
Status: This is the original version (as it was originally enacted).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

SCHEDULES

SCHEDULE 9

Sections 56, 114.

PHASING OF RENT INCREASES: CONVERTED TENANCIES AND IMPROVEMENTS

- 1 (1) This paragraph applies where a rent for a dwelling-house which is subject to a regulated tenancy is registered under Part IV of this Act and—
- (a) the registration is the first registration, and the tenancy has become a regulated tenancy by virtue of Part VIII of this Act, section 43 of the Housing Act 1969 or Part III of the Housing Finance Act 1972, or
 - (b) the registration is the first after the completion, during the existence of the regulated tenancy, of works towards the cost of which a grant was payable under Part I of the Housing Act 1969 or Part VII of the Housing Act 1974.
- (2) If the rent payable under the tenancy for any statutory period, or part of a statutory period, falling within the period of delay imposed by paragraph 2 below is less than the rent so registered, it shall not be increased by a notice of increase under section 45(2) of this Act except to the extent (if any) permitted under this Schedule ; and any such notice which purports to increase it further shall have effect to increase it to the extent so permitted but no further.
- (3) If after the tenancy becomes a regulated tenancy, or as the case may be after the completion of the works, and whether or not before the beginning of the period of delay, an agreement increasing the rent under the tenancy takes effect, the rent limit for any period of that tenancy (whether contractual or statutory), or part of such a period, falling within the period of delay shall be the amount to which, if the agreement had not been made, the rent could have been increased in accordance with this Schedule for a corresponding statutory period, or part of a statutory period.
- (4) in relation to such a contractual period or part the reference in section 71(3) of this Act to section 44(1) shall be construed as a reference to sub-paragraph (3) above.
- (5) Where sub-paragraph (3) above applies to a statutory period, or part of a statutory period, sub-paragraph (2) above shall not apply to that period or part.
- (6) Nothing in this Schedule shall prevent the rent being increased to the previous limit, calculated in accordance with paragraph 3 below, and nothing in this Schedule shall be taken to enable any rent to be increased above the amount registered.
- (7) Subject to sub-paragraph (6) above, the registration, during the period of delay, of a rent superseding, and lower than, the rent registered at die beginning of the period of delay shall not affect the amount by which the rent may be increased in the period of delay.
- 2 The period of delay shall begin with the date of registration, and its duration and the extent to which the rent may be increased in the period of delay, shall be as set out in the Table below where—
- " the step " means the excess of the rent registered at the beginning of the period of delay over the previous limit, and

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

" increase in recoverable rent for an improvement " means an increase in rent made by virtue of section 32 or 48(1) of, or paragraph 3 of Schedule 17 to, this Act, and

" add " means that for any rental period, or part of a rental period, beginning on or after the date as at which the addition is to be made the rent may be increased up to the previous limit, calculated in accordance with paragraph 3 below, with any previous addition under the Table, plus the specified addition,

and any reference to the addition of either a fraction of the step or a specified sum per week is a reference to an addition of whichever represents the greater increase of rent.

TABLE

PROGRESSION TO REGISTERED RENT FROM PREVIOUS RENT LIMIT

<i>Case</i>	<i>Phasing</i>
<p><i>Case A.</i> First registration of rent after tenancy becomes a regulated tenancy by virtue of Part VIII of this Act, section 43 of the Housing Act 1969 or Part III of the Housing Finance Act 1972 (except where one of the following cases applies).</p>	<p>Period of delay is 2 years.</p> <p>On date of registration add one third of the step, or £0.50 per week.</p> <p>One year after registration add one third of the step, or £0.50 per week.</p>
<p><i>Case B.</i> As in Case A, but in the 12 months ending with the date of registration there has been an increase in recoverable rent for an improvement of £0.50 per week or more.</p>	<p>Period of delay ends with second anniversary of the date of increase.</p> <p>On first anniversary of the date of increase add one half of the step, or £0.50 per week.</p>
<p><i>Case C.</i> As in Case A, but at a date more than 12 months before the date of registration but not more than 2 years before the date of application for registration there has been an increase in recoverable rent for an improvement of £0.50 per week or more.</p>	<p>Period of delay is one year.</p> <p>On date of registration add one half of the step, or £0.50 per week.</p>
<p><i>Case D.</i> As in Case A, but at the date of registration the landlord is entitled to serve (but has not served) a notice of increase under section 48(1) of, or paragraph 3 of Schedule 17 to, this Act which or which taken together, would increase the recoverable rent by £0.50 per week or more.</p> <p>Any such notice served before the date of registration which is not reflected in the previous limit as defined below because it has not taken effect shall be treated for the purposes of this Case as</p>	<p>Period of delay is 2 years.</p> <p>One year after date of registration add one half of the step, or £0.50 per week.</p>

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

<i>Case</i>	<i>Phasing</i>
<p>a notice which the landlord is entitled to serve.</p> <p><i>Case E.</i> As in Case A, but the date of registration is more than 3 months after the date of application for registration. If Case B, C or D applies this Case does not apply.</p> <p><i>Case F.</i> Works towards which a grant is payable or has been paid under Part I of the Housing Act 1969 or Part VII of the Housing Act 1974 are completed during a regulated tenancy of the dwelling-house. First registration after completion of the works.</p> <p><i>Case G.</i> As in Case F, but the registration (after completion of the works) is in a period of delay beginning with an earlier registration.</p> <p><i>Case H.</i> In the period of delay current under any of the Cases above the registration at the beginning of the period of delay is superseded by a later registration of a higher rent. If Case G applies this Case does not apply.</p>	<p>Period of delay ends 27 months after the date of application.</p> <p>On date of registration add one third of the step, or £0.50 per week.</p> <p>15 months after date of application add one third of the step, or £0.50 per week.</p> <p>Period of delay is 2 years.</p> <p>On date of registration add one third of the step, or £0.50 per week.</p> <p>One year after registration add one third of the step, or £0.50 per week.</p> <p>From the date of registration the limitation under the period of delay beginning with the earlier registration ceases to apply.</p> <p>A period of delay of 2 years shall begin with the later registration.</p> <p>On the date of the later registration add one third of the step, or £0.50 per week.</p> <p>One year after the later registration add one third of the step, or £0.50 per week.</p> <p>The step is from the previous limit for the earlier registration to the rent registered on the later registration, less any addition permitted in the part of the earlier period of delay before the second registration.</p> <p>No new period of delay arises on the later registration, and the duration of the current period of delay is unaffected.</p> <p>On the date of the later registration add the excess of the later registered rent over the earlier registered rent; in other respects the additions appropriate to the earlier registration are unaffected.</p>

Previous limit

- 3 (1) For the purposes of this Schedule the previous limit of a rent shall be taken to be the amount which at the date of registration was recoverable by way of the rent or would

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

have been so recoverable if all notices of increase authorised by this Act, the Rent Act 1968 or section 37(3) of the Housing Finance Act 1972 had been served.

- (2) Where the rent includes an amount payable in respect of rates, the amount so payable, ascertained in accordance with Schedule 5 to this Act, shall be deducted from the amount specified in sub-paragraph (1) above in calculating the previous limit of the rent.
- (3) In any case where Schedule 8 to this Act had effect, but has ceased to have effect by reason of the registration of a new rent after an improvement with respect to which a grant under Part I of the Housing Act 1969 or Part VII of the Housing Act 1974 is payable or has been paid, this Schedule shall apply as if the previous rent limit were the aggregate of the limit at the date of the earlier registration and any addition permitted under Schedule 8 to this Act in the portion of the earlier period of delay which elapsed before the later registration.

Agreements with tenants having security of tenure: tenancy granted between conversion or improvement and the registration of rent

- 4 (1) This paragraph applies where—
 - (a) in the period between the conversion or improvement and the registration of a rent, the tenant, or any person who might succeed him as a statutory tenant, becomes the tenant under a new regulated tenancy of the dwelling-house, and
 - (b) paragraph 1 above would have applied if the previous tenancy had continued and the new tenancy had not been granted.
- (2) The preceding provisions of this Schedule shall apply as if the said previous tenancy had continued, and the rent limit for any period (whether contractual or statutory) of the new regulated tenancy, or part of such a period, falling within the period of delay shall be the amount to which, if the original tenancy had continued, the rent payable thereunder could have been increased in accordance with this Schedule for a corresponding statutory period, or part of a statutory period.
- (3) In relation to such a contractual period or part the reference in section 71(3) of this Act to section 44(1) shall be construed as a reference to this paragraph.
- (4) In this paragraph "conversion or improvement" means the time when the tenancy mentioned in paragraph 1(1)(a) above becomes a regulated tenancy, or as the case may be the time when the works mentioned in paragraph 1(1)(b) above are completed.

Rent agreement taking effect between conversion or improvement and the registration of rent

- 5 (1) If, in the period between the conversion or improvement and the registration of a rent, a rent agreement with a tenant having security of tenure takes effect as respects the dwelling-house, and the landlord has conformed with the requirements of section 52(6) of this Act, or with sections 51 and 53 of this Act, then the preceding provisions of this Schedule shall apply as respects the period after the actual registration of rent as if the registration of rent had been on the date when the agreement took effect.
- (2) Where this paragraph applies, the Table in this Schedule shall have effect as if all the Cases, other than Cases A and F, were omitted.

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

(3) In this paragraph—

" conversion or improvement " has the same meaning as in paragraph 4 above;

" rent agreement with a tenant having security of tenure " has the meaning given by section 51(1) of this Act.

Tenancy granted after registration of rent to a tenant having security of tenure

- 6 Where during the period of delay in any Case the tenant, or any person who might succeed him as a statutory tenant, becomes the tenant under a new regulated tenancy of the dwelling-house, paragraph 4(2) above shall apply as it applies to a tenancy granted before the registration of a rent.

Supplemental

- 7 In ascertaining for the purposes of this Schedule whether there is any difference between amounts, or what that difference is, such adjustments shall be made as may be necessary to take account of periods of different lengths ; and for that purpose a month shall be treated as one-twelfth and a week as one-fifty-second of a year.

- 8 (1) In this Schedule "registration" means registration of a rent under Part IV of this Act, and " registered " shall be construed accordingly.

(2) Where a registration takes effect from a date earlier than the date of registration, references in this Schedule to the date of registration shall nonetheless be references to the later date.

(3) Where a rent designated or determined by a rent assessment committee is registered in substitution for a rent determined by the rent officer, the preceding provisions of this Schedule shall have effect as if only the rent designated or determined by the rent assessment committee had been registered; but the date of registration shall be deemed for the purposes of this Schedule (but not for the purposes of section 45(3) of this Act) to be the date on which the rent determined by the rent officer was registered.

(4) Where any provision of this Schedule imposes a rent limit for a statutory period, or part of a statutory period, falling within the period of delay, section 45(2) of this Act shall have effect in relation to that period, or part, as if for references to the registered rent there were substituted references to that rent limit.

- 9 This Schedule is subject to paragraph 3 of Schedule 20 to this Act.

Improvement works begun before 1972 to be disregarded for certain purposes

- 10 For the purposes of Cases B, C and D in the Table in this Schedule any improvement the works for which were begun before the year 1972 shall be disregarded, and accordingly if the effect of this paragraph is that one of those Cases does not apply, Case A shall apply instead.