STATUTORY INSTRUMENTS

1972 No. 1211 (S.84)

LANDLORD AND TENANT

RENT CONTROL, ETC (SCOTLAND)

The Cancellation of Registration (Procedure) (Scotland) Regulations 1972

Made - - -	*7th August* 1972
Laid before Parliament	*14th August* 1972
Coming into Operation	*4th September* 1972

In exercise of the powers conferred on 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 of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Cancellation of Registration (Procedure) (Scotland) Regulations 1972 and shall come into operation on 4th September 1972.

Interpretation

2.—(1) 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 of the Act jointly by the landlord and tenant under a rent agreement;

'rent agreement' means a rent agreement within the meaning of section 44A of the Act, of which a copy accompanies an application, and

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

(2) The Interpretation Act 1889(**c**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Procedure on applications to rent officer

3. On receiving an application, the rent officer may, 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.

(a) 1971 c. 28. (b) 1972 c.46 (c) 1889 c. 63

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 regulation 3 above, that the rent payable under the rent agreement does not exceed a fair rent for the dwellinghouse, he may, subject to section 44A(6) of the Act, cancel the registration without further proceedings.

5. Where the rent officer, in carrying out his functions under these regulations, inspects a dwellinghouse, he shall explain to the tenant or to his spouse, if either is present at the inspection, the procedure upon 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) 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 not be 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 a solicitor.

Notices

7. Any notice required 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 in a pre-paid letter or delivered—

(*a*) to the landlord and to the tenant at their respective addresses given in the application; or

(*b*) where the application is made on behalf of the landlord or the tenant by an agent acting on his behalf, to that agent at the address of the agent given in the application.

Gordon Campbell,
One of Her Majesty's Principal Secretaries of State.

St Andrew's House,
Edinburgh.

7th August 1972.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations prescribe the procedure to be followed where a rent has been registered for a dwellinghouse under Part IV of the Rent (Scotland) Act 1971 and a landlord and tenant apply to the rent officer, under section 44A of that Act, for the cancellation of the registration.

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