1978 No. 259

LANDLORD AND TENANT

The Rent Assessment Committees Regulations (Northern Ireland) 1978

Made . . . . . *6th September* 1978

Coming into operation . . . *1st October* 1978

The Department of the Environment for Northern Ireland in exercise of the powers conferred on it by Article 74(1)(*c*) of the Rent (Northern Ireland) Order 1978(a) and of all other powers enabling it in that behalf hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Rent Assessment Committees Regulations (Northern Ireland) 1978 and shall come into operation on 1st October 1978.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires:—

"chairman" means the chairman of a committee;

"committee" means a rent assessment committee, constituted under Schedule 5 to the Order to which a reference is made;

"hearing" means the meeting of a committee to hear oral representations made in relation to an application;

"the Order" means the Rent (Northern Ireland) Order 1978;

"party" means the landlord or the tenant.

(2) For the purpose of any of these regulations relating to procedure at a hearing, any reference to a party shall be construed as including a reference to a person authorised by a party to make oral representations on his behalf pursuant to paragraph 3, of Schedule 6, to the Order.

Hearings

3.—(1) A hearing by a committee shall be in public unless, for special reasons, the committee decide otherwise.

(2) Such hearing shall be on such date and at such time and place as the committee shall appoint.

(3) Notices of such date, time and place shall be given by the committee, not less than 10 days before the said date to the landlord and to the tenant.

4. At the hearing—

(*a*) the parties shall be heard in such order, and, subject to the provisions of these regulations, the procedure shall be such as the committee shall determine;

(*b*) a party may call witnesses, give evidence on his own behalf and cross-examine any witness called by the other party.

(a) S.I. 1978/1050 (N.I. 20)

Documents, etc.

5.—(1) The committee shall, where the application is to be subject to a hearing, take all reasonable steps to ensure that there is supplied to each of the parties before the date of the hearing—

(*a*) a copy of, or sufficient extracts from or particulars of, any document relevant to the application which has been received from a party (other than a document which is in the possession of such party); and

(*b*) a copy of any document which embodies the results of any enquiries made by or for the committee for the purposes of the application, or which contains relevant information in relation to rents previously determined for other dwelling-houses and which has been prepared for the committee for the purposes of the application.

(2) Where at any hearing—

(i) any document relevant to the application is not in the possession of a party present at that hearing, and

(ii) that party has not been supplied with a copy, or sufficient extracts from or particulars of, that document by the committee in accordance with the provisions of paragraph (1)

then unless—

(*a*) that party consents to the continuation of the hearing; or

(*b*) the committee consider that that party has a sufficient opportunity of dealing with that document without an adjournment of the hearing, the committee shall adjourn the hearing for a period which they consider will afford that party a sufficient opportunity of dealing with that document.

6. Where an application is not to be subject to a hearing, the committee shall supply to each of the parties a copy of, or sufficient extracts from or particulars of, any such document as is mentioned in paragraph (1)(*a*) of regulation 5 (other than a document excepted from that paragraph) and a copy of any such document as is mentioned in paragraph (1)(*b*) of that regulation, and the committee shall not reach their decision until they are satisfied that each party has been given a sufficient opportunity of commenting upon any document of which a copy, or from which extracts or of which particulars, has or have been so supplied, and upon the other's case.

Inspection of dwelling-house

7.—(1) The committee may of their own motion, and shall at the request of one of the parties (subject in either case to any necessary consent being obtained) inspect the dwelling-house which is the subject of the application.

(2) An inspection may be made before, during or after the close of the hearing, or at such stage in relation to the consideration of the representations in writing, as the committee shall decide, and the committee shall give to the parties and their representatives an opportunity to attend.

(3) Notice of an inspection shall be given as though it were notice of a hearing, save that the requirements for such notice may be dispensed with or relaxed in so far as the committee are satisfied that the parties have received sufficient notice.

(4) Where an inspection is made after the close of a hearing, the committee shall, if they consider that it is expedient to do so on account of any matter arising from the inspection, reopen the hearing; and if the hearing is to be reopened paragraph (3) of regulation 3 shall apply as it applied to the original hearing, save in so far as its requirements may be dispensed with or relaxed with the consent of the parties.

Adjournment

8. The committee at their discretion may of their own motion, or at the request of the parties, or one of them, at any time and from time to time postpone or adjourn a hearing; but they shall not do so at the request of one party only unless, having regard to the grounds on which and the time at which such request is made and to the convenience of the parties, they deem it reasonable to do so. Such notice of any postponed or adjourned hearing as is reasonable in the circumstances shall be given to the parties by the committee.

Non-appearance

9. If a party does not appear at a hearing the committee, on being satisfied that the requirements of these regulations regarding the giving of notice of hearings have been duly complied with, may proceed to deal with the application upon the representations of any party present and upon the documents and information which they may properly consider.

Decisions

10.—(1) The decision of the committee upon an application shall be recorded in a document signed by the chairman (or in the event of his absence or incapacity, by another member of the committee) which shall contain the reasons for the decision, but shall contain no reference to the decision being by a majority (if that be the case) or to any opinion of a minority.

(2) The chairman (or in the event of his absence or incapacity, either of the other members of the committee) shall have power, by certificate under his hand, to correct any clerical or accidental error or omission in the said document.

(3) A copy of the said document and of any such correction shall be sent by the committee to the parties.

Giving of notices, etc.

11. Where any notice or other written matter is required under the provisions of these regulations to be given or supplied by the committee (including any such matter to be supplied to a party for the purposes of an application to which regulation 6 applies) it shall be sufficient compliance with the regulations if such notice or matter is sent by post in a prepaid letter and addressed to the party for whom it is intended at his usual or last known address, or if that party has appointed an agent to act on his behalf in relation to the reference, to that agent at the address of the agent supplied to the committee.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 6th September 1978.

(L.S.)

R. B. Spence
Assistant Secretary

EXPLANATORY NOTE

(This Note is not part of the Regulations but is intended to indicate their general purport.)

These regulations regulate the procedure to be followed by rent assessment committees appointed under Article 28 of the Rent (Northern Ireland) Order 1978. They supplement the provisions regulating the procedure to be followed by those committees which are contained in Schedule 6 to the Rent (Northern Ireland) Order 1978.