

SCHEDULE 2

AMENDMENTS MAKING TRANSITIONAL PROVISION

Rent Act 1977(1)

3. After section 67 insert—

“Application before 1st April 1994 for interim increase of rent in certain cases where landlord liable for council tax

67A.—(1) Subject to subsection (4) below, an application under this section for the registration under section 70A of this Act of an increased rent for a dwelling-house may be made by the landlord or the tenant, or jointly by the landlord and the tenant, under a regulated tenancy of the dwelling-house in any case where—

- (a) under Part I of the Local Government Finance Act 1992 the landlord 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 the 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 application has been made under this section in relation to the dwelling-house.

(2) The case falls within this subsection if—

- (a) a rent has been registered under this Part of this Act before 1st April 1993,
- (b) the period of two years from the relevant date has not yet expired, and
- (c) since the relevant date there has been no such change in circumstances of a kind mentioned in paragraphs (a) to (d) of section 67(3) of this Act (other than circumstances relating to council tax) as to make the registered rent no longer a fair rent.

(3) The case falls within this subsection if an application under section 67 of this Act has been made before 1st April 1993 but has not been disposed of before that date.

(4) No application may be made under this section after 31st March 1994.

(5) Any such application must be in the prescribed form and must—

- (a) specify the rent which it is sought to register to take into account the tenant’s liability to make payments to the landlord in respect of council tax; and
- (b) contain such other particulars as may be prescribed.

(6) The provisions of Part I of Schedule 11 to this Act (as modified by the Regulated Tenancies (Procedure) Regulations 1980 and by the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1981) shall have effect with respect to the procedure to be followed on applications for the registration of rents.

(7) In this section “relevant date”, in relation to a rent which has been registered under this Part of this Act, has the same meaning as in section 67 of this Act.”(2).

(1) 1977 c. 42.

(2) See S.I.1980/1696 and S.I. 1981/1783.

Status: This is the original version (as it was originally made).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