STATUTORY INSTRUMENTS

1975 No. 315

LANDLORD AND TENANT

The Rent Control (Notice of Increase) Regulations 1975

Made - - - -	*4th March* 1975
Laid before Parliament	*13th March* 1975
Coming into Operation	*3rd April* 1975

The Secretary of State for the Environment, as respects England, in exercise of powers conferred by section 66(1) (as read with section 114(1)) of the Rent Act 1968(a) (as extended by section 10(11) of, and paragraph 1(*c*) of Schedule 4 to, the Housing Rents and Subsidies Act 1975(b)), and now vested in him (c), and of all other powers enabling him in that behalf, and the Secretary of State for Wales, as respects Wales, in exercise of his powers under the said section 66(1) (as read with the said section 114(1)) and as extended by the said section 10(11) and the said paragraph 1(*c*)), and of all other powers enabling him in that behalf, hereby make the following regulations:—

1.—(1) These regulations may be cited as the Rent Control (Notice of Increase) Regulations 1975 and shall come into operation on 3rd April 1975.

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

2. The form contained in the Schedule to these regulations shall be the form to be used for the purpose of a notice of increase of rent pursuant to section 10 of the Housing Rents and Subsidies Act 1975 (increase of rent under controlled tenancy permitted towards cost of repairs).

(a) 1968 c. 23.
(b) 1975 c. 6.
(c) S.I. 1970/1681 (1970 III, p. 5551).
(d) 1889 c. 63.

SCHEDULE

RENT ACT 1968

HOUSING RENTS AND SUBSIDIES ACT 1975

Housing Rents & Subsidies Act, section 10 and Schedule 4

Notice of increase of rent of controlled tenancy on account of repairs completed on ..... 19 (Note 1)

Date.....

To....., tenant of.....

I hereby give you notice that the rent lawfully recoverable from you as tenant of the above mentioned premises will be increased as from ..... (Note 2) by £..... per ..... which sum represents 12½% per annum of £..... being the [amount expended] [appropriate proportion of the amount expended] (Notes 3, 4, 5 and 6) on the repair(s) detailed below.

Description of repair(s)

Signature of [landlord] [agent authorised to serve this notice] .....

.....

[Name of landlord if notice served by agent .....]

Address of landlord.....

.....

[Address of agent .....

.....]

NOTES

1. This notice of increase is for a tenancy—
   (*a*) which is a controlled tenancy under the Rent Act 1968; and
   (*b*) where repairs have been effected to the dwelling which is subject to a controlled tenancy, and completed on or after 6th April 1973.

2. The date to be inserted here should be the first day of a rental period commencing after the date of service of this notice.

In the case of a protected (i.e. a contractual) tenancy which could be brought to an end by notice to quit, the date to be inserted must be a date later than the date on which a notice to quit served at the same time as this notice could bring the tenancy to an end. In that case this notice will operate to turn the contractual tenancy into a statutory tenancy.

3. If repairs have been effected to premises part of which is subject to a controlled tenancy and the landlord claims that benefit accrues to that part of the dwelling which is subject to the controlled tenancy, then the rent limit may be increased by 12½% per annum of such a part of the expenditure on the repairs as may be agreed in writing by the landlord and the tenant, or determined by the county court, having regard to the benefit accruing from the carrying out of the repairs to the dwelling and to other premises benefited by them.

4. In a case where repairs have been effected to a controlled dwelling, but the tenant claims that benefit accrues not only to the dwelling but to other premises of the landlord, or a superior landlord, then the 12½% per annum will be of only such proportion of the expenditure on repairs as may be agreed in writing between the landlord and the tenant, or as may be determined by the county court to be properly apportionable to the dwelling, having regard to the benefit accruing from the carrying out of the repairs to the controlled dwelling, and to the other premises benefited by these repairs.

5. If a landlord serves this notice of increase and the tenant requests him in writing, not later than three months after the service of the notice, to supply him with information showing him how he has calculated the expenditure on the repairs then it is the landlord's duty, not later than one month after the date of the request, to supply the tenant with copies of such accounts, receipts and other documents as are reasonably necessary for that purpose. If anyone fails to perform the duty imposed on him by this provision he is guilty of an offence, and liable on conviction to a fine of up to £200.

6. A tenant who is uncertain about his liabilities and rights resulting from the carrying out of repairs to his controlled dwelling can consult his local Citizens' Advice Bureau (the address of which can be obtained from the local authority).

Anthony Crosland,
28th February 1975. Secretary of State for the Environment.

John Morris,
4th March 1975. Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe the form of notice of increase of rent to be used where a landlord increases the rent under a controlled tenancy pursuant to section 9 of the Housing Rents and Subsidies Act 1975. This section provides for increases in the rent limit under a controlled tenancy in respect of the cost of certain repairs.

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