

SCHEDULES

SCHEDULE 12

Section 69(3).

CERTIFICATES OF FAIR RENT

- 1 An application for a certificate of fair rent—
 - (a) must be in the prescribed form ;
 - (b) must state the rent to be specified in the certificate ;
 - (c) in the case mentioned in section 69(1)(a) of this Act (but not where the application is made under section 111(1) of this Act), must be accompanied by plans and specifications of the works to be carried out and, if the works to be carried out are works of improvement, must state whether the dwelling-house is for the time being subject to a regulated tenancy; and
 - (d) if any furniture is to be provided for use under a regulated tenancy of the dwelling-house, must contain the prescribed particulars with regard to any such furniture.
- 2 (1) If it appears to the rent officer that the information supplied to him is insufficient to enable him to issue a certificate of fair rent he shall serve on the applicant a notice stating that he will not entertain the application and that, if a request in writing to that effect is made by the applicant within 14 days from the service of the notice or such longer period as a rent officer or a rent assessment committee may allow, the rent officer will refer the application to a rent assessment committee.
(2) If such a request is made, then—
 - (a) if it is made within the 14 days referred to in sub-paragraph (1) above or a rent assessment committee so direct, the rent officer shall refer the application to a rent assessment committee;
 - (b) if it is made after the expiry of those 14 days, the rent officer may either refer the application to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer it.
- 3 If, in the case of an application made otherwise than under section 111(1) of this Act, it appears to the rent officer that the information supplied to him is sufficient and that the rent stated in the application would be a fair rent he may, unless the dwelling-house is subject to a regulated tenancy, issue a certificate specifying that rent and the other terms referred to in section 69(2) of this Act
- 4 (1) In the case of an application made under section 111(1) of this Act, the rent officer shall serve on the applicant a notice under sub-paragraph (3) below.
(2) If, in the case of any application made otherwise than under that section, it appears to the rent officer that the information is sufficient but either—
 - (a) he is not satisfied that the rent stated in the application would be a fair rent,
or
 - (b) the dwelling-house is subject to a regulated tenancy,he shall serve on the applicant a notice under sub-paragraph (3) below.

Status: This is the original version (as it was originally enacted).

- (3) A notice under this sub-paragraph shall state that the rent officer proposes, at a time (which shall not be earlier than 7 days after the service of the notice) and place specified in the notice, to consider in consultation with the applicant, if present at that time and place, what rent ought to be specified in the certificate.
- (4) At any such consultation the applicant may be represented by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.
- 5 After considering in accordance with paragraph 4 above what rent ought to be specified in the certificate, the rent officer shall determine a fair rent and shall serve on the applicant a notice stating that he proposes to issue a certificate specifying that rent, unless within 14 days from the service of the notice, or such longer period as the rent officer or a rent assessment committee may allow, the applicant requests in writing that the application should be referred to a rent assessment committee.
- 6 (1) If such a request as is referred to in paragraph 5 above is made, then—
- (a) if it is made within the period of 14 days referred to in that paragraph or a rent assessment committee so direct, the rent officer shall refer the application to a rent assessment committee;
- (b) if it is made after the expiry of those 14 days, the rent officer may either refer the application to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer it,
- (2) If no such request is made or if such a request is made but the application is not referred to a rent assessment committee, the rent officer shall issue the certificate.
- 7 (1) Where an application is referred to a rent assessment committee, then if the reference is under paragraph 2 above and it appears to the committee that the information supplied by the applicant to the rent officer is insufficient to enable a certificate of fair rent to be issued they shall notify the applicant accordingly.
- (2) In any other case where an application is referred to a rent assessment committee, they shall serve on the applicant a notice specifying a period of not less than 14 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.
- (3) Where, within the period specified under sub-paragraph (2) above or such further period as the committee may allow, the applicant 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.
- 8 (1) After considering any representation made to them in pursuance of paragraph 7 above, the committee shall determine a fair rent for the dwelling-house and shall notify the applicant and the rent officer accordingly.
- (2) On receiving the notification the rent officer shall issue to the applicant a certificate of fair rent, specifying the rent determined by the committee.
- 9 (1) Sub-paragraph (2) below shall apply where—
- (a) an application under this Schedule is made with respect to a dwelling-house which it is intended to improve and the dwelling-house is subject to a regulated tenancy, or
- (b) an application is made under section 111(1) of this Act.
- (2) Where this sub-paragraph applies—

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- (a) a notice under paragraph 4, 5, 7(2) or 8 above shall be served on the tenant as well as on the applicant and any notice served under paragraph 4, 5 or 7(2) above shall refer to consultation with, or, as the case may be, a request or representations by, the tenant as well as the applicant;
- (b) the tenant may make representations, request reference to a rent assessment committee and be present or represented in like manner as the applicant, and references in this Schedule to the applicant shall be construed accordingly; and
- (c) a copy of any certificate of fair rent issued in pursuance of the application shall be sent to the tenant.