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SCHEDULES

SCHEDULE 11

APPLICATIONS FOR REGISTRATION OF RENT

PART I

APPLICATION UNSUPPORTED BY CERTIFICATE OF FAIR RENT

Procedure on application to rent officer

- 1 On receiving any application for the registration of a rent, the rent officer may, by notice in writing served on the landlord or on the tenant (whether or not the applicant or one of the applicants), require him to give to the rent officer, within such period of not less than 7 days from the service of the notice as may be specified in the notice, such information as he may reasonably require regarding such of the particulars contained in the application as may be specified in the notice.
- [^{F1}2 (1) Where the application is made jointly by the landlord and the tenant and it appears to the rent officer, after making such inquiry, if any, as he thinks fit and considering any information supplied to him in pursuance of paragraph 1 above, that the rent specified in the application is a fair rent, he may register that rent without further proceedings.
- (2) Where the rent officer registers a rent under this paragraph he shall notify the landlord and tenant accordingly.]]

Textual Amendments

- F1** Sch. 11 paras. 2-3A substituted (28.11.1980 as respects applications for the registration of a rent made after coming into operation of the amending Regulations) for Sch. 11 paras. 2, 3 by S.I. 1980/1696, reg. 2, Sch. 1 para. 1 (the broadly similar amendments made by Housing Act 1980 (c. 51), ss. 59(3), 153(4), Sch. 6 para. 2 are not now expected to be brought into operation and are not reproduced here, see Explanatory Note to S.I. 1980/1696)

- [^{F2}3 (1) In the case of an application which does not fall within paragraph 2 above, the rent officer shall serve on the landlord and on the tenant a notice inviting the person on whom the notice is served to state in writing, within a period of not less than seven days after the service of the notice, whether he wishes the rent officer to consider, in consultation with the landlord and the tenant, what rent ought to be registered for the dwelling-house.
- (2) A notice served under sub-paragraph (1) above on the person who did not make the application shall be accompanied—
- (a) by a copy of the application; and

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- (b) where, in pursuance of section 67(2)(b), the application was accompanied by details of the landlord's expenditure in connection with the provisions of services, by a copy of those details.]

Textual Amendments

F2 Sch. 11 paras. 2-3A substituted (28.11.1980 as respects applications for the registration of a rent made after coming into operation of the amending Regulations) for Sch. 11 paras. 2, 3 by S.I. 1980/1696, reg. 2, Sch. 1 para. 1 (the broadly similar amendments made by Housing Act 1980 (c. 51), ss. 59(3), 153(4), Sch. 6 para. 2 are not now expected to be brought into operation and are not reproduced here, see Explanatory Note to S.I. 1980/1696)

- [^{F3}3A If, after service of a notice by the rent officer under paragraph 3(1) above, no request in writing is made within the period specified in the notice for the rent to be considered as mentioned in that paragraph, the rent officer after considering what rent ought to be registered or, as the case may be, whether a different rent ought to be registered, may—
- (a) determine a fair rent and register it as the rent for the dwelling-house; or
 - (b) confirm the rent for the time being registered and note the confirmation in the register; or
 - (c) serve a notice under paragraph 4(2) below.

Textual Amendments

F3 Sch. 11 paras. 2-3A substituted (28.11.1980 as respects applications for the registration of a rent made after coming into operation of the amending Regulations) for Sch. 11 paras. 2, 3 by S.I. 1980/1696, reg. 2, Sch. 1 para. 1 (the broadly similar amendments made by Housing Act 1980 (c. 51), ss. 59(3), 153(4), Sch. 6 para. 2 are not now expected to be brought into operation and are not reproduced here, see Explanatory Note to S.I. 1980/1696)

- 4 [^{F4}(1) Where, in response to a notice served by the rent officer under paragraph 3(1) above, the landlord or the tenant states in writing that he wishes the rent to be considered as mentioned in that paragraph, the rent officer shall serve a notice under this paragraph.]
- (2) A notice under this paragraph shall be served on the landlord and on the tenant informing them that the rent officer proposes, at a time (which shall not be earlier than 7 days after the service of the [^{F5}notice, or 14 days in a case failing within paragraph 3(2)(b) above,] and place specified in the notice, to consider in consultation with the landlord and the tenant, or such of them as may appear at that time and place, what rent ought to be registered for the dwelling-house or, as the case may be, whether a different rent ought to be so registered.
 - (3) At any such consultation the landlord and the tenant may each be represented by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.
- [^{F6}(4) The rent officer may, where he considers it appropriate, arrange for consultations in respect of one dwelling-house to be held together with consultations in respect of one or more other dwelling-houses.]

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Textual Amendments

- F4** Sch. 11 para. 4(1) substituted (28.11.1980 as respects applications for the registration of a rent made after coming into operation of the amending Regulations) by S.I. 1980/1696, reg. 2, Sch. 1 para. 2 (the broadly similar amendment made by Housing Act 1980 (c. 51), ss. 59(3), 153(4), Sch. 6 para. 3 is not now expected to be brought into operation and is not reproduced here, see Explanatory Note to S.I. 1980/1696)
- F5** Words in Sch. 11 para. 4(2) substituted (28.11.1980 as respects applications for the registration of a rent made after coming into operation of the amending Regulations) by S.I. 1980/1696, reg. 2, Sch. 1 para. 3 (the broadly similar amendment made by Housing Act 1980 (c. 51), ss. 59(3), 153(4), Sch. 6 para. 4 is not now expected to be brought into operation and is not reproduced here, see Explanatory Note to S.I. 1980/1696)
- F6** Sch. 11 para. 4(4) inserted (28.11.1980 as respects applications for the registration of a rent made after coming into operation of the amending Regulations) by S.I. 1980/1696, reg. 2, Sch. 1 para. 4 (the broadly similar amendment made by Housing Act 1980 (c. 51), ss. 59(3), 153(4), Sch. 6 para. 5 is not now expected to be brought into operation and is not reproduced here, see Explanatory Note to S.I. 1980/1696)

5 After considering, in accordance with paragraph 4 above, what rent ought to be registered or, as the case may be, whether a different rent ought to be registered, the rent officer shall, as the case may require,—

- (a) determine a fair rent and register it as the rent for the dwelling-house; or
- (b) confirm the rent for the time being registered and note the confirmation in the register;

[^{F7}5A Where a rent has been registered or confirmed by the rent officer under paragraph 3A or 5 above, he shall] notify the landlord and the tenant accordingly by a notice stating that if, with 28 days of the service of the notice or such longer period as he or a rent assessment committee may allow, an objection in writing is received by the rent officer from the landlord or the tenant the matter will be referred to a rent assessment committee.

Textual Amendments

- F7** Words in Sch. 11 para. 5 substituted and renumbered as Sch. 11 para. 5A (28.11.1980 as respects applications for the registration of a rent made after coming into operation of the amending Regulations) by S.I. 1980/1696, reg. 2, Sch. 1 para. 5 (the broadly similar amendment made by Housing Act 1980 (c. 51), ss. 59(3), 153(4), Sch. 6 para. 6 is not now expected to be brought into operation and is not reproduced here, see Explanatory Note to S.I. 1980/1696)

- 6 (1) If such an objection as is mentioned in paragraph [^{F8}5A] above is received, then—
- (a) if it is received within the period of 28 days specified in that paragraph or a rent assessment committee so direct, the rent officer shall refer the matter to a rent assessment committee;
 - (b) if it is received after the expiry of that period the rent officer may either refer the matter to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer it.
- (2) The rent officer shall indicate in the register whether the matter has been referred to a rent assessment committee in pursuance of this paragraph.

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Textual Amendments

- F8** Word in [Sch. 11 para. 6\(1\)](#) substituted (28.11.1980 as respects applications for the registration of a rent made after coming into operation of the amending Regulations) by [S.I. 1980/1696, reg. 2, Sch. I para. 6](#) (the broadly similar amendment made by [Housing Act 1980 \(c. 51\), ss. 59\(3\), 153\(4\), Sch. 6 para. 7](#) is not now expected to be brought into operation and is not reproduced here, see Explanatory Note to [S.I. 1980/1696](#))

Determination of fair rent by rent assessment committee

- 7 (1) The rent assessment committee to whom a matter is referred under paragraph 6 above—
- (a) may by notice in the prescribed form served on the landlord or the tenant require him to give to the committee, within such period of not less than 14 days from the service of the notice as may be specified in the notice, such further information, in addition to any given to the rent officer in pursuance of paragraph 1 above, as they may reasonably require; and
 - (b) shall serve on the landlord and on the tenant a notice specifying a period of not less than [^{F9}7 days] from the service of the notice during which either representations in writing or a request to make oral representations may be made by him to the committee.
- (2) If any person fails without reasonable cause to comply with any notice served on him under sub-paragraph (1)(a) above, he shall be liable on a first conviction to a fine not exceeding £50 and on a second or subsequent conviction, to a fine not exceeding £100.
- (3) Where an offence under sub-paragraph (2) above committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager or secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Textual Amendments

- F9** Words substituted by [S.I. 1981/1783, reg. 3](#)

Modifications etc. (not altering text)

- C1** [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 35](#) (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

- 8 Where, within the period specified in paragraph 7(1)(b) above, or such further period as the committee may allow, the landlord or the tenant requests to make oral representations the committee shall give him an opportunity to be heard either in person or by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.
- 9 (1) The committee shall make such inquiry, if any, as they think fit and consider any information supplied or representation made to them in pursuance of paragraph 7 or paragraph 8 above and—

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- (a) if it appears to them that the rent registered or confirmed by the rent officer is a fair rent, they shall confirm that rent;
 - (b) if it does not appear to them that that rent is a fair rent, they shall determine a fair rent for the dwelling-house.
- (2) Where the committee confirm or determine a rent under this paragraph they shall notify the landlord, the tenant and the rent officer [^{F10}of their decision and on which it was made].
- (3) On receiving the notification, the rent officer shall, as the case may require, either indicate in the register that the rent has been confirmed or register the rent determined by the committee as the rent for the dwelling-house.

Textual Amendments

F10 Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 61(7)

Interim registration of rent

[^{F11}9A In this Schedule references to a fair rent in relation to an application under section 67A of this Act are references to the amount to be registered under section 70A(1)(b) of this Act.]

Textual Amendments

F11 Sch. 11 para. 9A inserted (1.4.1993) by [S.I. 1993/651](#), art. 2(2), [Sch. 2 para. 7](#)

VALID FROM 01/02/1999

[^{F12}Maximum Fair Rent

Textual Amendments

F12 [Sch. 11 para. 9B](#) and crossnote inserted (1.2.1999) by [S.I. 1999/6](#), art. 3, [Sch.](#)

^{F13}9B This Schedule has effect subject to article 2 of the Rent Acts (Maximum Fair Rent) Order 1999 and accordingly–

- (a) the rent officer, in considering what rent ought to be registered, shall consider whether that article applies; and
- (b) where a matter is referred to them, the committee shall consider whether that article applies and, where it does apply, they shall not, subject to paragraph (5) of that article, confirm or determine a rent for the dwelling-house that exceeds the maximum fair rent calculated in accordance with that article.]

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Textual Amendments

F13 Sch. 11 para. 9B inserted (1.2.1999) by S.I. 1999/6, art. 3, Sch.

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