STATUTORY INSTRUMENTS

1972 No. 1306

LANDLORD AND TENANT

The Rent Regulation (Forms etc.) Regulations 1972

Made - - -	21*st August* 1972
Laid before Parliament	25*th August* 1972
Coming into Operation	27*th August* 1972

The Secretary of State for the Environment (as respects England, except Monmouthshire) in exercise of powers conferred by sections 37(1) and 50(1) (as read with section 114(1)) of the Rent Act 1968(**a**) and now vested in him(**b**) and in exercise of all other powers enabling him in that behalf, and the Secretary of State for Wales (as respects Wales and Monmouthshire) in exercise of the powers conferred by the said sections 37(1) and 50(1) (as read with the said section 114(1)) and of all other powers enabling him in that behalf, hereby make the following regulations:-

1. These regulations may be cited as the Rent Regulation (Forms etc.) Regulations 1972 and shall come into operation on 27th August 1972.

2.—(1) In these regulations "the Housing Finance Act" means the Housing Finance Act 1972(**c**).

(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.

3. The form contained in Part I of the Schedule to these regulations, or a form substantially to the same effect, shall be the form to be used for the purpose of a notice of increase of rent under section 37(3) of the Housing Finance Act (increase of rent for improvements).

4. The form contained in Part II of the Schedule to these regulations, or a form substantially to the same effect, shall be the form of notice to be served by a local authority pursuant to section 28(3) of the Housing Finance Act (notice to tenant of landlord's application for qualification certificate) and such notice shall contain the information and explanation specified in that form.

(**a**) 1968 c. 23.
(**b**) See S.I. 1970/1681 (1970 III, p. 5551).
(**c**) 1972 c. 47.
(**d**) 1889 c. 63.

SCHEDULE
PART I

RENT ACT 1968

HOUSING FINANCE ACT 1972

Notice of Increase of Unregistered Rent under Regulated Tenancy on account of Improvement (Notes 1 & 2)

Housing Finance Act Section 37(3)

Date .....

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

I hereby give you notice that your rent will be increased as follows:-

Present rent	*Increase in rent*	*New rent*	*Date of new rent* (Note 3)
per ..... £	*per* ..... £	*per* ..... £	*as from*

This increase represents an annual increase of 12½% of £ (Note 4) which is the amount spent on making the improvement (Note 5) described below. You have certain rights of appeal which are explained in Note 6 to this form.

Description of Improvement

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

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

Address of landlord .....

.....

[Address of agent.....

.....]

Strike out words in square brackets if they do not apply.

NOTES

1. This Notice of Increase is for a tenancy—
   (*a*) which is regulated under the Rent Act 1968; and
   (*b*) for which a fair rent has not been registered under the Act; and
   (*c*) where improvement works have been completed.

2. This notice of increase cannot be used in a case where improvements have been made:—
   (*a*) with respect to which a grant under Part I of the Housing Act 1969 is payable, or has been paid, and
   (*b*) which were completed at a time when the tenancy was a regulated tenancy.

   It can however be used, whether or not a grant is payable, where:—
   (i) the improvements were completed while the tenancy was controlled, and
   (ii) no notice of increase for the improvement was served during the controlled tenancy.

3. This Notice cannot be retrospective and the date to be inserted here should be a date after the date of the service of this Notice.

4. The sum to be inserted here must not include any part of the expenditure on the improvement which has been met by a local authority under Part I of the Housing Act 1969, section 12 of the Clean Air Act 1956 (Grants for smokeless fuel burning appliances); or by a local authority or the British Airports Authority under section 15 of the Airports Authority Act 1965 (Soundproofing Grants).

5. Improvements for this purpose include structural alterations, extensions and additions to the premises and the provision of additional fixtures or fittings; but they do not include anything done by way of decoration or repair.

Private street works carried out under sections 174, 189 or 190 of the Highways Act 1959 or any corresponding provision in any local Act also count as an improvement to any premises having access to the street. If other premises belonging to the landlord besides those occupied by the tenant benefit from street works, the landlord's expenditure must be apportioned by agreement in writing between the landlord and the tenant or be determined by the county court. Neither the necessity for the street works nor the amount of the landlord's expenditure in connection with them can be questioned by the tenant.

6. If the tenant claims that any improvement was unnecessary or that an unreasonable amount was spent on it, he can, not later than one month after the service of this Notice, or such longer time as the court may allow, apply to the county court for an order cancelling or reducing the increase of rent stated in this Notice.

No such application may be made in the following cases—

(*a*) where the improvement was made with the assistance of a grant under Part I of the Housing Act 1969; or

(*b*) where the improvement works consist of the soundproofing of a dwellinghouse near an aerodrome and a grant towards the works has been paid by the British Airports Authority or by a local authority acting on their behalf; or

(*c*) where the tenant has in writing consented to the improvement and acknowledged that the rent could be increased on account of it.

7. If this Notice is served while the regulated tenancy is still a contractual one and the landlord, by serving a notice to quit at the same time as this Notice, could bring the tenancy to an end before the date specified in this Notice for the increased rent to take effect, this Notice will operate to convert the tenancy into a statutory tenancy as from that date.

PART II

HOUSING FINANCE ACT 1972

NOTICE TO TENANT OF LANDLORD'S APPLICATION FOR QUALIFICATION CERTIFICATE FOR DWELLING WITH STANDARD AMENITIES (NO GRANT PAYABLE UNDER SECTIONS 2(1) OR 9(1) OF THE HOUSING ACT 1969). Section 28(3).

.....Council.

To.....

.....

.....

(Name and address of tenant)

1. An application under section 28 of the Housing Finance Act 1972 has been made to the Council by.....

.....(name of landlord or landlord's agent) for a qualification certificate in respect of the dwelling at.....

.....

2. The attached copy of the application is sent to you as the person named as the tenant of the above dwelling under a controlled tenancy.

3. You may, within 28 days of the service of this notice, make representations to the Council that the dwelling does not satisfy the qualifying conditions. (See paragraph 4 below). Any representations in writing should be sent to .....

4. For a qualification certificate to be issued the following conditions, known as the qualifying conditions, must be satisfied: –

(i) the dwelling must be provided with all the standard amenities[1] for the exclusive use of its occupants.

(ii) the dwelling must be in good repair, having regard to its age, character and locality and disregarding internal decorative repair.

(iii) the dwelling must be in all other respects fit for human habitation.[2]

5. If a qualification certificate is issued, then, unless the dwelling is occupied partly for business and partly as living accommodation, the tenancy will become a regulated tenancy on the issue of the certificate.

6. In the case of a dwelling occupied partly for business and partly as living accommodation, the tenancy, instead of becoming regulated, would have the protection of Part II of the Landlord and Tenant Act 1954 on the issue of the qualification certificate.

7. Where improvement works have been carried out, the landlord will have been entitled, on completion of the works, to increase the rent by an amount which when expressed as an annual figure, is equal to 12½% of the amount (net of grant) spent by the landlord on the works. He will still be entitled to charge this increase if he has not yet done so.

8. Once a controlled tenancy becomes a regulated tenancy, the landlord may apply to the rent officer for the registration of a fair rent. You will then be given an opportunity to make representations about the rent to be registered. When the fair rent has been registered, then if this is higher

than the controlled rent (excluding rates but including any 12½% increase to which the landlord is entitled—see the preceding paragraph), the increase in rent is subject to phasing as follows:—

(*a*) if improvement works started on or after 1st January 1972 and the 12½% increase amounted to at least 50p per week, the rest of the increase up to the fair rent, if £1 per week or more, will be spread equally over two annual stages, the first being one year after the 12½% increase so charged (but not earlier than the date of registration) or one year after registration if earlier, and the second being one year after the first; if the rest of the increase is less than £1 per week, the rent may be increased each year by not more than 50p per week until the fair rent is reached,

(*b*) in other cases, the increase up to the fair rent will, if the registration is made on or after 1st January 1973[3], be spread equally over three annual stages, unless it is less than £1·50 per week in which case the rent may be increased by not more than 50p per week each year until the fair rent is reached. If the registration is made more than three months after the application to the rent officer the second stage will be 15 months after that application, and the third stage (if any) will be 12 months after the second stage.

9. Instead of applying to the rent officer it is open to you and the landlord, at any time from 1st January 1973, to enter into an agreement yourselves. You will be free to agree not only the rent ultimately to be paid but also any phasing of the rent increase up to that rent. Particulars of any such agreement must however be entered on a prescribed form which must be deposited with the local authority. A leaflet is available free of charge at council offices, rent offices and Citizens' Advice Bureaux.

10. When a tenancy becomes a regulated tenancy the tenant still enjoys the wide measure of security of tenure given by the Rent Act 1968.

11. Any representations you make that the dwelling does not satisfy the qualifying conditions will be considered by the Council, who will notify you of their decision, whether they refuse the application or issue a qualification certificate.

Date Signature of authorised officer.

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[1]The standard amenities are:—

1) A fixed bath or shower which must be in a bathroom unless this is not reasonably practicable.

2) A wash-hand basin.

3) A sink.

4) A water closet which must be in, and accessible from within, the dwelling unless this is not reasonably practicable.

5) A hot and cold water supply at the fixed bath or shower, at the wash-hand basin and at the sink.

[2]The standard of fitness for human habitation is laid down in section 4 of the Housing Act 1957 as amended by section 71 of the Housing Act 1969. A dwelling is 'fit for human habitation' if it is reasonably suitable for occupation having regard to repairs, stability, freedom from damp, internal arrangement, natural lighting, ventilation, water supply, drainage and sanitary conveniences, and facilities for preparation and cooking of food and for the disposal of waste water.

[3]If the registration is made in November or December 1972, the increase in rent will be spread equally over three annual stages, beginning not earlier than 1 January 1973; except that if it is less than £1·50 per week the rent may be increased by not more than 50p per week in each calendar year, beginning not earlier than 1 January 1973, until the fair rent is reached. If the registration is made before November 1972, the increase in rent will be spread as follows: the first increment cannot exceed one-fifth of the rent increase or 37½p per week, whichever is greater, and this is payable on or after registration; the second increment, payable one year later, cannot exceed (*a*) the amount needed to bring the first and second increments together up to three-fifths of the total rent increase, or (*b*) 50p per week, whichever is greater; and the remainder (if any) needed to bring the rent up to the registered fair rent can be charged one year after that.

Peter Walker,
Secretary of State for the Environment.

21st August 1972.

Peter Thomas,
Secretary of State for Wales.

18th August 1972.

EXPLANATORY NOTE

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

These Regulations, which apply throughout England and Wales, prescribe two forms to be used for the purposes of the Housing Finance Act 1972.

The first is the form of notice of increase of rent under section 37(3) of the Act. This section applies where a tenancy has been converted from control to regulation, and where the rent is less than it would have been if the landlord had, before the conversion, served all notices of increase of rent which he was entitled to serve; the section enables the landlord to increase the rent after the conversion by the amount of the difference.

The second is the form of notice to be served by a local authority on a tenant under a controlled tenancy pursuant to section 28(3) of the Act. The Regulations also prescribe the information and explanation which that notice shall contain. Section 28(3) relates to the notice to be served by the local authority on a controlled tenant where the landlord has applied to the authority for a qualification certificate; upon the issue of that certificate a tenancy is (with certain exceptions) converted from control to regulation under the provisions of Part III of the Act.