

## SCHEDULE 2

### AMENDMENTS MAKING TRANSITIONAL PROVISION

#### **Rent Act 1977(1)**

5. After section 80 insert—

**“Reference before 1st April 1994 for interim increase of rent in certain cases where lessor liable for council tax**

**80A.—**(1) In any case where—

- (a) under Part I of the Local Government Finance Act 1992 the lessor under a restricted contract or any person having any title superior to that of the lessor is liable to pay council tax in respect of a hereditament which includes the dwelling to which the restricted contract relates,
- (b) under the terms of the restricted contract (or an agreement collateral to the contract) the lessee is liable to make payments to the lessor in respect of council tax,
- (c) the case falls within subsection (2) or subsection (3) below, and
- (d) no previous reference under this section in relation to the dwelling has been made to the rent tribunal,

the lessor or the lessee may, subject to subsection (4) below, refer the contract to the rent tribunal under this section for consideration of an increased rent.

(2) The case falls within this subsection if—

- (a) a rent has been entered in the register under section 79 of this Act before 1st April 1993,
- (b) the period of two years beginning on the date on which the rent was last considered by the tribunal has not yet expired, and
- (c) since that date there has been no such change in circumstances of a kind mentioned in paragraphs (a) to (d) of section 80 of this Act (other than circumstances relating to council tax) as to make the registered rent no longer a reasonable rent.

(3) The case falls within this subsection if a reference under section 77 or 80 of this Act has been made before 1st April 1993 but has not been disposed of before that date.

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

(5) Where a reference is made under this section—

- (a) the rent tribunal shall (after making such inquiry as they think fit and giving to each party to the contract an opportunity of being heard or of submitting representations in writing) increase the amount of the existing registered rent by such amount as is reasonable, having regard to the provisions of section 78(2A) of this Act, to take account of the lessee’s liability to make payments to the lessor in respect of council tax, and
- (b) the amount to be registered under section 79 of this Act as the rent of the dwelling shall be the existing registered rent plus the amount referred to in paragraph (a) above.

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

(6) Where in a case to which subsection (3) above applies a rent tribunal have before them at the same time a reference under section 77 or 80 of this Act and a reference under this section and the rent tribunal propose to entertain the two references together, the tribunal shall approve, reduce or increase the rent under the reference under section 77 or 80 before making their increase in relation to the reference under this section; and the reference in subsection 5(a) above to the existing registered rent shall have effect as a reference to the rent determined on the reference under section 77 or 80.

(7) In this section “hereditament” means a dwelling within the meaning of Part I of the Local Government Finance Act 1992.”.