STATUTORY INSTRUMENTS

1978 No. 494

LANDLORD AND TENANT

The Rent (Agriculture) (Rent Registration) Regulations 1978

Made - - - -	22*nd March* 1978
Laid before Parliament	7*th April* 1978
Coming into Operation	19*th June* 1978

The Secretary of State for the Environment as respects England, and the Secretary of State for Wales as respects Wales, in exercise of powers conferred upon them by section 74(1) of the Rent Act 1977**(a)**, as applied by section 13 of the Rent (Agriculture) Act 1976**(b)**, and of all other powers enabling them in that behalf, hereby make the following regulations:—

1. These regulations may be cited as the Rent (Agriculture) (Rent Registration) Regulations 1978 and shall come into operation on 19th June 1978.

2.—(1) In these regulations "the 1976 Act" means the Rent (Agriculture) Act 1976 and "the 1977 Act" means the Rent Act 1977.

(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.

(3) In these regulations, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment.

3.—(1) The form to be used, in the case of an application under section 67 of the 1977 Act for the registration of a rent for a dwelling-house which is subject to a statutory tenancy (as defined in the 1976 Act), shall be the form contained in the Schedule to these regulations, or a form substantially to the same effect.

(2) The particulars to be supplied in the case of such an application pursuant to section 67 of the 1977 Act shall be those specified in the said form.

(a) 1977 c. 42. **(b)** 1976 c. 80. **(c)** 1889 c. 63.

SCHEDULE

RENT ACT 1977

RENT (AGRICULTURE) ACT 1976

Application for Registration of Fair Rent in the case of a statutory tenancy arising under the Rent (Agriculture) Act 1976

Please read all the Notes carefully as indicated in the margin

Rent Act 1977 s. 67. Rent (Agriculture) Act 1976 s. 13.

To the Rent Officer

THE PARTICULARS

1. Address of premises.

2. Name of statutory tenant and address if different from 1 above.

3. Name and address of landlord.

4. (*a*) Are the premises separately rated? Yes/No.

(*b*) If the answer to (*a*) above is No, give details of any apportionment of the rateable value or values which has been made by the county court. If none, write "None".

5. Description of premises (including the number of rooms and, if part only of a building, on which floor or floors).

6. Is the statutory tenancy one where the landlord is a registered housing association, or housing trust, or the Housing Corporation? Yes/No.

7. Does the statutory tenant share any accommodation—

(*a*) with the landlord? If Yes, details: See Note 1.

(*b*) with another tenant? If Yes, details:

8. Full details of any services or facilities provided by the landlord or a superior landlord.

9. Is any furniture provided by the landlord or a superior landlord? Yes/No. If so full details of such furniture, or if there is an inventory please attach a copy.

10. Terms of the statutory tenancy arising under the Rent (Agriculture) Act 1976—

(*a*) Is there an agreement (whether or not in writing) that no rent shall be payable under the statutory tenancy? Yes/No.

(*b*) If the answer to (*a*) above is No is any rent now payable under an agreement (whether or not in writing)? Yes/No.

(*c*) If the answer to (*b*) above is Yes, please state—

(i) what amount is payable;

(ii) when the rent is payable; and

(iii) the period of the agreement.

(*d*) Is there an agreement in writing varying the terms of the statutory tenancy? Yes/No.

(*e*) If the answer to (*d*) above is Yes, give details of the agreement. (If a copy is available it should be attached. It will be returned without delay.)

11. (*a*) Has a rent previously been registered by a Rent Officer for the premises? Yes/No.

See Note 2. (*b*) If the answer to (*a*) above is Yes, please state the date on which the registration took effect.

12. Any change in the state of the premises which it is claimed has occurred during the present statutory tenancy by reason of—

(*a*) failure by the statutory tenant (including a former tenant under the present tenancy) to comply with the terms of the statutory tenancy;

(*b*) improvements, including replacements of any fixtures or fittings, carried out by the statutory tenant (including a former tenant under the present tenancy) otherwise than under the terms of the statutory tenancy;

(*c*) improvements by the statutory tenant (including a former tenant under the present tenancy) to any furniture provided for use under the statutory tenancy, or any deterioration in the condition of any furniture so provided due to ill treatment by the statutory tenant, any person residing or lodging with him, or any sub-tenant of his.

13.—(1) If this application is made within three years of the date on which
See Note 2. a previous registration in respect of a statutory tenancy under the Rent (Agriculture) Act 1976 took effect (or within three years of the date of an application which resulted in a previously registered rent being confirmed), and (2) below does not apply, please state grounds of application.

(2) The grounds need not be stated if *either* the previous registration was not in respect of a statutory tenancy under the Rent (Agriculture) Act 1976 *or* the application is made—

(*a*) jointly by the landlord and statutory tenant at any time, or

(*b*) by the landlord alone within the last three months of the period of three years from the date on which the previous registration took effect.

See Note 3. 14. Rent which the applicant seeks to have registered (exclusive of rates)

£ per

15. If the landlord or a superior landlord provides any services or facilities, please state what amount if any of the rent specified in 14 above the applicant claims fairly represents their value. £ per

See Notes 4 and 5. *I/We jointly hereby apply for registration of a rent for the premises named in paragraph 1 above, and submit these particulars of the premises and the statutory tenancy accordingly.

*Strike out words which do not apply.

Signed..... Date.....
(*landlord/*landlord's agent)

Signed..... Date.....
(*statutory tenant/*tenant's agent)

See Note 4. In a joint application by landlord and statutory tenant, both parties should sign. In an application by joint tenants, they should each sign, unless one signs as agent for the rest with their agreement, in which case he should state that he is acting as agent.

If signed by agent, name and address of agent.

(For landlord) .....

(For tenant) .....

NOTES

1. Where a tenant—

(*a*) shares essential living accommodation such as a kitchen with other tenants (not with the landlord), and

(*b*) has exclusive occupation of only one room, and at the time the tenancy (or licence) was granted, at least three other rooms in the same building were let (or were available for letting) on similar terms as separate residential accommodation,

the tenancy will not be a statutory tenancy under the Rent (Agriculture) Act 1976.

2. The date on which the registration took effect will be shown on the document sent by the Rent Officer to the landlord and the tenant when he registered the rent. Usually it is the date of application for registration: it is not necessarily the date from which the registered rent became payable.

3. The Rent Officer cannot entertain the application unless item 14 has been completed (i.e. the rent specified by the applicant(s)).

4. Where a joint application is made by both landlord and tenant, there is no right to have the matter referred to a Rent Assessment Committee if the Rent Officer determines without further consultation that the rent specified in the application is a fair rent.

5. The registered rent will remain the maximum rent (exclusive of rates and subject to phasing where applicable) until a different rent is registered. For three years after the registration takes effect no new application can be made unless either—

(*a*) it is made by the landlord and tenant acting together, or

(*b*) there has been a change in the circumstances taken into account when the rent was registered, for example, a change in the state of repair of the premises, or

(*c*) the landlord applies after two years and nine months for a fresh registration to take effect at the end of the three year period.

20th March 1978. *Peter Shore*,
Secretary of State for the Environment.

22nd March 1978. *John Morris*,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe the application form for the registration of a fair rent for a statutory tenancy arising under the Rent (Agriculture) Act 1976 and the particulars to be given in that form.

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