STATUTORY INSTRUMENTS

1975 No. 541

LANDLORD AND TENANT

The Rent Regulation (Forms etc.) Regulations 1975

Made - - - -	*27th March* 1975
Laid before Parliament	*9th April* 1975
Coming into Operation	*30th April* 1975

The Secretary of State for the Environment, in exercise of powers conferred by sections 37(1) and 50(1) of the Rent Act 1968(a) (as the said section 50(1) is extended by section 8(4) of, and paragraph 11 of Schedule 3 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, hereby makes the following regulations 1, 2 and 4, and except in relation to Wales, the following regulation 3, and the Secretary of State for Wales, in exercise of his powers under the said sections 37(1) and 50(1) (as the said section 50(1) is extended by the said section 8(4) and the said paragraph 11) (the said sections 37(1) and 50(1) being read with section 114(1) of the Rent Act 1968), and of all other powers enabling him in that behalf, hereby makes, in relation to Wales, the following regulations 1, 2 and 3:—

1. These regulations may be cited as the Rent Regulation (Forms etc.) Regulations 1975 and shall come into operation on 30th 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.

3. The Rent Regulation (Forms etc.) (Consolidation) Regulations 1973(e) (as amended (f)) shall be amended as follows—

(*a*) At the end of Schedule 1 (forms of notice of increase of rent) there shall be inserted the form contained in Schedule 1 to these regulations; and

(*b*) in Schedule 3 (forms of applications for registration of fair rents) after form No. 5 there shall be inserted the form contained in Schedule 2 to these regulations.

4. The particulars to be supplied to the rent officer when an application is made under section 8(3) of the Housing Rents and Subsidies Act 1975 (certain amenities to be disregarded in determining a fair rent) shall be those specified in the form contained in Schedule 2 to these regulations.

(a) 1968 c. 23.
(b) 1975 c. 6.
(c) S.I. 1970/1681 (1970 III, p. 5551).
(d) 1889 c. 63.
(e) S.I. 1973/176 (1973 I, p. 710).
(f) The amending regulations are not relevant to the subject matter of these regulations.

THE SCHEDULES

SCHEDULE 1

FORM NO. 4A

RENT ACT 1968

HOUSING RENTS AND SUBSIDIES ACT 1975

Notice of Increase of Rent under Regulated Tenancy where the increase is subject to phasing under the Housing Rents and Subsidies Act 1975 (Note 1)

Rent Act 1968, section 22(2), Housing Rents and Subsidies Act 1975, section 7 and Schedule 2.

Date.....

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

Strike out words in square brackets if they do not apply

1. A rent of £ per.....was registered on..... as the fair rent for the above-mentioned premises (Note 2) [of which £ per .....was noted in the register as the service element].

2. Where an increase in rent results from the registration of a fair rent, the rent may not be increased to an amount greater than that permitted by section 7 of and Schedule 2 to the Housing Rents and Subsidies Act.

3. [It is noted in the register that the rates for the above-mentioned premises are paid by the landlord. These are currently £ per [half-year] [year] and the landlord is entitled to add this amount to the rent he is otherwise permitted to obtain (Note 4)].

4. I hereby give you notice that your rent will be increased as follows:—

Present rent	*Increase in rent*	*New rent*	*Date of new rent*
per..... £	per..... £	per..... £	(Notes 2 and 9) *as from*

5. The rental period for which the rent is being increased by this notice begins in the [first] [second] year of the period of delay (Note 7), and the following information is relevant to the calculation of the increase.
Previous rent limit (Note 6).....£ per .....
[Service element (Note 5)].....£ per .....

[6. The new rent includes the sum of £ per.....in respect of rates paid by the landlord].

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 needed for a tenancy—

(*a*) which is regulated under the Rent Act 1968; and

(*b*) which either has become a statutory tenancy or will become one under section 26(3) of that Act (Note 10); and

(*c*) for which a fair rent is registered under the Act; and

(*d*) where the increase in the rent is subject to phasing by virtue of section 7 of and Schedule 2 to the Housing Rents and Subsidies Act 1975; and

(*e*) where an increase in the rent is not restricted by Schedule 3 to the Housing Act 1969 or Schedule 6 to the Housing Finance Act 1972 (each of which contains general provisions about phasing); or section 84 of the Housing Finance Act 1972 as extended by paragraph 8 of Schedule 3 to the Housing Act 1974 (which imposes restrictions on the recovery of certain increases in rent when the landlord is a housing association).

2. If there is a contract of tenancy between the landlord and tenant, the registration of a fair rent which is higher than the rent payable under that contract does not allow the landlord to increase the rent unless either the terms of the contract permit him to do so or the tenancy can be brought to an end by a notice to quit (Note 10).

3. A notice of increase which purports to increase the rent more than is permitted by the phasing provisions contained in Schedule 2 to the Housing Rents and Subsidies Act has the effect of increasing it to the limit permitted and no further.

4. The restrictions on increases do not apply to any changes in rent resulting from changes in rates borne by the landlord or a superior landlord.

5. The service element is that part of the increase in rent which is treated as representing an increase in the cost of any services provided by the landlord or a superior landlord. The service element can be added in full and is not subject to phasing.

6. Permitted rent increases during the two year period of delay are calculated according to general formulae. In the formulae—

(i) RR is the registered rent.

(ii) PRL is the previous rent limit (generally this means the amount which was recoverable by way of rent at the date of registration).

(iii) SE is the service element (this is generally the difference between the amount of the rent which was attributable to services in the previous rent limit and the amount so attributable in the current registered rent).

(iv) SS is the specified sum (this means the figure above which any increase in the rent is to be phased, apart from increases in respect of rates and/or services). Under the Housing Rents and Subsidies Act the sum is £0·40 per week in the first year of the period of delay and £0·80 per week in the second year; but the Secretary of State has power by statutory instrument to alter these amounts. ("Period of delay" means, except in the case of rents registered on or after 8th March 1974 and before 11th March 1975, a period of two years beginning with the date of registration of a fair rent.).

7. The permitted increase for a rental period which begins during the first year of the period of delay is an increase to the *greater* of the following amounts:—

(*a*) PRL + SE + $\frac{3}{4}$ [RR — (PRL + SE)];

(*b*) PRL + SE + SS

The permitted increase for a rental period which begins during the second year of the period of delay is an increase to the *greater* of the following amounts:—

(*a*) PRL + SE + $\frac{2}{3}$ [RR — (PRL + SE)]

(*b*) PRL + SE + SS

(The maximum permitted increase is an increase to the registered rent.)

8. Details of the phasing arrangements can be obtained from a rent officer or a Citizen's Advice Bureau.

9. The date must be a date which is neither earlier than

(i) the date of registration; nor

(ii) four weeks before the service of this Notice; nor

(iii) the commencement of the first rental period beginning during the first or second year of the period of delay as the case may be.

10. If this Notice is served while the regulated tenancy is still a protected (i.e. a contractual) tenancy, the date must be one later than the date on which the tenancy could be brought to an end by a notice to quit served at the same time as this Notice; the tenancy will then be converted from a protected tenancy to a statutory one.

SCHEDULE 2

FORM NO. 5A

RENT ACT 1968

HOUSING RENTS AND SUBSIDIES ACT 1975

Housing Rents and Subsidies Act 1975 section 8(3) and Schedule 3.

Application for Registration of a Fair Rent under section 8(3) of the Housing Rents and Subsidies Act 1975 (Notes 1 and 2)

To the Rent Officer

THE PARTICULARS

1. Address of premises

2. Name of tenant and address if different from 1

3. Name and address of landlord

4. In respect of the registered rent—

(i) the registration number

(ii) the date of registration or, if the rent has been confirmed, the date of confirmation

(iii) whether the rent was determined or confirmed by the rent officer or a rent assessment committee

(iv) the amount of the registered rent £ per.....

5. Matters which the tenant claims were taken into account by the rent officer or the rent assessment committee (if the rent was determined or confirmed by the committee) and which would have fallen to be disregarded under section 46(3)(*bb*) of the Rent Act 1968 (Note 3) if that section had then been in force

6. Rent which the applicant seeks to have registered (EXCLUSIVE of rates) in place of the registered rent £ per.....

*Strike out words which do not apply.

I hereby apply for another rent to be determined in place of the registered rent for the premises named in paragraph 1 above on the ground that the *determination/confirmation of the registered rent took account of a matter which would have fallen to be disregarded by virtue of section 46(3)(*bb*) of the Rent Act 1968 if that provision had then been in force, and submit these particulars accordingly.

Signed.....*(Tenant/Tenant's Agent)

If signed by agent,
Name and address of agent.....
.....

Date.....

NOTES

1. THIS APPLICATION MUST BE MADE BEFORE 11TH SEPTEMBER 1975

2. This application may only be made in respect of rents registered or confirmed on or after 8th March 1974 and before 11th March 1975.

3. Here should be listed any new amenities or improvements to existing amenities in the locality after the material date (Note 4) other than at the cost of the landlord or superior landlord or their predecessors in title, which the tenant claims were taken into account in the determination or confirmation of the registered rent. (If the superior landlord is a public body and the provision of new amentities or the carrying out of improvements was in exercise of functions of a public nature, they are also to be disregarded under section 46(3)(*bb*).)

4. The material date is ascertained as follows:—
   (i) where the rent was the first rent registered for the dwelling house, the material date is 8th March 1971;
   (ii) where (i) above does not apply, the material date will, in general, be the date on which the previous registration of a rent took effect. (The material date in these cases is "the relevant date" as defined in section 44(4) of the Rent Act 1968.)

25th March 1975.

Anthony Crosland,
Secretary of State for the Environment.

27th March 1975.

John Morris,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend Schedule 1 to the Rent Regulation (Forms etc.) (Consolidation) Regulations 1973 by inserting a new form of notice of increase of rent under a regulated tenancy, to be used where the increase is subject to phasing under the Housing Rents and Subsidies Act 1975. They also amend Schedule 3 to the 1973 Regulations by inserting a new form of application to the rent officer where the application is made under section 8(3) of the Act of 1975.

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