STATUTORY INSTRUMENTS

1969 No. 1419 (S.111)

LANDLORD AND TENANT

RENT CONTROL, ETC. (SCOTLAND)

The Rent Regulation (Forms etc.) (Scotland) Regulations 1969

Made - - -	29*th September* 1969
Laid before Parliament	8*th October* 1969
Coming into Operation	9*th October* 1969

In exercise of the powers conferred upon me by section 46 of the Rent Act 1965(**a**), section 9 of the Prices and Incomes Act 1968(**b**), and section 56(1) of the Housing (Scotland) Act 1969(**c**), 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 1969 and shall come into operation on 9th October 1969.

2.—(1) Any expression used in these regulations which is also used in the Housing (Financial Provisions) (Scotland) Act 1968(**d**) shall, unless the context otherwise requires, have the meaning assigned to it by that Act.

(2) The Interpretation Act 1889(**e**) 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.) (Scotland) Regulations 1965(**f**) and Regulation 9 of the Prices and Incomes (Regulated Rents) (Scotland) Regulations 1968(**g**) are hereby revoked except in so far as the forms therein prescribed are required to be used in connection with proceedings after the date on which these regulations come into operation and consequent upon action taken before that date.

4. The Register kept by the Rent Officer for the purposes of the Rent Act 1965 under section 26(1) thereof shall contain the particulars with regard to tenancies which are set out in Schedule 1 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 set out in Schedule 2 to these regulations, or forms as near thereto as circumstances admit, shall be the forms to be used for the purposes of the Rent Act 1965 and the Housing (Scotland) Act 1969 in the cases to which those forms are applicable.

(**a**) 1965 c. 75.
(**b**) 1968 c. 42.
(**c**) 1969 c. 34.
(**d**) 1968 c. 31.
(**e**) 1889 c. 63.
(**f**) S.I. 1965/2042 (1965 III, p. 6034).
(**g**) S.I. 1968/1081 (1968 II, p. 2922).

7. The Prices and Incomes (Regulated Rents) (Scotland) Regulations 1968 shall be amended as follows, namely :—

(1) in regulation 3 (exceptions from restrictions on increases) there shall be inserted at the end of paragraph (1) the following subparagraph :—

"(*d*) is a rent to which paragraph 1 or paragraph 8 of Schedule 4 to the Housing (Scotland) Act 1969 applies."

(2) in regulation 5 (phasing of increases in rent) in paragraph (2) after the words "while section 9 of the Act is in force may", there shall be inserted the words "(subject to paragraph 3A.) of this Regulation)" and after paragraph (3) of that Regulation there shall be inserted the following paragraph :—

"(3A.) Where any rent is registered to which paragraph 1 or paragraph 8 of Schedule 4 to the Housing (Scotland) Act 1969 applies, the rent payable shall not be increased by virtue of these regulations."

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

St. Andrew's House,
Edinburgh.
29th September 1969.

SCHEDULE 1

RENT ACT 1965

Particulars with regard to regulated tenancy to be entered in the Register of rents kept by the Rent Officer for the purposes of the Rent Act 1965 (in addition to the rent payable and a specification of the dwellinghouse as required by section 26(2) of the Act). Section 26(2)

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 2

LIST OF FORMS

Form No.	*Purpose*	*Reference to sections or Schedules*
1.	Form of notice of increase of unregistered rent under section 6(2) on account of increased rates.	6(2)[1]
2.	Form of notice of increase of unregistered rent under section 6(6) on account of improvement.	6(6)[1]

[1]The references are to the Rent Act, 1965.

Form No.	*Purpose*	*Reference to sections or Schedules*
3.	Form of notice of increase of rent under section 7(*b*) up to the amount of the registered rent, except where the increase is subject to phasing under the Prices and Incomes (Regulated Rents) (Scotland) Regulations 1968 or where there are restrictions on rent increases under section 53 of and Schedule 4 to the Housing (Scotland) Act 1969.	7(*b*)[1]
4.	Form of notice of increase of rent under section 7(*b*) where a rent has been registered and the registration is subject to phasing under the Prices and Incomes (Regulated Rents) (Scotland) Regulations 1968.	7(*b*)[1]
5.	Form of notice of increase of rent under section 7(*b*) where a rent has been registered and there are restrictions on rent increases under section 53 of and Schedule 4 to the Housing (Scotland) Act 1969.	7(*b*)[1]
6.	Form of application for registration of a rent unsupported by a certificate of fair rent.	Schedule 3 paras 1 and 2[1]
7.	Form of notice requiring further information to be given to the Rent Assessment Committee.	Schedule 3 para 10[1]
8.	Form of application for registration of rent supported by a certificate of fair rent.	Schedule 3 para 16[1]
9.	Form of application for certificate of fair rent except where the dwellinghouse is subject to an existing controlled tenancy.	Schedule 4 paras 1 and 3[1]
10.	Form of notice to rent officer of grant of regulated tenancy.	Schedule 3 para 16(5)[1]
11.	Form of application for certificate of fair rent by landlord under existing controlled tenancy.	Schedule 4 paras 1 and 3[1] Schedule 3 para 1[2]
12.	Form of application under section 45(1) for a qualification certificate.	45(1)[2]
13.	Form of notice by local authority to tenant under section 46(1).	46(1)[2]
14.	Form of qualification certificate issued by local authority when application was made under section 45(1).	46(2)[2]
15.	Form of notice of refusal of qualification certificate given by local authority when application was made under section 45(1).	46(2)[2] and 49[2]
16.	Form of application under section 45(2) for a qualification certificate.	45(2)[2]
17.	Form of certificate of provisional approval where application was made under section 45(2) for a qualification certificate.	47(1)[2]
18.	Form of qualification certificate issued by local authority where application was made under section 45(2).	47(3) and (4)[2]

[1]The references are to the Rent Act 1965.

[2]The references are to the Housing (Scotland) Act 1969.

FORM NO. 1

RENT ACT 1965

Form of Notice of Increase of Unregistered Rent under section 6(2) on account of Increased Rates (Note 1)

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.

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 1/52 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

Form of Notice of Increase of Unregistered Rent under section 6(6) 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.

No increase can be obtained under section 6(6) on account of any improvements with respect to which a grant under Part II of the Housing (Financial Provisions) (Scotland) Act 1968 (improvement and standard grants) is payable after 25 August 1969. In such cases the rent can be increased only following the registration of a rent.

2. A rent under a regulated tenancy may be increased by this Notice only on account of an improvement completed both after 8 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. Where in respect of an improvement

(*a*) a grant has been made under section 27 or section 40 of the Housing (Financial Provisions) (Scotland) Act 1968 (improvement or standard grant, but see Note 1 above); or

(*b*) a grant has been made under section 15 of the Airports Authority Act 1965 (grants towards the cost of sound proofing); or

(*c*) a repayment has been made under section 12 of the Clean Air Act 1956 adaptation of fireplaces in private dwellings)

the amount to be inserted here as the amount expended on the improvements must be that amount as diminished by the amount of the grant or repayment.

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 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 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 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

(*b*) 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

Form of Notice of Increase of Rent under section 7(*b*) up to the amount of the registered rent, except where the increase is subject to phasing under the Prices and Incomes (Regulated Rents) (Scotland) Regulations 1968 or where there are restrictions on rent increases under section 53 of and Schedule 4 to the Housing (Scotland) Act 1969. (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 and 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 which is higher than the rent presently recoverable.

2. The Rent Register may be inspected at the office of the Rent Officer.

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.

FORM NO. 4

RENT ACT 1965
PRICES AND INCOMES ACT 1968

Form of Notice of Increase of Rent where a rent has been registered and the registration is subject to phasing under the Prices and Incomes (Regulated Rents) (Scotland) Regulations 1968

Date.....

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

1. A rent of £ s. d. per.....was registered on..... .....as the fair rent for the above-mentioned premises (Notes 2, 3 and 4) [of which £ s. d. per.....was distinguished as the amount fairly attributable to services provided by the landlord (Note 7)].

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

2. The entitlement of the landlord in respect of a regulated tenancy which is a statutory tenancy to increase the rent up to the amount of the registered rent is, by virtue of section 9 of the Prices and Incomes Act 1968 and the Prices and Incomes (Regulated Rents) (Scotland) Regulations 1968, subject to certain limits. (Notes 5 and 6.)

[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 rent he is otherwise permitted to obtain. (Note 8)].

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 9 and 10) as from

5. This is a notice taking effect within the [first] [second] year of phasing (Note 6) and the following information is relevant to the calculation of the increase.

Recoverable rent immediately before commencement of first year of phasing (Note 5) £ s. d. per.....

[Services apportionment (Note 7) £ s. d. per.....]

[6. 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 that Act (Note 10); and
   (*c*) for which a fair rent is registered under that Act and the increase relates to a period within the first or second year of phasing under the Prices and Incomes (Regulated Rents) (Scotland) Regulations 1968 referred to elsewhere in these notes as "the Regulations"). (Note 6.)

2. The Rent Register may be inspected at the office of the Rent Officer.

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 unless there is a provision in the terms of the contract to that effect. In a case where the limits on increases in the Regulations would apply, those limits continue to apply notwithstanding any contract entered into on or after 10 July 1968.

4. If a contractual tenancy has come to an end and the tenant is holding over as a statutory tenant under the Rent Acts, the landlord may increase the rent by the service of Notice(s) of Increase to the limits in the Regulations.

5. The limits permitted by the Regulations are based on:

(i) the "recoverable rent", which will in general be the rent actually payable immediately before the first year of phasing but which may be higher in certain cases where the landlord has not yet obtained his full entitlement; and

(ii) the registered rent.

6. Separate limits apply during the first and second year of phasing. The first year of phasing means the year commencing with the date when the fair rent is determined and registered by the rent officer on or after 10 July 1968. The second year of phasing is the year immediately following the first year of phasing. The limitation continues until the end of whichever phasing year is current on 31 December 1969.

7. Further details about the phasing scheme are contained in the leaflet "Phasing of rent increases—Notes for Tenants and Landlords", which may be obtained from the Rent Officer. The leaflet explains, among other things, the term "recoverable rent", the limits of increase permitted in each year of phasing and the way to calculate, from the amount of the registered rent distinguished as fairly attributable to services provided by the landlord, the services apportionment which is not subject to any phasing restriction.

8. The phasing restrictions do not apply to any changes in rent resulting from changes in rates borne by the landlord.

9. This date must be a date which is not earlier than:

(i) the date of registration, or

(ii) four weeks before the service of this Notice, or

(iii) the commencement of the first year of phasing or of the second year of phasing, as the case may be.

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 (Note 10).

10. 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. 5

RENT ACT 1965

HOUSING (SCOTLAND) ACT 1969

Form of Notice of Increase in Rent under section 7(*b*) when a rent has been registered and there are restrictions on rent increases under section 53 of and Schedule 4 to the Housing (Scotland) Act 1969 (Note 1).

Date.....

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

1. A rent of £.....per.....was registered on..... as the fair rent for the above mentioned dwelling house [of which £..... per.....was noted in the Register as the amount apportioned to services provided by the landlord (Note 6)].

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

2. Where the registration is the first after [the tenancy has become a regulated tenancy by virtue of Part IV of the Housing (Scotland) Act 1969 (See Note 1)] [the completion during the existence of the regulated tenancy of work towards the cost of which a grant was payable under Part II of the Housing (Financial Provisions) (Scotland) Act 1968 (See Note 1)], the landlord may under, section 53 of the Housing (Scotland) Act 1969, increase the rent payable for any rental period beginning while this regulated tenancy is a statutory tenancy (See Note 2) only in such stages as are permitted under Schedule 4 to that Act (See Note 3).

[3. It is noted in the Register that the rates for the above mentioned dwelling house are paid by the landlord. These are currently £.....per annum and the landlord is entitled to add this amount to the rent he is otherwise permitted to obtain. (See Note 4)].

4. I hereby give you notice that your rent will be increased from your present rent of £.....per.....by an increase of £.....per..... to the new rent of £.....per.....and the date from which such increase is to take effect is.....(See Note 5).

5. This is a notice taking effect within the [first] [second] [third] [fourth] year of the period of delay (See Note 3) and the following information is relevant for the calculation of the increase:—

(*a*) The amount of the previous limit (See Note 3) £.....per.....

(*b*) Amount noted in the Register as apportioned to services (See Note 6) £.....per.....

(*c*) The appropriate proportion of the difference between the registered rent and the sum of (*a*) and (*b*) (See note 3).

[(*d*) If the rent referred to in paragraph 1 is not the first registered after the conversion of the tenancy or the completion of the works details of other rents registered since then are (Note 7) £.....per..... registered on.....].

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

[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 where a dwellinghouse is let on a tenancy
(*a*) which is regulated under the Rent Act 1965;
(*b*) which either has become a statutory tenancy or will become one under section 9(3) of the Act (See Note 2); and
(*c*) for which a fair rent has been registered which is higher than the rent presently recoverable, and

the registration is the first

(i) after the tenancy has been converted from an existing controlled tenancy into a regulated tenancy by virtue of Part IV of the Housing (Scotland) Act 1969 (i.e. after the issue of a qualification certificate); or

(ii) after the completion, during the existence of the regulated tenancy, or works towards the cost of which a grant was payable after 25 August 1969 under Part II of the Housing (Financial Provisions) (Scotland) Act 1968 (an improvement or standard grant).

In these circumstances the landlord may increase the rent by this Notice only to the extent (if any) permitted under Schedule 4 to the Housing (Scotland) Act 1969.

2. If there is still a contract of tenancy between the landlord and the tenant, the registration of a rent which is higher than the rent payable under that contract does not allow the landlord to increase the rent to the amount of the registered rent unless there is a provision to that effect in the contract. Where the increase is subject to restrictions under Schedule 4 to the Housing (Scotland) Act 1969 the limits under that Act continue to apply notwithstanding any agreement purporting to entitle the landlord to charge a higher rent. 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 payable for any rental period beginning while the regulated tenancy is a statutory tenancy by the service of this Notice up to the limits permitted under Schedule 4 to the Housing (Scotland) Act 1969. 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 contractual tenancy to an end before the date specified in this Notice for the increase in rent to take effect, this Notice will operate, by virtue of section 9(3) of the 1965 Act, to convert the tenancy into a statutory tenancy as from that date.

3. Schedule 4 provides for a four or a two year period of delay, beginning with the date of registration, with respect to the rent registered, according as to whether it was registered as mentioned in case (i) or (ii) in Note 1 above. The amount of increase permitted is the appropriate proportion, calculated according to the year of the period of delay, of the difference between the registered rent and the sum of the following

(*a*) the amount of the previous limit (i.e. the amount, exclusive of rates, which at the date of registration was recoverable by way of rent or would have been so recoverable if all authorised notices of increase had been served) and

(*b*) the amount, if any, which is noted in the Register as apportioned to services.

If it is the first year of the period of delay, the appropriate proportion will be a fifth or a third of the difference according as to the period of delay is four or two years. If it is the second year, the appropriate proportion will be two-fifths or two-thirds of the difference, and so on. Accordingly the total increase in rent (i.e. the difference between the registered rent and the sum of (*a*) and (*b*)) will be phased over five equal annual stages where the period of delay is four years and over three equal annual stages where the period of delay is two years. In both cases however the amount to which the rent may be increased each year for any rental period shall not be less than 7s. 6d. per week but only up to the amount which is registered and so the registered rent may be obtained before the end of the appropriate period of delay.

The rent may therefore be increased to the aggregate of the appropriate proportion and the sum of (*a*) and (*b*). If this Notice purports to increase it further it will have effect only to increase it to the extent permitted.

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

5. This date must be a date which is not earlier than:—

(1) the date of registration, or

(2) four weeks before the service of this Notice, or

(3) the commencement of the first rental period beginning from the first second third or fourth year of the period of delay as the case may be.

If this Notice is served while the regulated tenancy is still contractual then 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. (See Note 2).

6. Where an amount has been noted in the Register as apportioned to services this amount is excluded from the restrictions on increases in rent. (See Note 3).

7. Where a registered rent is subject to the above mentioned restrictions on increases and, in any year of the period of delay, a new rent is registered, the rent payable may be increased to the same extent as if the rent first registered had remained registered. The rent payable may not, however, exceed the amount of the new rent registered where the new rent is lower than the rent first registered. Where the new rent is higher than the rent first registered, the difference between the new rent and the rent first registered may be added in full in any statutory period beginning after the year of the period of delay in which the new rent was registered.

FORM NO. 6

RENT ACT 1965

Form of Application for Registration of a Rent unsupported by a Certificate of Fair Rent

To the Rent Officer:

THE PARTICULARS

1. Address of dwellinghouse
2. Rateable value of dwellinghouse on 23 March 1965 (or on date such a value was first shown in the Valuation Roll if this date is after 23 March 1965) £.....
3. Current gross annual value of dwellinghouse
4. Name of tenant
5. Name and address of landlord
6. Description of dwellinghouse (including the number of rooms and, if part only of a building, on which floor or floors)
7. Note of any accommodation of which tenant has shared use; state whether sharing is with landlord or another tenant
8. Details of any services provided by the landlord
9. Terms of the tenancy:—

   If the agreement is in writing a copy should be supplied with this application. If the agreement is not in writing state:

   (*a*) Date of commencement

   (*b*) Rent now payable £.....per.....
   (exclusive of rates)

   (*c*) Repairing obligations (i) of landlord.....
   .....
   (ii) of tenant.....
   .....

   and (*d*) Other terms (a separate sheet may be attached if necessary)

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

    (*a*) any disrepair or other defects attributable to a failure by the tenant (including a former holder of the present tenancy) to comply with the terms of the tenancy:

    (*b*) improvements, including replacements of any fixtures or fittings, carried out by the tenant (including a former holder of the present tenancy) other than under the terms of the tenancy:

11. If an improvement or standard grant has been obtained from the local authority were the conditions first required to be observed with respect to the dwellinghouse before or after 25 August 1969?

12. If the tenancy has been converted from an existing controlled to a regulated tenancy under Section 44 of the Housing (Scotland) Act 1969, enclose a copy of the qualification certificate issued by the local authority and give the rateable value of the dwellinghouse as at 25 August 1969.

13. Grounds of application if made by landlord or tenant acting alone within three years of:

(*a*) the effective date of the previous registration

or (*b*) where on a previous application for the registration of a different rent the registered rent was confirmed, the date of that application

14. Rent (exclusive of rates) which the applicant proposes should be registered
£.....per.....

15. If any services are provided by the landlord state what amount if any of the rent proposed in 14 above should be noted in the Register as fairly attributable to the provision of services
£.....per.....

I/We jointly hereby apply for registration of a rent for the dwellinghouse mentioned in paragraph 1 above, and submit final particulars of the dwellinghouse and the tenancy accordingly.

Strike out words which do not apply.

Signed .....
(landlord/landlord's agent)

.....
(tenant/tenant's agent)

In a joint application both parties should sign.

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

.....

Date.....

NOTE: Where a JOINT APPLICATION is made there is no right to have the matter referred to a rent assessment committee if the Rent Officer is satisfied that the rent proposed in the application is a fair rent.

FORM NO. 7

RENT ACT 1965

Form of Notice Requiring Further Information to be given to the Rent Assessment Committee

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.

FORM NO. 8

RENT ACT 1965

Form of Application for Registration of a Rent supported by Certificate of Fair Rent

To the Rent Officer:

THE PARTICULARS

1. Name and address of applicant
2. Address of dwellinghouse to which certificate of fair rent relates
3. Date of certificate of fair rent
4. If the dwellinghouse was subject to an existing controlled tenancy when the certificate of fair rent was issued, enclose a copy of the certificate of fair rent and of the qualification certificate issued by the local authority.
5. If the dwellinghouse was not subject to an existing controlled or regulated tenancy when the certificate of fair rent was issued, has a regulated tenancy been granted? If so has it been granted on the terms specified in the certificate of fair rent? Give the name of the tenant and the date of commencement of the tenancy.
6. Where proposed works were specified in the certificate of fair rent have these works been carried out?
7. Has an improvement or standard grant been obtained from the local authority and if so were the conditions first required to be observed with respect to the dwellinghouse before or after 25 August, 1969?

I hereby apply for the registration of a rent for the dwellinghouse mentioned in paragraph 2 above in accordance with the certificate of fair rent.

Date..... Signed.....
(applicant/agent authorised to make the application).

Strike out words which do not apply.

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

.....

Date.....

FORM NO. 9

RENT ACT 1965

Form of Application for Certificate of Fair Rent except where dwellinghouse is subject to an existing controlled tenancy

To the Rent Officer:

THE PARTICULARS

1. Address of dwellinghouse
2. State whether the applicant is intending
   (*a*) to provide a dwellinghouse by the erection or conversion of any premises or
   (*b*) to make any improvements in a dwellinghouse or
   (*c*) to let on a regulated tenancy a dwellinghouse which is not subject at present to such a tenancy and in respect of which either no rent is registered or not less than three years have elapsed since the registration became effective or where on a previous application for the registration of a different rent, the registered rent was confirmed, the date of that application. Give the date of any previous registration or confirmation.

3. In the case of an application made in the circumstances of paragraph 2(*a*) or (*b*) above give a brief description and attach plans and specifications of the works to be carried out and an estimate of their cost.

4. In the case of an existing dwellinghouse

   (*a*) state the rateable value on 23 March 1965 (or on date such value was first shown in the valuation roll if this date is after 23 March 1965);

   (*b*) describe the existing dwellinghouse (including number of rooms and, if part only of a building, on which floor or floors).

5. If an application is made in the circumstances of paragraph 2(*b*) above state whether the dwellinghouse is at present subject to a regulated tenancy and if so give:

   (*a*) the name of the tenant

   (*b*) a note of any accommodation of which the tenant has shared use; state whether sharing with landlord or another tenant

   (*c*) details of the terms of the tenancy; if there is an agreement in writing a copy should be supplied with this application; if not state:

   (i) date of commencement of tenancy and

   (ii) rent now payable (exclusive of rates)

   (iii) repairing obligations (1) of tenant and (2) of landlord

   (iv) any other terms

   (*d*) details of any services provided by the landlord;

   (*e*) any disrepair or other defect which is claimed to be attributable to a failure by the tenant (including a former holder of the present tenancy) to comply with the terms of the tenancy;

   (*f*) any improvements, including replacements of any fixtures or fittings, which have been carried out by the tenant (including a former holder of the present tenancy) other than under the terms of the tenancy.

6. Where it is proposed to grant a regulated tenancy state what will be the terms of the tenancy and give details of any services to be provided by the landlord.

7. Rent (exclusive of rates) which the applicant proposes should be specified in the Certificate of Fair Rent:

£.....per.....

8. If any services are, or will be, provided by the landlord state what amount, if any, of the fair rent proposed in paragraph 7 above should be noted in the certificate as fairly attributable to the provisions of services

£.....per.....

I hereby apply for a Certificate of Fair Rent to be issued specifying a rent which would be a fair rent under a regulated tenancy of the dwellinghouse mentioned in paragraph 1 above or as the case may be of the dwellinghouse after erection or conversion or after the completion of the improvements.

Signed .....

(applicant/agent authorised to make the application)

Name and address of applicant:.....

.....

.....

If signed by agent, name and address of agent:.....

.....

.....

Date.....

Strike out words in brackets which do not apply.

FORM NO. 10

RENT ACT 1965

Form of 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)

Signed .....

[landlord] [agent authorised to serve this notice]

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

Address of landlord.....

.....

[Address of agent.....

.....]

Date.....

Strike out words in square brackets which do not apply.

FORM NO. 11

RENT ACT 1965

HOUSING (SCOTLAND) ACT 1969

Form of Application for Certificate of Fair Rent by landlord under existing controlled tenancy

To the Rent Officer:

THE PARTICULARS

1. Address of dwellinghouse
2. Name of tenant
3. Enclose a copy of the Certificate of Provisional Approval issued by the local authority and copies of the plans and specifications which accompanied the application for a qualification certificate. Give a brief description of the proposed works and an estimate of their costs.
4. Description of existing dwellinghouse (including the number of rooms, and, if part only of a building, on which floor or floors)
5. Note of any accommodation of which tenant has shared use: state whether sharing is with landlord or another tenant
6. Details of any services provided by the landlord
7. Terms of tenancy:—
If the agreement is in writing a copy should be supplied with this application.

If the agreement is not in writing state:

(*a*) Rent (exclusive of rates) now payable £..... per.....

(*b*) Repairing obligations
(i) of landlord
(ii) of tenant

(*c*) Other terms (a separate sheet may be attached if necessary)

8. Any disrepair or defect which the applicant claims is due to the failure of the tenant (including a former holder under the existing controlled tenancy) to comply with the terms of the tenancy

9. Any improvements, including any replacements of fixtures or fittings, which have been carried out by the tenant (including a former holder under the existing controlled tenancy) otherwise than under the terms of the tenancy

10. Rent (exclusive of rates) which the applicant proposes should be specified in the Certificate of Fair Rent
£.....per.....

11. If any services are provided by the landlord state what amount, if any, of the fair rent proposed in paragraph 10 above should be noted in the certificate as fairly attributable to the provision of services
£.....per.....

I hereby apply for a Certificate of Fair Rent specifying the rent which would be a fair rent under the regulated tenancy of the dwellinghouse mentioned in paragraph 1 above that might arise by section 44 of the Housing (Scotland) Act 1969 if the works shown in the plans and specifications were carried out.

Signed.....

(landlord/agent authorised to make the application)

Name and address of landlord: .....
.....
.....

Strike out words which do not apply.

[If signed by agent,
name and address of agent:.....
.....]

Date.....

FORM NO. 12

HOUSING (SCOTLAND) ACT 1969

Form of Application under section 45(1) of a Qualification Certificate (Notes 1 and 2)

..... Town/County Council

1. Address of dwelling in respect of which this application is made

2. Is the dwelling subject to an existing controlled tenancy? (See Note 3)

3. Name of tenant

4. Is the dwelling provided with all the standard amenities? (See Note 4)

5. Has the dwelling been provided with all the standard amenities at all times since 25 August 1969?

6. If any of the standard amenities had not been provided by 25 August 1969 were they provided by means of works begun before that date?

7. Is the dwelling in good repair? (See Note 5)

8. Does the dwelling meet the tolerable standard? (See Note 6)

9. Has an improvement or standard grant been made in respect of the dwelling? Give date and reference number of the grant. (See Note 7)

I hereby apply for a qualification certificate in respect of the dwelling mentioned above. I declare that to the best of my knowledge and belief the statements made in this application are correct.

Signed.....
(landlord/landlord's agent)

Name and address of landlord: .....
.....
.....

[If signed by agent,
name and address of agent:.....
.....]

Date.....

NOTES

1. An application for a qualification certificate may be made under section 45(1) of the Housing (Scotland) Act 1969 in respect of a dwelling subject to an existing controlled tenancy, if

(*a*) it has been provided with all the standard amenities (see Note 4) at all times since 25 August 1969 or

(*b*) any of the standard amenities previously lacking were provided by means of works begun before that date.
(If any of the standard amenities are lacking but are to be provided, application may be made under section 45(2) so long as the works required to provide the standard amenities have not yet started.)

2. An application under section 45(1) can be granted only if the dwelling satisfies the qualifying conditions that is, if in addition to possessing the standard amenities, the dwelling is in good repair (see Note 5) and meets the tolerable standard (see Note 6).

3. An existing controlled tenancy is defined in section 11(2) of the Rent Act 1965 as

(*a*) a tenancy to which the Rent Acts (ie the Rent and Mortgage Interest Restrictions Acts 1920 to 1939 or any of those Acts) apply apart from section 1 of the Rent Act 1965 ;

(*b*) a statutory tenancy arising on the determination of such a tenancy as is mentioned in paragraph (*a*).

4. The standard amenities are defined in section 39(1) of the Housing (Financial Provisions) (Scotland) Act 1968 as the following amenities provided for the exclusive use of the occupants of the dwelling:—

(*a*) a fixed bath or shower in a bathroom or if that is not reasonably practicable in any part of the dwelling other than a bedroom ;

(*b*) a wash-hand basin ;

(*c*) a sink ;

(*d*) a water closet ;

(*e*) a hot and cold water supply at a fixed bath or shower, the wash-hand basin and the sink.

5. The dwelling must be in good repair having regard to its age, character and locality and disregarding internal decorative repair.

6. In order to meet the tolerable standard, the dwelling must:

(*a*) be structurally stable;

(*b*) be substantially free from rising or penetrating damp;

(*c*) have satisfactory provision for natural and artificial lighting, for ventilation and for heating;

(*d*) have an adequate piped supply of wholesome water available within the house;

(*e*) have a sink provided with a satisfactory supply of both hot and cold water within the house;

(*f*) have a water closet

(i) available for the exclusive use of the occupants of the house within the house or, where the house forms part of a building, within the building and

(ii) readily accessible from, and suitably located, within the house or building, as the case may be;

(*g*) have an effective system for the drainage and disposal of foul and surface water;

(*h*) have satisfactory facilities for the cooking of food within the house and

(*i*) have satisfactory access to all external doors and out-buildings.

(The Secretary of State may by order vary or extend the above criteria in such a way as to raise the tolerable standard.)

7. The application cannot be entertained by the local authority while the conditions of Schedule 3 to the Housing (Financial Provisions) (Scotland) Act 1968 as originally enacted fall to be observed with respect to the dwelling.

8. A copy of this application will be sent by the local authority to the tenant who will have the opportunity to make representations that the qualifying conditions are not satisfied.

9. General information for both landlords and tenants is given in the booklet "House Improvements and Rents".

FORM NO. 13

HOUSING (SCOTLAND) ACT 1969

Form of Notice by local authority to tenant under Section 46(1)

..... Town/County Council

To.....

.....

.....

1. An application under section 45(1) of the Housing (Scotland) Act 1969 has been made to the local authority 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 an existing controlled tenancy.

3. An application may be made under section 45(1) of the Act of 1969 for a qualification certificate where the dwelling has at all times since 25 August 1969 been provided with all the standard amenities* or where any of the standard amenities previously lacking were provided by means of works begun before that date.

4. Before a qualification certificate can be issued, the local authority must be satisfied that the dwelling satisfies the following conditions, known as the qualifying conditions:—
   (i) it must be provided with all the standard amenities*
   (ii) it must be in good repair, having regard to its age, character and locality and disregarding internal decorative repair
   (iii) it must meet the tolerable standard.‡

Your right to make representations

5. You may, within 28 days from the service of this notice, make representations to the local authority that the dwelling does not satisfy the qualifying conditions.

6. Any representations made in writing should be sent to..... The local authority will consider any representations you make before reaching their decision.

7. The local authority will notify you of their decision as to whether they refuse the application or issue a qualification certificate.

Effect of a qualification certificate

8. If the local authority issue a qualification certificate, your tenancy will become a regulated tenancy
   (*a*) on the appropriate date shown below, where the qualification certificate is issued before that date; or
   (*b*) on the date of issue of the certificate where that is later than the appropriate date shown below:—

on 1st January 1971†	if the rateable value of the dwelling on 25 August 1969 is	£45 or more
on 1st July 1971†	—do—	£30 or less than £45
on 1st January 1972†	—do—	less than £30.

9. When the tenancy becomes regulated, an application may be made to the Rent Officer for the registration of a rent and, if such an application is made by the landlord, you will be given the opportunity to make written representations to the Rent Officer against the registration of the rent specified in that application.

10. If the rent which is registered is higher than your present rent, the increase in rent will be phased. The increase above the controlled rent will be spread evenly over five annual stages, unless it is less than 37s. 6d. per week, in which case the rent may be increased by 7s. 6d. per week each year until the registered rent is reached.
(Increases treated as due to rises in the cost of services provided by the landlord may be chargeable in full straightaway.)

11. When a tenancy becomes a regulated tenancy the tenant still enjoys the wide measure of security of tenure given by the Rent Acts.

Date Signature of Clerk to the local authority.

*See Note 1.
‡See Note 2.
†The Secretary of State has power by order to bring these dates forward.

NOTES

1. The standard amenities are defined in section 39(1) of the Housing (Financial Provisions) (Scotland) Act 1968 as the following amenities provided for the exclusive use of the occupants of the dwelling:-

(1) A fixed bath or shower in a bathroom or if this is not reasonably practicable in any part of the dwelling other than a bedroom.

(2) A wash-hand basin.

(3) A sink.

(4) A water closet.

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

2. To meet the tolerable standard, the dwelling must:—

(*a*) be structurally stable;

(*b*) be substantially free from rising or penetrating damp;

(*c*) have satisfactory provision for natural and artificial lighting, for ventilation and for heating;

(*d*) have an adequate piped supply of wholesome water available within the house;

(*e*) have a sink provided with a satisfactory supply of both hot and cold water within the house;

(*f*) have a water closet

(i) available for the exclusive use of the occupants of the house within the house or, where the house forms part of a building, within that building and

(ii) readily accessible from, and suitably located, within the house or building, as the case may be;

(*g*) have an effective system for the drainage and disposal of foul and surface water;

(*h*) have satisfactory facilities for the cooking of food within the house; and

(*i*) have satisfactory access to all external doors and out-buildings.

(The Secretary of State has power to vary or extend the above criteria in such a way as to raise the tolerable standard).

3. General information is given to both landlords and tenants in the booklet "House Improvements and Rents."

FORM NO. 14

HOUSING (SCOTLAND) ACT 1969

Form of Qualification Certificate issued by local authority when application was made under section 45(1)

To.....

.. ..

.....

Reference No.....

The.....Town/County Council have considered your application under section 45(1) of the Housing (Scotland) Act 1969 for a qualification certificate in respect of the dwelling at..... ..... [and the representations made by the tenant under the existing controlled tenancy of the dwelling.]

This is to certify that the local authority are satisfied that this dwelling satisfies the qualifying conditions mentioned in section 44 of the Housing (Scotland) Act 1969.

A copy of this certificate is being sent to the tenant.

Signature of
clerk to the local authority.....

Date.....

NOTES

1. Your tenancy will become a regulated tenancy
   (*a*) on the appropriate date shown below, where the qualification certificate is issued before that date ; or
   (*b*) on the date of issue of the certificate where that is later than the appropriate date shown below:—

1st January 1971*	if the rateable value of the dwelling on 25 August 1969 is	£45 or more
1st July 1971*	—do—	£30 or less than £45
1st January 1972*	—do—	less than £30

2. When the tenancy becomes a regulated tenancy, an application may be made to the Rent Officer for the registration of a rent. A copy of this qualification certificate must accompany the application for registration. If the rent which is registered is higher than the rent now paid, the increase in rent will be phased.

3. The tenant may appeal to the Sheriff within 28 days of the service on him by the local authority of a copy of this certificate, or such longer period as the sheriff may allow. The appeal may be on either or both of the following grounds:—

(i) that the certificate ought not to have been issued and
(ii) that the certificate is invalid by reason of a failure to comply with any requirement of Part IV of the Housing (Scotland) Act 1969 or of some informality, defect or error (though in case (ii) the Sheriff will confirm the certificate unless he is satisfied that the interests of the appellant have been substantially prejudiced by the facts relied on by him). The Sheriff may either confirm or quash the certificate.

*The Secretary of State has power by order to bring these dates forward.

FORM NO. 15

HOUSING (SCOTLAND) ACT 1969

Form of Notice of Refusal of Qualification Certificate given by local authority when application was made under Section 45(1)

Reference No.....

To.....

.. ..

.. ..

.....Town/County Council have considered your application under section 45(1) of the Housing (Scotland) Act 1969, for a qualification certificate in respect of the dwelling at.....
..... [and the representations made by the tenant].

The local authority are not satisfied that the dwelling satisfies the qualifying conditions mentioned in section 44 of the Housing (Scotland) Act 1969 and, in accordance with section 46(2) of that Act, this notice is sent of the Council's refusal of your application.

The reasons for the refusal are

You may appeal to the sheriff, within 28 days of the service of this notice, or such longer period as the sheriff may allow, on the ground that the certificate ought to be issued. On any appeal the sheriff may either confirm the refusal or order the local authority to issue a certificate.

A copy of this notice is being sent to the tenant.

Signature of
clerk to the local authority.....

Date.....

FORM NO. 16

HOUSING (SCOTLAND) ACT 1969

Form of Application under section 45(2) for a Qualification Certificate (Note 1)

.....Town/County Council

1. Address of dwelling in respect of which this application is made
2. Is the dwelling subject to an existing controlled tenancy? (See Note 2)
3. Name of tenant
4. Is the dwelling provided with all the standard amenities? (See Note 3)
5. State which standard amenities the dwelling lacks at the time of making the application
6. Have any works begun for providing the dwelling with the standard amenities which it lacks (See Note 4)
7. Is the dwelling in good repair? (See Note 5)
8. Does the dwelling meet the tolerable standard? (See Note 6)
9. State what works are required for the dwelling to satisfy the qualifying conditions and enclose plans and specification of those works (See Note 7)

I hereby apply for a qualification certificate in respect of the dwelling mentioned above. I declare that to the best of my knowledge and belief the particulars contained in this application are correct.

Date.....

Signed.....
landlord/landlord's agent

Name and address of Landlord: .....

.....

.....

[If signed by agent,
name and address of agent:.....

.....]

Date.....

NOTES

1. Section 45(2) of the Housing (Scotland) Act 1969 provides that an application for a qualification certificate may be made with respect to a dwelling which lacks one or more of the standard amenities, if the application is made

before any works are begun for providing the dwelling with the standard amenities which it lacks.

2. An existing controlled tenancy is defined in section 11(2) of the Rent Act 1965 as

(*a*) a tenancy to which the Rent Acts (i.e. the Rent and Mortgage Interest Restrictions Act 1920 to 1939 or any of those Acts) apply apart from section 1 of the Rent Act 1965 ;

(*b*) a statutory tenancy arising on the termination of such a tenancy as is mentioned in paragraph (*a*).

3. The standard amenities are defined in section 39(1) of the Housing (Financial Provisions) (Scotland) Act 1968 as the following amenities provided for the exclusive use of the occupants of the dwelling:—

(*a*) a fixed bath or shower in a bathroom or if that is not reasonably practicable in any part of the dwelling other than a bedroom ;

(*b*) a wash-hand basin ;

(*c*) a sink ;

(*d*) a water closet ;

(*e*) a hot and cold water supply at the fixed bath or shower, the wash-hand basin and the sink.

An application for a qualification certificate under section 45(2) cannot be made with respect to a dwelling which at the time of making the application is provided with all the standard amenities. Where, however,

(i) a dwelling has been provided with them at all times since 25 August 1969 or

(ii) it has been provided with those which were lacking by means of works begun before that date,

an application may be made under section 45(1).

4. An application for a qualification certificate under section 45(2) cannot be made if any such works have been begun. Where, however, they were begun before 25 August 1969 an application can be made under section 45(1).

5. The dwelling must be in good repair having regard to its age, character and locality and disregarding internal decorative repair.

6. In order to meet the tolerable standard the dwelling must

(*a*) be structurally stable ;

(*b*) be substantially free from rising or penetrating damp ;

(*c*) have satisfactory provision for natural and artificial lighting, for ventilation and for heating ;

(*d*) have an adequate piped supply of wholesome water available within the house ;

(*e*) have a sink provided with a satisfactory supply of both hot and cold water within the house ;

(*f*) have a water closet

(i) available for the exclusive use of the occupants of the house within the house, or, where the house forms part of a building, within that building and

(ii) readily accessible from and suitably located within the house or building as the case may be ;

(*g*) have an effective system for the drainage and disposal of foul and surface water ;

(*h*) have satisfactory facilities for the cooking of food within the house ; and

(*i*) have satisfactory access to all external doors and out-buildings.

7. The qualifying conditions are that the dwelling
(i) is provided with all the standard amenities (See Note 2)
(ii) is in good repair (See Note 4)
(iii) meets the tolerable standard (See Note 5).

8. If it appears to the local authority that the dwelling will satisfy the qualifying conditions when the works specified in the application have been carried out, they will issue a certificate of provisional approval. If the local authority refuse to issue a certificate of provisional approval, the applicant will be sent a written statement of their reasons for the refusal.

9. If a certificate of provisional approval is issued, the applicant must apply to the Rent Officer for a certificate of fair rent before the local authority can issue a qualification certificate.

10. The attention of applicants is drawn to the fact that, where the works required for the qualifying conditions to be satisfied cannot be carried out without the consent of the tenant, then, if those works are specified in an application for a certificate of fair rent, it is provided, in section 55(1) of the Housing (Scotland) Act 1969, that the tenant's consent shall be of no effect unless it is given or confirmed in writing after the date of the certificate of fair rent.

11. On the production by the applicant of a certificate of fair rent and on being satisfied that the dwelling satisfies the qualifying conditions, the local authority will issue the qualification certificate.

A copy of this application will be sent to the tenant.

General information is provided for landlords and tenants in the booklet 'House Improvements and Rents'.

FORM NO. 17

HOUSING (SCOTLAND) ACT 1969

Form of Certificate of Provisional Approval where application was made under section 45(2) for a qualification certificate

Reference No.....

To.....
.....
.....

The ..... Town/County Council have considered your application under section 45(2) of the Housing (Scotland) Act 1969 for a qualification certificate in respect of the dwelling at .... and it appears to them that, when the works specified in the application have been carried out, the dwelling will satisfy the qualifying conditions mentioned in section 44 of the said Act.

This is to certify that the local authority have accordingly approved your application provisionally.

A copy of this certificate is being sent to the tenant.

Signature of
clerk to the local authority.....

Date.....

NOTES

1. Before the local authority can issue a qualification certificate, the applicant must apply to the Rent Officer for a certificate of fair rent. Copies of the plans and specifications which accompanied the application for the qualification certificate and a copy of this certificate of provisional approval must be submitted with the application for the certificate of fair rent. This latter certificate will specify the rent which would be a fair rent for the dwelling under the regulated tenancy that might arise by virtue of section 44 of the Housing (Scotland) Act 1969 if the works shown in the plans and specifications were carried out. The Rent Officer will give both the landlord and the tenant an opportunity to discuss with him what rent ought to be specified in the certificate.

2. Applicants are reminded that, where the works required for the qualifying conditions to be satisfied cannot be carried out without the consent of the tenant and if these works are specified in an application for a certificate of fair rent, the tenant's consent shall be of no effect unless it is given or confirmed in writing after the date of the certificate of fair rent.

3. On the production by the applicant of a certificate of fair rent and on being satisfied that the dwelling satisfies the qualifying conditions, the local authority will issue the qualification certificate.

FORM NO. 18

HOUSING (SCOTLAND) ACT 1969

Form of Qualification Certificate issued by local authority where application was made under section 45(2)

Reference No.....

To.....
.....
.....

1. This is to certify that the ..... Town/County Council are satisfied that the dwelling at ....satisfies the qualifying conditions mentioned in section 44 of the Housing (Scotland) Act 1969.

[2. The state of the dwelling differs from the state which, at the time the application for the qualification certificate was made, the dwelling could be expected to be in when the works specified in the application had been completed.
The differences are:—
.....
.....
.....]

3. A copy of this certificate is being sent to the tenant.

Date.....

Signature of
authorised officer .....

NOTES

1. This certificate converts the existing controlled tenancy of the dwelling into a regulated tenancy under the Rent Act 1965 from the date on which it is issued.

2. The landlord may now make an application to the Rent Officer for the registration of a rent for the dwelling in accordance with the certificate of fair rent previously obtained from the Rent Officer. The application for registration must be accompanied by a copy of the certificate of fair rent and a copy of this certificate.

3. The Rent Officer will register the rent in accordance with the certificate of fair rent if

(*a*) no differences are noted in paragraph 2 of this certificate and

(*b*) the application for registration is made not later than three months after the issue of this certificate.

In any other case, the Rent Officer will be obliged to consider whether the rent specified in the certificate is higher than a fair rent. The tenant will be given the opportunity to make written representations against the registration of the rent specified in the certificate. Before registering a lower rent than that specified in the certificate, the Rent Officer will arrange a consultation with the landlord and the tenant.

4. The increase in rent up to the fair rent will be phased evenly over five annual stages unless the increase is less than 37s. 6d. a week, in which case the rent can be increased each year by 7s. 6d. a week until it reaches the fair rent. (Except that where services are provided by the landlord any increase in rent treated as due to rise in the cost of services may be charged in full following registration—the Rent Officer will explain the details.)

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations supersede the Rent Regulations (Forms etc.) (Scotland) Regulations 1965 and Regulation 9 of the Prices and Incomes (Regulated Rents) (Scotland) Regulations 1968. They prescribe forms to be used for the purposes of the Rent Act 1965 and the Housing (Scotland) Act 1969. They also deal with certain other matters which the Rent Act 1965 requires to be prescribed.

Schedule 1 contains the particulars of a tenancy which the rent officer is to enter in the register when he registers a fair rent under the Rent Act 1965 and these are identical with the particulars previously prescribed. Regulation 5 provides that a fee of 2s. 6d. is to be paid to obtain a certified copy of an entry in the register. This is the fee which was previously prescribed.

Forms Nos. 1, 2, 3, 4 and 5 contained in Schedule 2, or forms as near thereto as circumstances admit, are those to be used in certain cases where a landlord increases the rent under a regulated tenancy by virtue of the provisions of Part I of the Rent Act 1965. Forms Nos. 1, 2, 3, and 4 are similar to forms previously prescribed. Form No. 5 is prescribed for the case where restrictions on rent increases imposed under section 53 and Schedule 4 to the Housing (Scotland) Act 1969 apply.

Forms Nos. 6, 8, 9 and 11 of Schedule 2, or forms as near thereto as circumstances admit, are those to be used in connection with applications for registration of a rent and for a certificate of fair rent. Forms Nos. 7 and 10 are forms of notices identical with those previously prescribed.

Forms Nos. 12 to 18 inclusive of Schedule 2 are for use under the Housing (Scotland) Act 1969 by landlords applying for a qualification certificate and by local authorities in connection with such applications.

The Regulations amend the Prices and Incomes (Regulated Rents) (Scotland) Regulations 1968 by excepting from the restrictions on rent increases imposed by section 9 of the Prices and Incomes Act 1968 any rent registered to which the restrictions on rent increases imposed by Schedule 4 to the Housing (Scotland) Act 1969 apply. They further amend the 1968 Regulations by providing that where such a rent is registered, the rent payable may not be increased by virtue of those Regulations.