1965 No. 2042 (S. 112)

LANDLORD AND TENANT

RENT CONTROL, ETC. SCOTLAND

The Rent Regulation (Forms etc.) (Scotland) Regulations 1965

Made - - - -	2nd December 1965
Laid before Parliament -	7th December 1965
Coming into Operation -	8th December 1965

In exercise of the powers conferred on me by section 46 of the Rent Act 1965(a) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the Rent Regulation (Forms etc.) (Scotland) Regulations 1965 and shall come into operation on 8th December 1965.

2.—(1) In these regulations the expression " the Act " means the Rent Act 1965, and "regulated tenancy" has the meaning assigned to it by section 1(4) of the Act.

(2) The Interpretation Act 1889(b) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. The forms contained in Schedule 1 to these regulations, or forms substantially to the like effect, shall be the forms to be used for the purposes of Notices of Increase of rent under Part I of the Act in cases to which those forms are applicable.

4. The register kept for the purposes of the Act under section 26 (1) thereof shall contain the particulars with regard to tenancies which are set out in Schedule 2 to these regulations.

5. The fee to be paid for a copy of an entry in the register certified under the hand of the Rent Officer or a person duly authorised by him shall be 2s. 6d.

6. The forms contained in Schedule 3 to these regulations, or forms substantially to the like effect, shall be the forms to be used for the purposes of Schedules 3 and 4 to the Act in cases to which those forms are applicable.

7. The particulars to be furnished to the Rent Officer when an application is made under paragraph 1 of Schedule 3 to the Act for the registration of a rent for a dwellinghouse shall be those indicated in Form 4 in Schedule 3 to these regulations.

8. The manner of notifying the Rent Officer for the purposes of paragraph 16(5) of Schedule 3 to the Act that a regulated tenancy has been granted shall be by the landlord serving on the Rent Officer a notice in the form set out in Schedule 4 to these regulations or any form substantially to the like effect.

William Ross,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
2nd December 1965.

(a) 1965 c. 75.

(b) 52 & 53 Vict. c. 63.

THE SCHEDULES

SCHEDULE 1

Forms of Notice of Increase of Rent

FORM NO. 1

RENT ACT 1965

Notice of Increase of Unregistered Rent under Regulated Tenancy on account of Increased Rates (Note 1) — Section 6(2)

Date.....

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

1. I hereby inform you that the rates on the above-mentioned premises have been increased as follows:

Previous rates per annum £ s. d.	New rates per annum £ s. d.	Date of new rates *as from*

2. I hereby give you notice that the rent lawfully recoverable from you as tenant has been increased accordingly as follows:—

Present rent per..... £ s. d.	Increase in rent per..... (Note 2) £ s. d.	New rent per..... £ s. d.	Date of new rent (Note 3) *as from*

3. The new rent shown above will now be payable for the premises as from..... (Note 4). In addition there will be due from you on the day after the service of this notice the sum of £ s. d., being arrears of the above increase.

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 needed where a dwellinghouse is let on a tenancy—
   (*a*) which is regulated under the Rent Act 1965: and
   (*b*) which either has become a statutory tenancy or will become one under section 9(3) of the Act (see Note 5); and
   (*c*) for which the rent has not been registered under the Act; and
   (*d*) for which the rent is one which is inclusive of rates paid by the landlord or the superior landlord.

2. If this is the first Notice of Increase of rent on account of rates which has been served during the statutory tenancy, the amount of increase which can be charged is the amount by which the rates for the rental period to which this Notice applies are more than the rates for the rental period when the contractual tenancy came to an end and the tenant held over on a statutory tenancy.

If this is not the first such Notice of Increase, the amount of increase which can be charged is the amount by which the rates for the rental period to which this Notice relates are more than the rates for the rental period(s) to which the last previous Notice of Increase related.

The amount of rates payable for a rental period is calculated in accordance with the Second Schedule to the Rent Act 1957 as adapted for Scotland by section 47(2) of the Act, that is the amount of rates for any rental period is ascertained by dividing the rates for the whole rating period in which the rent for that rental period is payable by the number which is obtained by dividing the number of days in the rating period by the number of days in the rental period.

Until the local authority's rates in a new rating period are fixed, the tenant's liability on account of rates continues to be based on the rates for the previous rating period. When the rates for the new period are fixed, the tenant's liability must be recalculated. If the rates have gone up, the landlord is entitled on serving this Notice to an increase of rent on account of the increased rates. If there is a further demand for rates during the rating period, for example, because the rateable value has been increased as the result of an appeal or complaint, the tenant's liability must similarly be recalculated in order to ascertain what increase of rent the landlord is entitled to on account of the increased rates. In adjusting the figures where the two rental periods to be compared are not of equal length, a period of one month is to be treated as equivalent to one-twelfth of a year and a period of a week as equivalent to 1/52th of a year.

3. The date cannot be earlier than six months before the service of this Notice.

If this Notice is served while the regulated tenancy is still a contractual one, 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.

4. The date to be inserted here should be the first day of a rental period after the service of this Notice.

5. 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.

FORM NO. 2

RENT ACT 1965

Section 6(6) Notice of Increase of Unregistered Rent under Regulated Tenancy on account of Improvement (Notes 1 & 2)

Date.....

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

I hereby give you notice that the rent lawfully recoverable from you as tenant will be increased as follows:

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

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

Description of Improvement(s)

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 needed where a dwellinghouse is let on a tenancy—

(*a*) which is regulated under the Rent Act 1965; and

(*b*) which either has become a statutory tenancy or will become one under section 9(3) of the Act (see Note 7); and

(*c*) for which the rent has not been registered under the Act.

2. A rent under a regulated tenancy may only be increased on account of an improvement if the improvement was completed both after 8th December 1965 and after the date as from which that rent was agreed.

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 section 111 of the Housing (Scotland) Act 1950 or section 19 of the House Purchase and Housing Act 1959 (Improvement and Standard Grants); or 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 (Sound-proofing 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 any of the enactments referred to in section 1 of the Local Government (Street Works) (Scotland) Act 1956 or any corresponding provision in any local Act also count as an improvement to any premises having access to the street. If other premises belong 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 Sheriff. 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 Sheriff 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 an improvement or standard grant from the local authority; 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.

FORM NO. 3

RENT ACT 1965

Section 7 Notice of Increase of Rent under Regulated Tenancy up to amount of Registered Rent (Note 1)

Date.....

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

1. A rent of £ s. d. per..... was registered on..... as the fair rent for the above-mentioned premises (Note 2).

2. Under the Rent Act 1965 the landlord is entitled to increase the rent for any rental period beginning while a regulated tenancy is a statutory tenancy (Note 3) up to the amount of the registered rent.

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

[3. It is noted in the register that the rates for the above-mentioned premises are paid by the landlord. These are currently £ s. d. per year and the landlord is entitled to add this amount to the registered rent.]

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

Present rent per..... £ s. d.	Increase in rent per..... £ s. d.	New rent per..... £ s. d.	Date of new rent (Notes 4 & 5) *as from*

[5. The new rent includes the sum of £ s. d. 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 where a dwellinghouse is let on a tenancy—
   (*a*) which is regulated under the Rent Act 1965; and
   (*b*) which either has become a statutory tenancy or will become one under section 9(3) of the Act (see Note 6); and
   (*c*) for which a fair rent has been registered under the Act.

2. The Register may be inspected at the office of the Rent Officer. The address of this office can be obtained from the local council or a Citizens' Advice Bureau.

3. If there is still 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 to the amount on the Register unless there is a provision to that effect in the contract. If, however, a contractual tenancy has come to an end and the tenant is holding over as a statutory tenant under the Rent Acts then the landlord may increase the rent to the amount on the register by the service of this Notice.

4. This date must not be a date earlier than the date of registration of the rent nor earlier than 4 weeks before the service of this Notice.

If this Notice is served while the regulated tenancy is still a contractual one, 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.

5. The registered rent will remain the maximum rent under the statutory tenancy until it is altered as the result of an application to the Rent Officer to register a different rent. For 3 years after the registration no new application can be made unless either it is made by the landlord and tenant acting together or 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.

6. 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.

SCHEDULE 2 Section 26(2)

RENT ACT 1965

Particulars with regard to regulated tenancy to be entered in the register of rents kept by the Rent Officer (in addition to the rent payable and a specification of the dwelling house as required by section 26(2) of the Act).

1. Names and addresses of landlord and tenant.
2. Name and address of landlord's agent.

3. Nature of tenancy (whether contractual or statutory and, if contractual, for what periods or term and date of commencement).

4. Allocation between landlord and tenant of liabilities for repairs.

5. Services provided by the landlord.

6. Furniture provided by the landlord.

7. Any other terms of the tenancy taken into consideration in determining the fair rent.

SCHEDULE 3

Forms to be used for the purposes of Schedules 3 and 4 to the Act relating to the registration of rents

FORM NO. 4

RENT ACT 1965

Schedule 3, paragraph 2.

To the Rent Officer

[I] [We jointly] hereby apply for registration of a fair rent for the premises named in paragraph 1 below, and submit particulars of the premises and the tenancy accordingly.

Signed.....
[landlord] [landlord's agent]

.....
[tenant] [tenant's agent]

Date .....

Strike out words in square brackets which do not apply.

The Particulars

1. Address of premises:

2. Rateable value of premises as at 23rd March 1965 (or on date such a value was first shown on the Valuation Roll if this date is after 23rd March 1965):

3. Current gross annual value for rating purposes of premises:

4. Name of tenant:

5. Name and address of landlord:

[6. Name and address of landlord's agent:]

7. Description of premises, including the number of rooms, and a note of any accommodation shared by the tenant(s) with the landlord or with anyone else:

8. Terms of the tenancy* including date of commencement, rent now paid, repairing obligations and details of any services provided by the landlord:

9. Rent proposed to be registered:

[10. Any change in the state of the premises which it is claimed by the applicant(s) has occurred during the present tenancy by reason of—

(*a*) failure by the tenant (including a former holder of the present tenancy) to comply with the terms of the tenancy:

(*b*) improvements carried out by the tenant (including a former holder of the present tenancy) other than under the terms of the tenancy:]

*If these cannot be stated briefly, a copy of the agreement may be attached.

[11. Date of last registration or confirmation of fair rent:]

[12. Grounds of application if made by landlord or tenant acting alone within 3 years of previous registration or confirmation:]

FORM No. 5

RENT ACT 1965

Notice Requiring Further Information

Schedule 3, paragraph 10.

Date.....

To....., [landlord] [tenant] of..... Strike out words in square brackets which do not apply.

(1) The application for registration of a rent for the above-named premises, made by..... on..... has been referred by the Rent Officer for..... to this Rent Assessment Committee. To enable them to consider this application the Committee hereby require you to supply them, not later than..... ....., with the further information indicated in the Schedule to this Notice. You should send this information to:

(2) If you fail without reasonable cause to comply with this notice you will be liable on summary conviction to a fine not exceeding £50 and on a second or subsequent conviction to a fine not exceeding £100.

Signed.....
for the Rent Assessment Committee.

Schedule

FORM No. 6

RENT ACT 1965

Application for Certificate of Fair Rent

Schedule 4, paragraph 3.

To the Rent Officer

I hereby apply for a Certificate of Fair Rent to be issued for the premises named in paragraph 1 below, [and submit plans and specifications of the works to be carried out].

Signed ....., [applicant]

[agent authorised to make the application]

Name and address of applicant..... Strike out words in square brackets which do not apply.
.....

[Name and address of agent.....

.....]

Date.....

(1) Address of premises:

(2) Grounds of application:

(i) [Erection] [conversion] [improvement] [of premises];

(ii) [Proposal to let premises on a regulated tenancy] [for the first time] [after more than three years since the last registration or confirmation of a fair rent].

[(3) Date of last registration or confirmation of fair rent:]

(4) Rent which it is proposed should be specified in the Certificate of Fair Rent:

(5) Terms of regulated tenancy which it is intended to grant:

[(6) The premises are let on a regulated tenancy to:]

SCHEDULE 4

FORM NO. 7

RENT ACT 1965

Schedule 3, paragraph 16(5).

Notice of Grant of Regulated Tenancy

To the Rent Officer

(1) Address of premises:

(2) The regulated tenancy of the above-named premises which it was proposed to grant, and in respect of which the rent was provisionally registered on..... has been granted on the terms indicated
(date)

in the register to ..... and commenced
(name of tenant)

on.....
(date)

Strike out words in square brackets which do not apply.

Signed.....
[landlord] [agent authorised to serve this notice]

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

Address of landlord.....

.....

[Address of agent.....

.....]

Date.....

EXPLANATORY NOTE

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

These regulations prescribe the forms to be used in Scotland for the purposes of the Rent Act 1965. They also deal with certain other matters which the Act requires to be prescribed.

The forms contained in Schedule 1 to the regulations or forms substantially to the like effect are those to be used in certain cases where a landlord increases the rent under a tenancy regulated under the Act.

Schedule 2 contains the particulars of a tenancy which the rent officer is to enter in the register of rents when he registers a fair rent under the Act. Regulation 5 provides that a fee of 2s. 6d. is to be paid in order to obtain from the rent officer a certified copy of an entry in the register of rents.

The forms contained in Schedules 3 and 4 or forms substantially to the like effect are for use in connection with applications to register rents and to obtain certificates of fair rent. In particular, Form No. 4 contains the information which is to be given to the rent officer by a person who applies for the registration of a fair rent.