwellinghouse is or is to be let under a regulated tenancy.

Date

To the Rent Officer

I hereby apply, under section 41(4) of the Rent (Scotland) Act 1971, for the registration of a rent for the dwellinghouse situated at in accordance with the certificate of fair rent issued in respect of the dwellinghouse under a regulated tenancy on (Note 1). I enclose a copy of the certificate of fair rent.

The following particulars are submitted.

Signed.....
Applicant/Applicant's agents

THE PARTICULARS

(Please write in block letters or type and strike out words which do not apply)

1. Name and address of applicant and of his agents (if any).
2. State the current gross annual value of the dwellinghouse.
3. If the dwellinghouse was not subject to a regulated tenancy when the certificate of fair rent was issued, has a regulated tenancy now been granted (Note 2) and, if so, state—
 - (a) the name of the tenant;
 - (b) the date of commencement of the tenancy;
 - (c) the duration of the tenancy and the rental period; and
 - (d) whether the terms of the tenancy are shown as in the certificate of fair rent
 - (e) whether the dwellinghouse is let on a short tenancy within the meaning of the Tenants' Rights Etc (Scotland) Act 1980.
4. Where proposed works are specified in the certificate of fair rent, have those works been carried out in accordance with the plans and specifications which accompanied the application for the certificate of fair rent; and
5. Where proposed works are not specified in the certificate of fair rent, is the condition of the dwellinghouse the same as at the date of the certificate of fair rent.
6. Where any services or furniture are or are to be provided by the landlord, state the amount of the rent specified in the certificate of fair rent which the applicant considers is fairly attributable to such services or furniture, unless such amount is already noted on the certificate of fair rent.

NOTES

(To be incorporated in the application and any copy thereof)

1. Under section 41(4) of the Act of 1971, this application may only be made within three years of the date of the certificate of fair rent—

(a) by the landlord under such a regulated tenancy of the dwellinghouse as is specified in the certificate; or

(b) by a person intending to grant such a regulated tenancy.

An application for the registration of a rent cannot be entertained at a time when there is in operation, with respect to the dwellinghouse, a condition relating to rent imposed under any of the enactments specified in section 40(5) of the Act of 1971.

2. Under paragraph 13 of Schedule 6 to the Act of 1971, if a rent is registered in pursuance of this application which is made by a person who intends to grant a regulated tenancy, the registration is provisional only until it is granted, and is of no effect unless the rent officer is notified, in the prescribed manner, within one month from the date of registration or such longer time as the rent officer may allow, that it has been granted.

FORM NO. 8

RENT (SCOTLAND) ACTS 1971 TO 1980

Application for the registration of a rent, supported by a certificate of fair rent, where the dwellinghouse is or is to be let under a tenancy to which sections 60 to 63 and section 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply (Note 1).

Date

To the Rent Officer

I hereby apply under section 41(4) of the Rent (Scotland) Act 1971, as applied by section 61 of the Housing (Financial Provisions) (Scotland) Act 1972, for the registration of a rent for the dwellinghouse situated at
in accordance with the certificate of fair rent issued in respect of the dwellinghouse under a housing association tenancy (Note 1) on(Note 2).
 I enclose a copy of the certificate of fair rent.

The following particulars are submitted.

Signed.....
 Applicant/Applicant's agents

PARTICULARS

(Please write in block letters or type and strike out words which do not apply)

1. Name and address of applicant and of his agents (if any).
2. State the current gross annual value of the dwellinghouse.
3. If the dwellinghouse was not let on a housing association tenancy (Note 1) when the certificate of fair rent was issued, has such a tenancy now been granted (Note 3), and if so, state—
 - (a) the name of the tenant;
 - (b) the date of commencement of the tenancy;
 - (c) the duration of the tenancy and the rental period; and
 - (d) whether the terms of the tenancy are as shown in the certificate of fair rent.
4. Where proposed works are specified in the certificate of fair rent, have those works been carried out in accordance with the plans and specifications which accompanied the application for the certificate of fair rent.
5. Where proposed works are not specified in the certificate of fair rent, is the condition of the dwellinghouse the same as at the date of the certificate of fair rent.

NOTES

(To be incorporated in the application and any copy thereof)

1. A tenancy to which sections 60 to 63 and section 66 of the Housing (Financial Provisions) (Scotland) Act 1972 (referred to hereafter as "the Act of 1972") apply is a tenancy (referred to as "a housing association tenancy") where—

- (a) the interest of the landlord under that tenancy belongs to a housing association or to the Housing Corporation; and
- (b) the tenancy would be a protected tenancy but for section 1(1)(a) or section 5 of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971").

2. Under section 41(4) of the Act of 1971, as applied by section 61 of the Act of 1972, this application may only be made within three years of the date of the certificate of fair rent—

- (a) by the landlord under such a housing association tenancy of the dwellinghouse as is specified in the certificate; or
- (b) by a person intending to grant such a tenancy.

An application for the registration of a rent cannot be entertained at a time when there is in operation, with respect to the dwellinghouse, a condition relating to rent imposed under any of the enactments specified in section 40(5) of the Act of 1971, as applied by section 61 of the Act of 1972.

3. Under paragraph 13 of Schedule 6 to the Act of 1971, as applied by section 61 of the Act of 1972, if a rent is registered in pursuance of this application which is made by a person who intends to grant a housing association tenancy the registration is provisional only until it is granted and is of no effect unless the rent officer is notified, in the prescribed manner, within one month from the date of registration or such longer time as the rent officer may allow, that it has been granted.

FORM No. 9

RENT (SCOTLAND) ACTS 1971 TO 1980

Application for the cancellation of a registration.

Date

To the Rent Officer

Delete words in square brackets if they do not apply

[I] [We jointly] hereby apply, under [section 44A (Note 1)] [section 44B (Note 2)] of the Rent (Scotland) Act 1971, for the cancellation of the rent registered for the dwellinghouse situated at [We enclose a copy of our rent agreement (Note 1).] [The dwellinghouse is not currently let on a regulated tenancy (Note 2).]

The following particulars are submitted.

Signed.....

Landlord/Landlord's agents

.....

Tenant/Tenant's agents

PARTICULARS

(Please write in block letters or type and strike out works which do not apply)

- 1. State the date upon which the registration took effect. (Note 3)
- 2. Name and address of landlord and of his agents (if any).
- 3. If application is made under section 44B, the date on which the dwellinghouse ceased to be let on a regulated tenancy.

Particulars 4, 5, and 6 are required where application is made under section 44A

- 4. Name and address of tenant and of his agents (if any).
- 5. Current gross annual value of the dwellinghouse.
- 6. State
 - (a) whether any change has occurred in the condition of the dwellinghouse since the date of the registration and, if so,
 - (b) whether any such change occurred during the present tenancy which is claimed to be due to
 - (i) any disrepair or other defect attributable to a failure by the tenant (including a former holder of the present tenancy) to comply with the terms of the tenancy, or
 - (ii) any improvement (including the replacement of any fixture or fitting), carried out by the tenant (including a former holder of the present tenancy) other than under the terms of the tenancy.

NOTES

(To be incorporated in the application and any copy thereof)

1. If the application is made under section 44A of the 1971 Act it must be accompanied by a copy of the written rent agreement which has been made between the landlord and the tenant. A rent agreement is, by virtue of section 44A(9) of the Rent (Scotland) Act 1971, an agreement increasing the rent payable under a contractual regulated tenancy or the grant of a new regulated tenancy at a rent higher than that under the previous regulated tenancy.
2. Section 44B of the Rent (Scotland) Act 1971 as inserted by section 50 of the Tenants Rights Etc (Scotland) Act 1980 enables a registration to be cancelled where a dwelling-house has ceased to be let on a regulated tenancy.
3. The application cannot be entertained until 3 years after the date which is specified.

FORM No. 10

RENT (SCOTLAND) ACTS 1971 TO 1980

Notice requiring further information to be given to a Rent Assessment Committee.

Date

To

Delete words
in square
brackets if
they do not
apply

The application for the registration of a rent for the dwellinghouse situated atunder a [regulated tenancy] [tenancy to which sections 60 to 63 and section 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply (*Note 1*)], which was made by onhas been referred by the Rent Officer to this Rent Assessment Committee.

To enable the Committee to consider the matter referred to them they hereby, by virtue of paragraph 7(1)(a) of Schedule 6 to the Rent (Scotland) Act 1971, [as applied by section 61 of the Housing (Financial Provisions) (Scotland) Act 1972 (*Note 2*),] require you, the landlord/tenant of the dwellinghouse, to supply them, not later than, with the following information:—

You should send this information to the Clerk of the Committee at the following address

If you fail without reasonable cause to comply with this notice, paragraph 7(2) of the said Schedule 6, [as applied by the said section 61 (*Note 2*),] provides that 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.....

Clerk to the Committee

NOTES

(To be incorporated in the notice or any copy thereof)

1. A tenancy to which sections 60 to 63 and section 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply is a tenancy where

- (a) the interest of the landlord under that tenancy belongs to a housing association or to the Housing Corporation; and
- (b) the tenancy would be a protected tenancy but for section 5 of the Rent (Scotland) Act 1971.

2. These words are only required if the tenancy is one to which the said sections 60 to 63 and section 66 apply (*Note 1*).

FORM No. 11

RENT (SCOTLAND) ACTS 1971 TO 1980

Notice of grant of a regulated tenancy

Date

To the Rent Officer

A rent was registered on(Note) for the dwellinghouse situated atand, by virtue of paragraph 13 of Schedule 6 to the Rent (Scotland) Act 1971, the registration is provisional only until a regulated tenancy is granted.

I hereby notify you that a regulated tenancy of the dwellinghouse has been granted toin accordance with the particulars entered in the register. The tenancy commenced on

Signed
Landlord/Landlord's agents

Name and address of landlord and of his agents (if any)

.....
.....
.....

NOTES

(To be incorporated in the notice and any copy thereof)

Where a rent is registered in pursuance of an application supported by a certificate of fair rent by a person who intends to grant a regulated tenancy, the registration is of no effect unless the rent officer is notified, within one month from the date of registration or such longer time as the rent officer may allow, that the regulated tenancy has been granted.

FORM No. 12

RENT (SCOTLAND) ACTS 1971 TO 1980

Notice of grant of a tenancy to which sections 60 to 63 and section 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply (Note 1)

Date

To the Rent Officer

A rent was registered on(Note 2) for the dwellinghouse situated atand by virtue of paragraph 13 of Schedule 6 to the Rent (Scotland) Act 1971, as applied by section 61 of the Housing (Financial Provisions) (Scotland) Act 1972, the registration is provisional only until a housing association tenancy (Note 1) is granted.

I hereby notify you that a housing association tenancy of the dwellinghouse has been granted toin accordance with the particulars entered in the register. The tenancy commenced on

Signed Landlord/Landlord's agents

Name and address of landlord and of his agents (if any)
.....
.....

NOTES

(To be incorporated in the notice and any copy thereof)

1 A tenancy to which sections 60 to 63 and section 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply is a tenancy (referred to as "a housing association tenancy") where—

- (a) the interest of the landlord under that tenancy belongs to a housing association or to the Housing Corporation; and
- (b) the tenancy would be a protected tenancy but for section 5 of the Rent (Scotland) Act 1971.

2. Where a rent is registered in pursuance of an application supported by a certificate of fair rent by a person who intends to grant a housing association tenancy, the registration is of no effect unless the rent officer is notified, within one month from the date of registration or such longer time as the rent officer may allow, that the housing association tenancy has been granted.

FORM No. 13

RENT (SCOTLAND) ACTS 1971 TO 1980

Application for the cancellation of a rent registered under Section 89 of the Rent (Scotland) Act 1971 (Part VII Contract)

Date
To the Clerk to the Rent Assessment Committee

I hereby apply, under section 91A of the Rent (Scotland) Act 1971, for the cancellation of the rent registered for the dwellinghouse situated at ..(Note 1). The following particulars are submitted.

Signed.....
Landlord/Landlord's agents

PARTICULARS

1. State the date of registration of the rent (Note 2).
2. Name and address of landlord and of his agents (if any).
3. Date on which the dwelling ceased to be subject to a Part VII Contract.

NOTES

(To be incorporated in the application and any copy thereof)

1. Section 91A of the Rent (Scotland) Act 1971, as inserted by Section 51 of the Tenants Rights Etc (Scotland) Act 1980, enables a rent which has been registered by a Rent Tribunal or Rent Assessment Committee under Section 89 of the Act of 1971 to be cancelled if the dwellinghouse to which it relates has ceased to be subject to a contract to which Section 85 of the Act of 1971 applies (ie a Part VII contract).

2. The application cannot be entertained until 3 years after the date which is specified.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations supersede the Rent Regulation (Forms etc.) (Scotland) Regulations 1972 and the Rent Regulation (Forms etc.) (Scotland) (Amendment) Regulations 1975, which are revoked by Regulation 3.

Regulation 4 and Schedule 1 prescribe the particulars of a tenancy which a rent officer is required to enter in the register when he registers a rent for a dwelling-house.

Regulation 5 and Schedule 2 prescribe the particulars which are required to be contained in a rent agreement in pursuance of section 43(5)(a) of the Housing (Financial Provisions) (Scotland) Act 1972.

Regulation 6 and Schedule 3 prescribe the forms, or forms as near thereto as circumstances admit, which are to be used for the purposes of the Rent (Scotland) Act 1971 and the Housing (Financial Provisions) (Scotland) Act 1972 in the cases where those forms are applicable.

Forms Nos 1 and 2 of Schedule 3 are those to be used in certain cases where a landlord increases the rent under a regulated tenancy. Forms Nos 3 to 12 of Schedule 3 are those to be used in connection with applications for the registration of a rent or for a certificate of fair rent under a regulated tenancy or under a tenancy to which sections 60 to 63 and section 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply.

Regulation 7 prescribes a fee of 35p which is required to be paid to the rent officer to obtain a certified copy of an entry in the register or of a rent agreement.

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