
 STATUTORY INSTRUMENTS

1980 No. 1670 (S. 134)

LANDLORD AND TENANT

RENT CONTROL, ETC. (SCOTLAND)

**The Cancellation of Registration (Procedure) (Scotland)
Regulations 1980**

Made - - - - - 30th October 1980

Laid before Parliament 11th November 1980

Coming into Operation 1st December 1980

In exercise of the powers conferred upon me by section 46 of the Rent (Scotland) Act 1971(a), as read with section 44A(4) of that Act as inserted by section 39 of the Housing (Financial Provisions) (Scotland) Act 1972(b), and as read with section 44B of that Act as inserted by section 50 of the Tenants' Rights, Etc. (Scotland) Act 1980(c), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the Cancellation of Registration (Procedure) (Scotland) Regulations 1980 and shall come into operation on 1st December 1980.

2. In these regulations—

“the Act” means the Rent (Scotland) Act 1971;

“application” means an application for the cancellation of a registration which is made to the rent officer under section 44A or, as the case may require, under section 44B of the Act;

“rent agreement” means a rent agreement within the meaning of section 44A of the Act, of which a copy accompanies an application made under that section; and

“registration” means the rent registered for the dwellinghouse under Part IV of the Act which it is sought to cancel by the application.

3. On receiving an application made under either section 44A or section 44B of the Act, the rent officer may, as the case may require, by notice in writing served on the landlord or the tenant or on both the landlord and the tenant require him or them to give to the rent officer, within such period of not less than 14 days from the service of the notice as may be specified in the notice, such information as he may reasonably require regarding such of the particulars contained in the application or such of the terms of the rent agreement as may be specified in the notice.

4. Where it appears to the rent officer, after making such inquiry, if any, as he thinks fit, and considering any information supplied to him in pursuance of

(a) 1971 c. 28.

(b) 1972 c. 46.

(c) 1980 c. 52.

regulation 3 above that in the case of an application made under section 44A of the Act the rent payable under the rent agreement does not exceed a fair rent for the dwellinghouse, or that, in the case of an application made under section 44B of the Act, the dwellinghouse is not let on or subject to a regulated tenancy, he shall, subject in the case of an application made under section 44A of the Act, to sub-section (6) of that section, cancel the registration without further proceedings.

5. Where the rent officer, in carrying out his functions under these regulations in respect of an application made under section 44A of the Act, inspects a dwellinghouse, he shall explain to the tenant or to his spouse, if either is present at the inspection, the procedure governing an application.

6.—(1) Where the rent officer does not cancel the registration in pursuance of regulation 4 above, he shall serve a notice under this regulation.

(2) Where the application was made under section 44A of the Act, a notice under this regulation shall be served on the landlord and the tenant informing them that the rent officer proposes, at a time (which shall be not earlier than 7 days after the service of the notice) and place specified in the notice to consider, in consultation with the landlord and tenant, or such of them as may appear at that time and place, whether the registration ought to be cancelled.

(3) At any such consultation, the landlord and the tenant may each be represented by a person authorised by him in that behalf, whether or not that person is an advocate or solicitor.

(4) Where the application was made under section 44B of the Act, a notice under this regulation shall be served on the landlord informing him of the reasons why the rent officer cannot cancel the registration.

7. Any notice to be served under these regulations and any notification required to be given under section 44A(8) of the Act (notification of rent officer's decision) may be sent by post or delivered—

- (a) to the landlord and, where there is one, to the tenant at their respective addresses given in the application; or
- (b) where the application is made by an agent on behalf of the landlord or, where there is one, the tenant to that agent at the address of the agent given in the application.

8. The Cancellation of Registration (Procedure) (Scotland) Regulations 1972(a) are hereby revoked but the revocation shall not affect the validity of any application made or notice given under these regulations before the commencement of these regulations.

New St. Andrew's House,
Edinburgh.
30th October 1980.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations re-enact with modifications the Cancellation of Registration (Procedure) (Scotland) Regulations 1972. Those Regulations prescribed the procedure to be followed where a landlord and tenant applied jointly, under section 44A of the Rent (Scotland) Act 1971, for the cancellation of a rent registered under Part IV of that Act. The modifications take account of the right given to the landlord alone by section 44B of the 1971 Act, as inserted by section 50 of the Tenants' Rights, Etc. (Scotland) Act 1980, to apply for the cancellation of a rent registration.

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