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WELSH STATUTORY INSTRUMENTS

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**2003 No. 307 (W.46)**

**LANDLORD AND TENANT, WALES**

**The Assured Tenancies and Agricultural Occupancies  
(Forms) (Amendment) (Wales) Regulations 2003**

*Made - - - - 17th February 2003*

*Coming into force in accordance with Regulation 1(2)*

The National Assembly for Wales in exercise of the powers conferred upon the Secretary of State by sections 13(2) and 45(5) of the Housing Act 1988<sup>(1)</sup>, which are now vested in the National Assembly for Wales so far as exercisable in Wales <sup>(2)</sup>, hereby makes the following Regulations :

**Name, commencement and application**

1.—(1) These Regulations are called the Assured Tenancies and Agricultural Occupancies (Forms) (Amendment) (Wales) Regulations 2003.

(2) These Regulations come into force as follows —

- (a) Regulations 1 and 2 on 18th February 2003; and
- (b) Regulation 3 on 18th April 2003.

(3) These Regulations apply only in relation to premises situated in Wales.

**Amendment of Prescribed Forms**

2.—(1) The Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997<sup>(3)</sup> (“the 1997 Regulations”) are amended as follows.

(2) After regulation 3(da) of the 1997 Regulations insert the following two new sub-paragraphs —

- “(db) for a notice under section 13(2) proposing a new rent for an assured tenancy of premises situated in Wales, Form No. 4D;
- (dc) for a notice under section 13(2) proposing a new rent or licence fee for an assured agricultural occupancy of premises situated in Wales, Form No. 4E;”

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(1) 1988 c. 50. Section 13 of the Housing Act 1988 (“the 1988 Act”) has been amended by The Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003 (S.I. 2003/259). For the definition of “prescribed”, see section 45(1) of the 1988 Act. For provision regarding agricultural occupancies, see section 24 of the 1988 Act.

(2) The functions of the Secretary of State under s.13 are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), to which there are amendments not relevant to these Regulations.

(3) S.I. 1997/194.

(3) In the Schedule to the 1997 Regulations, after Form No. 4C insert the forms in the Schedule to these Regulations.

**Revocation and saving**

3.—(1) Form No. 4 set out in the Schedule to the 1997 Regulations is hereby revoked.

(2) Nothing in paragraph (1) above affects the validity of a notice under section 13(2) of the Housing Act 1988 (notice proposing a new rent) served before the coming into force of this regulation if, at the date of service of the notice, the notice was in Form No. 4 or in a form substantially to the same effect.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4)

17th February 2003

*D.Elis-Thomas*  
The Presiding Officer of the National Assembly

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(4) 1998 c. 38.

SCHEDULE

Regulation 2(3)

FORMS PRESCRIBED FOR THE PURPOSES OF SECTION 13(2) OF THE HOUSING ACT 1988

FORM No.4DHousing Act 1988 Section 13(2) as amended by the Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003Landlord’s Notice proposing a new rent under an Assured Periodic Tenancy of premises situated in Wales.

NOTE : This notice is to be in the language of the original tenancy agreement unless both the landlord and the tenant agree to the use of a different language.

The notes over the page give guidance to both landlords and tenants about this notice.

To: .....[tenant(s)]
of: .....[Address of the
.....premises subject
.....to the tenancy]
.....
.....
.....

From: .....[Landlord(s)]
[Landlord’s Agent]\*
\*delete as appropriate
.....[Address for
.....correspondence]
.....
.....[Contact
telephone number]

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

1. **This notice affects the amount of rent you pay.**  
Please read it carefully.

2. The landlord is proposing a new rent of £.....  
per [week] [month] [year]\*, in place of the existing one  
of £..... per [week] [month] [year]\*.

*\* delete as appropriate*

3. The first rent increase date after 18th April 2003 is  
..... (see note 10 over the page).

4. The starting date for the new rent will  
be..... (see notes 13-17 over the page).

5. Certain charges may be included and separately  
identified in your rent (see note 11 over the page). The  
amounts of the charges (if any) are:

| Charges               | Amount included and separately identified (enter "nil" if appropriate) |                          |
|-----------------------|--|--------------------------|
|                       | In the existing rent   | In the proposed new rent |
| Council tax           | £  | £                        |
| Water charges         | £  | £                        |
| Fixed service charges | £  | £                        |

6. If you accept the proposed new rent, you should make arrangements to pay it. If you do not accept it, there are steps you should take before the starting date in paragraph 4 above. **Please see the notes over the page for what to do next.**

Signed: .....[Landlord(s)]

[Landlord's Agent]\*

*\* delete as appropriate*

(see note 12 over the page)

Date : .....

**. Please read these notes carefully.**

GUIDANCE NOTES FOR TENANTS

*What you must do now*

1. This notice proposes that you should pay a new rent from the date specified in paragraph 4 of the notice. **If you are in any doubt or need advice about any aspect of this notice, you should immediately either discuss it with your landlord or take it to a citizens' advice bureau, a housing advice centre, a law centre or a solicitor.**

2. If you accept the proposed new rent, please make arrangements to pay it. If you pay by standing order through your bank, you should inform them that the amount has changed. You should also notify your Housing Benefit office, if you are claiming benefit. If you are worried that you might not be able to pay your rent, you should seek advice from a citizens' advice bureau or housing advice centre.

3. If you do **not** accept the proposed new rent, and do not wish to discuss it with your landlord, you can refer this notice to your local rent assessment committee. **You must do this before the starting date of the proposed new rent in paragraph 4 of the notice.** You should notify your landlord that you are doing so, otherwise he or she may assume that you have agreed to pay the proposed new rent.

4. To refer this notice to the local rent assessment committee, you must use the form *Application referring a notice proposing a new rent under an Assured Periodic Tenancy or Agricultural Occupancy to a Rent Assessment Committee*. You can obtain this from a rent assessment panel, housing advice centre or legal stationer (details can be found in the telephone directory).

5. The rent assessment committee will consider your application and decide what the maximum rent for your home should be. In setting a rent, the committee must decide what rent the landlord could reasonably expect for the property if it were let on the open market under a new tenancy on the same terms. The committee may therefore set a rent that is higher, lower or the same as the proposed new rent.

GUIDANCE NOTES FOR LANDLORDS ON HOW TO COMPLETE THE NOTICE

6. You can complete this notice in ink or arrange for it to be printed.

7. This notice should be used when proposing a new rent under **an assured periodic tenancy (including an assured shorthold periodic tenancy) of premises situated in Wales**. There is a different notice (Form 4E — *Landlord's or Licensor's Notice proposing a new rent or licence fee under an Assured Agricultural Occupancy of premises situated in Wales*) for proposing a new rent or licence fee for an assured agricultural occupancy of premises situated in Wales.

8. Do not use this notice if the tenancy agreement contains a term allowing rent increases, or there is some other basis such as a separate agreement with the tenant for raising the rent. Any provision you rely on needs to be binding on the tenant. Legal advice should be sought if there is any doubt on this score.

9. You need to use a different form to propose a rent increase for a statutory periodic tenancy (the first exception mentioned in note 16) if you are seeking to adjust rent solely because of a proposed change of terms under section 6(2) of the Housing Act 1988. Seek legal advice if you think this may apply to you. You can obtain the form headed *Notice proposing different terms for a Statutory Periodic Tenancy* from a rent assessment panel or a legal stationer.

10. Unless the tenancy is a new one, or one of the exceptions mentioned in note 16 applies, you must insert in paragraph 3 of the notice the first date after 18th April 2003 on which rent was increased under this statutory notice procedure. That date determines the date that you can specify in paragraph 4 of the notice. See also note 15.

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**11.** You should enter in each of the boxes in the second and third columns of the table in paragraph 5 either “Nil” or the amount of the existing or proposed charge. You should only enter amounts for council tax and water rates where the tenant does not pay these charges directly. You should only enter fixed service charges which are payable by the tenant in accordance with a term or condition which specifies that these charges will be included in the rent for the tenancy. Only enter an amount for service charges where the tenant has agreed to pay a **fixed** sum. Do **not** include in the table any **variable** service charge, i.e. a service charge within the meaning of section 18 of the Landlord and Tenant Act 1985, where the whole or part of the sum payable by the tenant varies or may vary according to **costs**.

**12.** You or your agent (someone acting on your behalf) must sign and date this notice. If there are joint landlords, each landlord must sign unless one signs on behalf of the rest with their agreement. The signature does not have to be hand-written if, for instance, the form is being printed or if you wish to use a laser or autosignature.

WHEN THE PROPOSED NEW RENT CAN START

**13.** The date in paragraph 4 of the notice must comply with the three requirements of section 13(2) of the Housing Act 1988, as amended by the Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003.

**14.** The **first requirement**, which applies in **all** cases, is that a minimum period of notice must be given before the proposed new rent can take effect. That period is:

- one month for a tenancy which is monthly or for a lesser period, for instance weekly or fortnightly;
- six months for yearly tenancy;
- in all other cases, a period equal to the length of the period of the tenancy — for example, three months in the case of a quarterly tenancy.

**15.** The **second requirement** applies in **most** cases (but see note 16 for two exceptions):

- (a) the starting date for the proposed new rent must not be earlier than 52 weeks after the date on which the rent was last increased using this statutory notice procedure or, if the tenancy is new, the date on which it started, **unless**
- (b) that would result in an increase date falling one week or more before the anniversary of the date in paragraph 3 of the notice, in which case the starting date must not be earlier than 53 weeks from the date on which the rent was last increased.

This allows rent increases to take effect on a fixed day each year where the period of a tenancy is less than one month. For example, the rent for a weekly tenancy could be increased on, say, the first Monday in April. Where the period of a tenancy is monthly, quarterly, six monthly or yearly, rent increases can take effect on a fixed date, for example, 1st April.

**16.** The two exceptions to the second requirement, which apply where a statutory tenancy has followed on from an earlier tenancy, are:

- where the tenancy was originally for a fixed term (for instance, 6 months), but continues on a periodic basis (for instance, monthly) after the term ends; and
- where the tenancy came into existence on the death of the previous tenant who had a regulated tenancy under the Rent Act 1977.

In these cases the landlord may propose a new rent at once. However, the first and third requirements referred to in notes 14 and 17 must still be observed.

**17.** The **third requirement**, which applies in **all** cases, is that the proposed new rent must start at the beginning of a period of the tenancy. For instance, if the tenancy is monthly, and started on the 20th of the month, rent will be payable on that day of the month, and a new rent must begin then,

not on any other day of the month. If the tenancy is weekly, and started, for instance, on a Monday, the new rent must begin on a Monday.

FORM No.4EHousing Act 1988 Section 13(2) as amended by the Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003Landlord’s or Licensor’s Notice proposing a new rent or licence fee under an Assured Agricultural Occupancy of premises situated in Wales.

**NOTE : This notice is to be in the language of the original tenancy agreement unless both the landlord and the tenant agree to the use of a different language.**

The notes over the page give guidance to both landlords and tenants about this notice.

This notice may also be used by licensors to give notice proposing a new licence fee. In that case, references in this form and in the notes over the page to landlords, tenants, tenancy and rent should be read as references to licensors, licensees, licence and licence fees, respectively.

To: .....[Tenant(s)]  
of: .....[Address of the  
.....premises subject  
.....to the tenancy]  
.....  
.....  
.....

From: .....[Landlord(s)]  
[Landlord’s Agent]\*  
*\*delete as appropriate*  
.....[Address for  
.....correspondence]  
.....  
.....  
.....[Contact  
telephone number]

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

1. **This notice affects the amount of rent you pay.**  
Please read it carefully.

2. The landlord is proposing a new rent of £.....  
per [week] [month] [year]\*. in place of the existing one  
of £..... per [week] [month] [year]\*.

*\* delete as appropriate*

3. The starting date for the new rent will be  
.....(see notes 12-16 over the page).

4. Certain charges may be included and separately  
identified in your rent (see note 10 over the page). The  
amounts of the charges (if any) are:

| Charges               | Amount included and separately identified (enter "nil" if appropriate) |                          |
|-----------------------|--|--------------------------|
|                       | In the existing rent   | In the proposed new rent |
| Council tax           | £  | £                        |
| Water charges         | £  | £                        |
| Fixed service charges | £  | £                        |

5. If you accept the proposed new rent, you should  
make arrangements to pay it. If you do not accept it,  
there are steps you should take before the starting date  
in paragraph 3 above. **Please see the notes over the  
page for what to do next.**

Signed:.....[Landlord(s)]

[Landlord's Agent]\*

*\* delete as appropriate*

(see note 11 over the page)

Date : .....

. **Please read these notes carefully.**



*What you must do now*

1. This notice proposes that you should pay a new rent from the date specified in paragraph 3 of the notice. **If you are in any doubt or need advice about any aspect of this notice, you should immediately either discuss it with your landlord or take it to a citizens' advice bureau, a housing advice centre, a law centre or a solicitor.**

2. If you accept the proposed new rent, please make arrangements to pay it. If you pay by standing order through your bank, you should inform them that the amount has changed. You should also notify your Housing Benefit office, if you are claiming benefit. If you are worried that you might not be able to pay your rent, you should seek advice from a citizens' advice bureau or housing advice centre.

3. If you do **not** accept the proposed new rent, and do not wish to discuss it with your landlord, you can refer the notice to your local rent assessment committee. **You must do this before the starting date of the proposed new rent in paragraph 3 of the notice.** You should notify your landlord that you are doing so, otherwise he or she may assume that you have agreed to pay the proposed new rent.

4. To refer this notice to the local rent assessment committee, you must use the form *Application referring a notice proposing a new rent under an Assured Periodic Tenancy or Agricultural Occupancy to a Rent Assessment Committee*. You can obtain this from a rent assessment panel, housing advice centre or legal stationer (details can be found in the telephone directory).

5. The rent assessment committee will consider your application and decide what the maximum rent for your home should be. In setting a rent, the committee must decide what rent the landlord could reasonably expect for the property if it were let on the open market under a new tenancy on the same terms. The committee may therefore set a rent that is higher, lower or the same as the proposed new rent.

GUIDANCE NOTES FOR LANDLORDS ON HOW TO COMPLETE THE NOTICE

6. You can complete this notice in ink or arrange for it to be printed.

7. This notice should be used when proposing a new rent or licence fee for an **assured agricultural occupancy of premises situated in Wales**. There is a different notice (Form 4D — *Landlord's Notice proposing a new rent under an Assured Periodic Tenancy of premises situated in Wales*) for proposing a new rent for an assured periodic tenancy (including an assured shorthold periodic tenancy) of premises situated in Wales.

8. Do not use this notice if the tenancy agreement contains a term allowing rent increases, or there is some other basis such as a separate agreement with the tenant for raising the rent. Any provision you rely on needs to be binding on the tenant. Legal advice should be sought if there is any doubt on this score.

9. You need to use a different form to propose a rent increase for a statutory periodic tenancy (the first exception mentioned in note 15) if you are seeking to adjust rent solely because of a proposed change of terms under section 6(2) of the Housing Act 1988. Seek legal advice if you think this may apply to you. You can obtain the form headed *Notice proposing different terms for a Statutory Periodic Tenancy* from a rent assessment panel or a legal stationer.

10. You should enter in each of the boxes in the second and third columns of the table in paragraph 4 either "Nil" or the amount of the existing or proposed charge. You should only enter amounts for council tax and water rates where the tenant does not pay these charges directly. You should only enter fixed service charges which are payable by the tenant in accordance with a term or condition which specifies that these charges will be included in the rent for the tenancy. Only enter an amount for service charges where the tenant has agreed to pay a **fixed** sum. Do **not** include in the table any **variable** service charge, i.e. a service charge within the meaning of section 18 of the Landlord

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and Tenant Act 1985, where the whole or part of the sum payable by the tenant varies or may vary according to **costs**.

**11.** You or your agent (someone acting on your behalf) must sign and date this notice. If there are joint landlords, each landlord must sign unless one signs on behalf of the rest with their agreement. The signature does not have to be hand-written if, for instance, the form is being printed or if you wish to use a laser or autosignature.

#### WHEN THE PROPOSED NEW RENT CAN START

**12.** The date in paragraph 3 of the notice must comply with the three requirements of section 13(2) of the Housing Act 1988, ignoring the amendments made by the Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003.

**13.** The **first requirement**, which applies in **all** cases, is that a minimum period of notice must be given before the proposed new rent can take effect. That period is:

- one month for a tenancy which is monthly or for a lesser period, for instance weekly or fortnightly;
- six months for yearly tenancy;
- in all other cases, a period equal to the length of the period of the tenancy — for example, three months in the case of a quarterly tenancy.

**14.** The **second requirement** applies in **most** cases (but see note 15 for two exceptions). The starting date for the proposed new rent must not be earlier than the first anniversary of the date on which the rent was last increased using this statutory notice procedure or, if the tenancy is new, the date on which it started.

**15.** The two exceptions which apply where a statutory tenancy has followed on from an earlier tenancy, are:

- where the tenancy was originally for a fixed term (for instance, 6 months), but continues on a periodic (for instance a monthly) basis after the term ends; and
- where the tenancy came into existence on the death of the previous tenant who had a regulated tenancy under the Rent Act 1977.

In these cases the landlord may propose a new rent at once. However, the first and third requirements referred to in notes 13 and 16 must still be observed.

**16.** The **third requirement**, which applies in **all** cases, is that the proposed new rent must start at the beginning of a period of the tenancy. For instance, if the tenancy is monthly, and started on the 20th of the month, rent will be payable on that day of the month, and a new rent must begin then, not on any other day of the month. If the tenancy is weekly, and started, for instance, on a Monday, the new rent must begin on a Monday.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997 (“the 1997 Regulations”) by prescribing two new forms for use by landlords of premises in Wales when proposing a new rent under section 13(2) of the Housing Act 1988 (“section 13(2)”).

Form No.4 in the Schedule to the 1997 Regulations (“Form No.4”), which is the form currently prescribed for use by landlords of premises in Wales when proposing a new rent for an assured tenancy or an assured agricultural occupancy under section 13(2), is revoked on 18th April 2003.

The first new form, numbered 4D, is for use by landlords proposing, under section 13(2), a new rent for an assured periodic tenancy and can be used on and after 18th February 2003. Between that date and 18th April 2003, either Form No.4 or Form No.4D can be used in relation to an assured periodic tenancy.

The second new form, numbered 4E, is for use by landlords or licensors proposing, under section 13(2), a new rent or licence fee for an assured agricultural tenancy and can be used on and after 18th February 2003. Between that date and 18th April 2003, either Form No.4 or Form No.4E can be used in relation to an assured agricultural tenancy.