

SCHEDULE 2

AMENDMENTS MAKING TRANSITIONAL PROVISION

Housing Act 1988(1)

8. After section 14 insert—

“Interim increase before 1st April 1994 of rent under assured periodic tenancies in certain cases where landlord liable for council tax

14A.—(1) In any case where—

- (a) under Part I of the Local Government Finance Act 1992 the landlord of a dwelling-house let under an assured tenancy to which section 13 above applies or a superior landlord is liable to pay council tax in respect of a dwelling (within the meaning of that Part of that Act) which includes that dwelling-house,
- (b) under the terms of the tenancy (or an agreement collateral to the tenancy) the tenant is liable to make payments to the landlord in respect of council tax,
- (c) the case falls within subsection (2) or subsection (3) below, and
- (d) no previous notice under this subsection has been served in relation to the dwelling-house,

the landlord may serve on the tenant a notice in the prescribed form proposing an increased rent to take account of the tenant’s liability to make payments to the landlord in respect of council tax, such increased rent to take effect at the beginning of a new period of the tenancy specified in the notice being a period beginning not earlier than one month after the date on which the notice was served.

(2) The case falls within this subsection if—

- (a) the rent under the tenancy has previously been increased by virtue of a notice under section 13(2) above or a determination under section 14 above, and
- (b) the first anniversary of the date on which the increased rent took effect has not yet occurred.

(3) The case falls within this subsection if a notice has been served under section 13(2) above before 1st April 1993 but no increased rent has taken effect before that date.

(4) No notice may be served under subsection (1) above after 31st March 1994.

(5) Where a notice is served under subsection (1) above, the new rent specified in the notice shall take effect as mentioned in the notice unless, before the beginning of the new period specified in the notice—

- (a) the tenant by an application in the prescribed form refers the notice to a rent assessment committee, or
- (b) the landlord and the tenant agree on a variation of the rent which is different from that proposed in the notice or agree that the rent should not be varied.

(6) Nothing in this section (or in section 14B below) affects the right of the landlord and the tenant under an assured tenancy to vary by agreement any term of the tenancy (including a term relating to rent).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Interim determination of rent by rent assessment committee

14B.—(1) Where, under subsection (5)(a) of section 14A above, a tenant refers to a rent assessment committee a notice under subsection (1) of that section, the committee shall determine the amount by which, having regard to the provisions of section 14(3A) above, the existing rent might reasonably be increased to take account of the tenant’s liability to make payments to the landlord in respect of council tax.

(2) Where a notice under section 14A(1) above has been referred to a rent assessment committee, then, unless the landlord and the tenant otherwise agree, the existing rent shall be increased by the amount determined by the committee with effect from the beginning of the new period specified in the notice or, if it appears to the committee that that would cause undue hardship to the tenant, with effect from such later date (not being later than the date the increase is determined) as the committee may direct.

(3) In any case where—

- (a) a rent assessment committee have before them at the same time the reference of a notice under section 13(2) above relating to a tenancy (in this subsection referred to as “the section 13 reference”) and the reference of a notice under section 14A(1) above relating to the same tenancy (in this subsection referred to as “the section 14A reference”); and

- (b) the committee propose to hear the two references together,

the committee shall make a determination in relation to the section 13 reference before making their determination in relation to the section 14A reference, and if in such a case the date specified in the notice under section 13(2) above is later than the date specified in the notice under section 14A(1) above, the rent determined under the section 14A reference shall not take effect until the date specified in the notice under section 13(2).

(4) In this section “rent” has the same meaning as in section 14 above; and section 14(4) above applies to a determination under this section as it applies to a determination under that section.”.