STATUTORY INSTRUMENTS

1972 No. 1221 (S. 87)

LANDLORD AND TENANT

RENT CONTROL, ETC. (SCOTLAND)

The Rent Regulation (Forms etc.) (Scotland) Regulations 1972

Made - - - -	*8th August* 1972
Laid before Parliament	*23rd August* 1972
Coming into Operation	*28th August* 1972

In exercise of the powers conferred upon me by sections 35, 46(1)(*a*) and (*c*) and 81(1)(*a*) and (*c*) of the Rent (Scotland) Act 1971**(a)** and sections 35 and 46(1)(*a*) and (*c*) of that Act as read with sections 50 and 61 respectively of the Housing (Financial Provisions) (Scotland) Act 1972**(b)**, 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 1972 and shall come into operation on 28th August 1972.

2.—(1) In these regulations, unless the context otherwise requires—

"the Act of 1971" means the Rent (Scotland) Act 1971;

"the Act of 1972" means the Housing (Financial Provisions) (Scotland) Act 1972;

"rent agreement" means a rent agreement with a tenant having security of tenure within the meaning of section 42(1) of the Act of 1972 to which section 43 of that Act applies; and

"the register" means the register kept by the Rent Officer for the purposes of Part IV of the Act of 1971 and includes the separate part of the register under that Part of that Act kept for the purposes of section 61 of the Act of 1972.

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

3.—(1) The Rent Regulation (Forms etc.) (Scotland) Regulations 1969**(d)** and the Rent Regulation (Forms etc.) (Scotland) (Amendment) Regulations 1969**(e)** are hereby revoked, except insofar as the forms therein prescribed are required to be used in connection with proceedings after the date on which these regulations come into force and consequent upon action taken before that date.

(2) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if the regulations hereby revoked by these regulations were Acts of Parliament repealed by an Act of Parliament.

(a) 1971 c. 28. **(b)** 1972 c. 46. **(c)** 1889 c. 63.
(d) S.I. 1969/1419 (1969 III, p. 4478). **(e)** S.I. 1969/1846 (1969 III, p. 5774).

4. The particulars set out in Schedule 1 to these regulations shall be the particulars with regard to the tenancy which the register is required to contain in pursuance of section 39(2)(*a*) of the Act of 1971 or that section as applied by section 61(2) of the Act of 1972.

5. The particulars set out in Schedule 2 to these regulations shall be the particulars which a rent agreement is required to contain in pursuance of section 43(5)(*a*) of the Act of 1972.

6. The forms set out in Schedule 3 to these regulations, or forms as near thereto as circumstances admit, shall be the forms to be used for the purposes of the Act of 1971 and the Act of 1972 in the cases to which those forms are applicable.

7. For the purposes of section 39(3) of the Act of 1971 and of section 43(13) of the Act of 1972, the fee to be paid for a certified copy of an entry in the register or for a certified copy of a rent agreement shall be 12p.

Gordon Campbell,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.
8th August 1972.

Section 39 (2)(a) of the Act of 1971.

SCHEDULE 1

PARTICULARS WITH REGARD TO THE TENANCY WHICH THE REGISTER IS REQUIRED TO CONTAIN

1. The name and address of the landlord and the tenant and of their respective agents (if any).

2. The nature of the tenancy, that is

(*a*) whether it is a tenancy to which sections 60 to 66 of the Act of 1972 apply, or

(*b*) whether it is, or is due to become converted from being a controlled tenancy into, a regulated tenancy and, whether it is a protected or a statutory tenancy.

3. The date of commencement and the duration of the contractual tenancy or, if the tenancy is a statutory tenancy, the date upon which it became a statutory tenancy.

4. The rental period under the tenancy.

5. An inventory of any furniture provided by the landlord.

6. A list of any services provided by the landlord.

7. The respective liability of the landlord and the tenant for

(*a*) the maintenance and repair of the dwellinghouse, and

(*b*) the rates in respect of the dwellinghouse.

8. A description of any part of the premises comprised in the dwellinghouse which is used as a shop or office, or for business, trade or professional purposes.

9. Any other terms of the tenancy taken into consideration in determining a fair rent for the dwellinghouse.

Section 43 (5)(a) of the Act of 1972.

SCHEDULE 2

PARTICULARS WHICH A RENT AGREEMENT IS REQUIRED TO CONTAIN.

1. Declare that the tenant's attention has been drawn specifically to Notes 1 to 10 before he has entered into the rent agreement.

2. Name and address of landlord and tenant and of their respective agents (if any).

3. Address and description of the dwellinghouse (Note 11).

4. Current gross annual value of the dwellinghouse.

5. If the tenancy has become a regulated tenancy by virtue of Part VI of the Rent (Scotland) Act 1971 (i.e. following upon the issue of a qualification certificate), state the date upon which the qualification certificate was issued.

6. If the tenancy is or is due to become a regulated tenancy under section 34 of the Housing (Financial Provisions) (Scotland) Act 1972, state the rateable value of the dwellinghouse on 27 August 1972 (Note 12).

7. State the rent which is at present payable and whether it is exclusive/

inclusive of rates borne by the landlord and, if inclusive, state the amount of rates included in the rent.

8. The date of commencement and duration of the tenancy.

9. The rental period.

10. State the respective liability of the landlord and the tenant for the maintenance and repair of the dwellinghouse.

11. State the proposed rent which is agreed and the instalments (if any) in which that rent is payable.

12. If the proposed rent is inclusive of rates borne by the landlord, state the amount of rates included in the rent.

13. State whether any services or furniture are provided by the landlord and the amount of the proposed rent which is considered to be fairly attributable to each of them.

14. If any part of the dwellinghouse is used as a shop or office, or for business, trade or professional purposes, state the amount of the proposed rent which is considered to be fairly attributable to that part.

15. State whether any change has occurred during the present tenancy in the condition of the dwellinghouse (Note 2) which is considered to be due to

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

(*b*) any improvement, including the replacement of any fixture or fitting, carried out by the tenant, (including a former holder of the present tenancy) other than under the terms of the tenancy.

16. State whether any improvement or standard grant has been obtained in respect of the dwellinghouse.

NOTES

(*To be incorporated with the Particulars in any rent Agreement and any Copy Thereof*)

1. After the controlled tenancy has become converted into a regulated tenancy, the tenant is protected to ensure that the controlled rent may not be increased above the fair rent for the dwellinghouse.

2. In determining what is a fair rent for the dwellinghouse, section 42 of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971") provides that regard should be had to all the circumstances (except personal circumstances) and in particular to the age, character and locality of the dwellinghouse and to its state of repair. There requires to be disregarded any scarcity element and any changes in the condition of the dwellinghouse which are mentioned in paragraph 15 of the particulars.

3. There are in general two main ways in which the controlled rent may be increased after the tenancy has become a regulated tenancy (other than for rates, services and improvements). These are either

(*a*) the landlord or the tenant or both may apply to the rent officer for the

registration of a fair rent for the dwellinghouse, in which case any increase in rent up to the registered rent would be payable in three equal annual instalments, with a minimum increase each year of 50p per week; or

(*b*) the landlord and the tenant may enter into a rent agreement which may be either an agreement increasing the rent payable under the existing contractual tenancy or the grant of another regulated tenancy at a higher rent than under the previous tenancy.

4. If after the landlord and tenant enter into a rent agreement, then, before it can take effect, it is, as is explained in the following paragraphs, subject to the tacit approval of the rent officer to ensure that the rent agreed between the parties does not take effect if it exceeds what, in his opinon, is a fair rent for the dwellinghouse.

5. Section 43(6) of the Housing (Financial Provisions) (Scotland) Act 1972 (referred to hereafter as "the Act of 1972") provides that a rent agreement cannot take effect earlier than 28 days after it has been lodged by the landlord with the rent officer. At the same time as it is lodged with the rent officer, the landlord is required to serve a copy of the agreement on his tenant.

6. The rent agreement may only take effect after the expiry of that 28 day period if the rent officer does not, within that period, notify both the landlord and the tenant in writing that he proposes to treat it as a joint application for the registration of a fair rent for the dwellinghouse because he is satisfied that the rent payable under the agreement exceeds a fair rent for the dwellinghouse.

7. If the rent agreement takes effect, the rent officer is required to make it available for public inspection without charge and a certified copy of it may be obtained upon payment of the prescribed fee.

8. If the landlord fails to comply with any of the requirements of sections 42, 43 or 44 of the Act of 1972 in connection with the rent agreement, the increase in rent may be recovered by the tenant.

9. If the landlord and tenant agree upon any further increases in rent, then, unless either the increase is solely on account of an increase in rates borne by the landlord or the new rent agreement takes effect more than three years after the first such agreement took effect, the rent agreement must also contain these particulars and be subject to the tacit approval of the rent officer as explained above.

10. If, after a rent agreement has become effective, a rent is registered for the dwellinghouse and that registration is the first after the conversion of the tenancy into a regulated tenancy, any increase in rent from the rent now payable (i.e. not taking into account the rent agreed under the rent agreement) up to the amount of the registered rent may be payable in annual instalments if the rent agreement took effect less than two years before the date of registration.

11. The description of the dwellinghouse should include:—

(*a*) the location of the flat, if the dwellinghouse is situated in tenement property;

(*b*) the number of rooms comprised in the dwellinghouse and the use which is made of them;

(*c*) any accommodation of which the tenant has shared use and state whether the sharing is with the landlord or with another tenant; and

(*d*) a description of any part of the premises comprised in the dwellinghouse which is used as a shop or office, or for business, trade or professional purposes.

12. The date of conversion of the controlled tenancy into a regulated tenancy depends upon the rateable value of the dwellinghouse on 27 August 1972, as follows namely:—

Rateable value	*Date of conversion*
£50 or more	1st January 1973
£25 or less than £50	1st January 1974
Less than £25	1st January 1975

(The Secretary of State has power, by order, to advance or retard the relevant date of conversion).

SCHEDULE 3

List of Forms

Form No.	*Purpose*	*Statutory references*
1	Notice of increase of unregistered rent under a regulated tenancy on account of an increase in rates borne by the landlord.	ss. 22(2) & 25 of the Act of 1971.
2	Notice of increase of unregistered rent under a regulated tenancy on account of improvements completed after the commencement of the regulated tenancy.	ss. 24(2) & 25 of the Act of 1971.
3	Notice of increase of unregistered rent under a regulated tenancy on account of improvements completed before the tenancy became converted into a regulated tenancy.	s. 36(2) of the Act of 1972 and s. 25 of the Act of 1971.
4	Notice of increase of rent under a regulated tenancy up to the amount of the registered rent, where there are no restrictions on rent increases.	s. 21(2) & 25 of the Act of 1971.
5	Notice of increase of rent under a regulated tenancy where a rent has been registered after the completion of grant-aided improvements and there are restrictions on rent increases.	ss. 21(2), 25 and 79 of and Schedule 13 to the Act of 1971, as amended by s.48 of and Schedule 7 to the Act of 1972.
6	Notice of increase of rent under a regulated tenancy where a rent has been registered after the conversion of the tenancy into a regulated tenancy following upon the issue of a qualification certificate and there are restrictions on rent increases with respect to any year beginning before 1st January 1973.	ss. 21(2), 25 and 79 of and Schedule 13 to the Act of 1971.
7	Notice of increase of rent under a regulated tenancy where a rent has been registered after the conversion of the tenancy into a regulated tenancy following upon the issue of a qualification certificate and there are restrictions on rent increases with respect to any year beginning on or after 1st January 1973.	ss. 21(2), 25 and 79 of and Schedule 13 to the Act of 1971, as amended by s.48 of and Schedule 7 to the Act of 1972.

Form No.	*Purpose*	*Statutory references*
8	Notice of increase of rent under a regulated tenancy where a rent has been registered after the conversion of the tenancy into a regulated tenancy under section 34 of the Housing (Financial Provisions) (Scotland) Act 1972 and there are restrictions on rent increases.	ss. 21(2) and 25 of the Act of 1971 and s.36 of and Schedule 6 to the Act of 1972.
9	Application for the registration of a rent, unsupported by a certificate of fair rent, where the dwelling-house is or is to be let under a regulated tenancy.	s. 40 of the Act of 1971.
10	Application for the registration of a rent, unsupported by a certificate of fair rent, where the dwelling-house is let under a tenancy to which sections 60 to 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply.	s. 40 of the Act of 1971 and s.61 of the Act of 1972.
11	Application for a certificate of fair rent where the dwelling-house is or is to be let under a regulated tenancy.	ss. 41(1) and 73(2) of the Act of 1971.
12	Application for a certificate of fair rent where the dwellinghouse is or is to be let under a tenancy to which sections 60 to 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply.	s. 41(1) of the Act of 1971 and s. 61 of the Act of 1972.
13	Application for the registration of a rent, supported by a certificate of fair rent, where the dwelling-house is or is to be let under a regulated tenancy.	ss. 41(4) and 74 of the Act of 1971.
14	Application for the registration of a rent, supported by a certificate of fair rent, where the dwelling-house is or is to be let under a tenancy to which sections 60 to 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply.	s. 41(4) of the Act of 1971 and s.61 of the Act of 1972.
15	Application for the cancellation of a registration.	s.44A of the Act of 1971.
16	Notice requiring further information to be given to a rent assessment committee.	Paragraph 7 of Schedule 6 to the Act of 1971 and s.61 of the Act of 1972.
17	Notice of grant of a regulated tenancy.	Paragraph 13 of Schedule 6 to the Act of 1971.
18	Notice of grant of a tenancy to which sections 60 to 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply.	Paragraph 13 of Schedule 6 to the Act of 1971 and s.61 of the Act of 1971.

Form No.	*Purpose*	*Statutory references*
19	Application for a qualification certificate where dwelling-house is considered to satisfy the qualifying conditions.	s. 71(1) of the Act of 1971.
20	Application for a qualification certificate where dwelling-house does not satisfy the qualifying conditions.	s.71(2) of the Act of 1971.
21	Notice by a local authority to a tenant under section 72(1) of the Rent (Scotland) Act 1971.	s.72(1) of the Act of 1971.
22	Qualification certificate where application was made when dwelling-house is considered to satisfy the qualifying conditions.	s.72(2) of the Act of 1971.
23	Notice of refusal of a qualification certificate, where application was made when dwelling-house is considered to satisfy the qualifying conditions.	s.72(2) of the Act of 1971.
24	Certificate of provisional approval.	s.73(1) of the Act of 1971.
25	Notice of refusal of a certificate of provisional approval.	s.73(1) of the Act of 1971.
26	Qualification certificate where application was made when dwelling-house did not satisfy the qualifying conditions.	s.73(3) of the Act of 1971.
27	Notice of refusal of a qualification certificate where application was made when dwelling-house did not satisfy the qualifying conditions.	s. 73(3) of the Act of 1971.

FORM NO. 1

RENT (SCOTLAND) ACTS 1971 AND 1972

Notice of increase of unregistered rent under a regulated tenancy on account of an increase in rates borne by the landlord (*Note* 1)

Date.....

To.....

1. The amount of the rent which is, at present, lawfully recoverable from you as tenant of the dwellinghouse situated at..... is £.....per.....

2. The rates in respect of the dwellinghouse are borne by the landlord and the amount of rates, as ascertained in accordance with Schedule 4 to the Rent (Scotland) Act 1971 (Note 2), which is included in the above rent, is £..... per.....(Note 3).

3. The rates for the dwellinghouse have been increased from £.....per annum to £.....per annum with effect as from..... and therefore the amount of the rates borne by the landlord, as ascertained in accordance with the said Schedule 4 (Note 2), is £.....for a rental period of.....

4. The landlord is entitled, in terms of section 22(1) of the Rent (Scotland) Act 1971, to increase the recoverable rent for any statutory period of the tenancy to take account of any increase in rates borne by the landlord for that period.

5. Accordingly I hereby give you notice that the rent lawfully recoverable from you as tenant of the dwellinghouse is hereby increased by £.....per .....(Note 4) to £.....per....., with effect as from..... .....(Note 5).

Delete words in square brackets if they do not apply

[6. The new rent of £.....per.....will be payable for the dwellinghouse as from....., the beginning of the first rental period after the service of this notice.

In addition, the sum of £.....,being the arrears of the above increase from the date when it took effect, will be due from you on the day after the service of this notice.]

.....
(Signature of Landlord/Landlord's Agents)

.....
(Address of Landlord/Landlord's Agents)

NOTES

(*To be incorporated in the notice*)

1. This notice of increase is required where:

(*a*) the tenancy of the dwellinghouse is a regulated tenancy within the meaning of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971");

(*b*) the tenancy of the dwellinghouse is a statutory tenancy within the meaning of the Act of 1971 or will become one as a result of the operation of this notice (Note 7);

(*c*) no rent has been registered for the dwellinghouse, and

(*d*) the rent payable for the dwellinghouse is inclusive of rates borne by the landlord.

In these circumstances section 22(1) of the Act of 1971 provides that the rent recoverable for any statutory period of the tenancy may, upon service of this notice, be increased to take account of any increase in rates borne by the landlord for that period.

2. Schedule 4 of the Act of 1971 provides that the amount of rates for any rental period should be ascertained by dividing the total rates payable for the whole rating period, in which the rent for that rental period is payable, by the number which is obtained by dividing the length of that rating period by the length of the rental period.

Until the local authority make their first demand for, or for an instalment of, the rates for a rating period, the amount of the rates for any rental period is to be calculated on the basis that the rates for that rating period continue to be the same as for the previous rating period.

When the local authority have made their first such demand or when they have made any subsequent demand during the rating period, the amount of the rates for any rental period must, if necessary, be recalculated, but any such recalculation cannot effect the ascertainment of rates for any rental period beginning more than six months before the date of service of the demand which gives rise to the recalculation.

3. If this is the first notice of increase of rent on account of rates which has been served for a stautory period of the regulated tenancy, insert the amount of the rates borne by the landlord for the last contractual period, that is, the last rental period beginning before the protected (i.e. contractual) tenancy came to an end and the tenancy became a statutory tenancy.

If this is the first such notice of increase which has been served for a statutory period of a tenancy which has been converted from being a controlled into a regulated tenancy, insert the amount of the rates borne by the landlord for the last rental period beginning before the conversion.

If this is not the first such notice of increase, insert the amount of the rates borne by the landlord for the rental period(s) to which the last previous notice of increase related.

4. Insert the amount of the difference between the amount of the rates included in the rent at present lawfully recoverable from the tenant and the amount of the rates borne by the landlord for the rental period(s) to which this notice of increase relates. This should be the difference between the amounts specified in paragraphs 2 and 3 of the notice.

Section 34 of the Act of 1971 provides that where, in ascertaining the amount of any difference with respect to rates, the 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 one-fifty-second of a year.

5. The date to be inserted cannot be earlier than six months before the service of this notice of increase.

If this notice is served during a contractual period of the tenancy (that is, a rental period beginning before the protected tenancy comes to an end) the date to be inserted must be later than the date on which the tenancy could be brought to an end by a notice to quit served by the landlord at the same time as this notice (Note 7).

6. Paragraph 6 of the notice will only be required if the date from which the increase is to take effect is earlier than the date of service of this notice.

In that case, section 22(3) of the Act of 1971 provides that any rent unpaid shall become due on the day after the service of the notice.

7. If this notice is served during a contractual period of the regulated tenancy 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, section 25(3) of the Act of 1971 provides that this notice will operate to convert the tenancy into a statutory tenancy as from that date.

FORM NO. 2

RENT (SCOTLAND) ACTS 1971 AND 1972

Notice of increase of unregistered rent under a regulated tenancy on account of improvements completed after the commencement of the regulated tenancy (Note 1)

Date.....

To.....

1. The amount of the rent which is, at present, lawfully recoverable from you as tenant of the dwellinghouse situated at.....is £.....per.....

2. The following improvement has been effected in the dwellinghouse..... (Note 2) and the amount expended on the improvement by the landlord is £.....(Note 3).

3. The landlord is entitled, in terms of section 24 of the Rent (Scotland) Act 1971, to increase the recoverable rent for any statutory period by an annual amount of £.....being 12½% of the amount expended on the improvement.

4. Accordingly, I hereby give you notice that the rent lawfully recoverable from you as tenant of the dwellinghouse will be increased by £.....per .....to £.....per.....with effect from..... .....(Note 4).

5. If you consider that the improvement was unnecessary or that a greater amount was expended on it than was reasonable, you may, in certain circumstances, apply to the sheriff for an order cancelling or reducing the increase (Note 5).

.....
(Signature of Landlord/Landlord's Agents)

.....
(Address of Landlord/Landlord's Agents)

NOTES

(*To be incorporated in the notice*)

1. This notice of increase is required where:
   (*a*) the tenancy of the dwellinghouse is a regulated tenancy within the meaning of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971");
   (*b*) the tenancy of the dwellinghouse is a statutory tenancy within the meaning of the Act of 1971 or will become one as a result of the operation of this notice (Note 6);
   (*c*) no rent has been registered for the dwellinghouse and,
   (*d*) an improvement has been effected in the dwellinghouse and the improvement was completed on or after 8th December 1965 and after the time as from which the rent under the regulated tenancy was agreed.

In these circumstances, section 24(1) of the Act of 1971 provides that the rent recoverable for any statutory period of the tenancy may, upon service of this

notice, be increased by 12½% per annum of the amount expended on the improvement by the landlord or superior landlord or any person from whom the landlord or superior landlord derives title.

No increase in rent may be obtained under section 24(1) on account of

(*a*) any improvement with respect to which a grant under Part II of the Housing (Financial Provisions) (Scotland) Act 1968 (improvement or standard grant) is payable on or after 25th August 1969, or

(*b*) any improvement completed before the tenancy was converted from being a controlled tenancy into a regulated tenancy.

2. Insert a description of the improvement effected in the dwellinghouse.

Improvement is defined under section 36(1) of the Act of 1971 as including structural alteration, extension or addition and the provision of additional fixtures or fittings, but not anything done by way of decoration or repair.

Under section 30 of the Act of 1971, where the dwellinghouse has access to a street on which works have been carried out under any of the enactments referred to in section 1 of the Local Government (Street Works) (Scotland) Act 1956 or the corresponding provisions of any local Act, any expenditure or liability incurred on or after 8th December 1965 by the landlord in connection with the carrying out of those works is to be treated as expenditure incurred by the landlord on an improvement effected in the dwellinghouse. Where this section applies, a description of the improvement effected in the dwellinghouse should include a description of the street works in question.

3. Where, in respect of an improvement

(*a*) a grant has been made under section 15 of the Airports Authority Act 1965 (grants towards the cost of soundproofing)

(*b*) a grant has been made under section 27 or 40 of the Housing (Financial Provisions) (Scotland) Act 1968 (improvement or standard grants) in pursuance of an application made before 25th August 1969 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 as the amount expended on the improvement must be that amount as diminished by the amount of the grant or repayment.

Where an improvement consists of the street works referred to in Note 2 above and benefit accrues from the carrying out of the works not only to the dwellinghouse but also to other premises of the landlord, the amount to be treated as expenditure on an improvement effected in the dwellinghouse shall be so much only of the expenditure or liability incurred by the landlord as may be determined by agreement in writing between the landlord and the tenant or by the sheriff. The amount of any expenditure must also be diminished by the amount of any contribution made in respect of that expenditure under any enactment.

4. This notice cannot be retrospective and, therefore, the date to be inserted here should be a date after the date of the service of this notice.

If this notice is served during a contractual period of the tenancy (i.e. a rental period beginning before the protected tenancy comes to an end) the date to be inserted must be later than the date on which the tenancy could be brought to an end by a notice to quit served by the landlord at the same time as this notice (Note 6).

5. The tenant upon whom this notice is served may, not later than one month after the service of this notice, or such longer time as the sheriff may allow, apply to the sheriff for an order cancelling or reducing the increase on the ground that the improvement was unnecessary or that a greater amount was expended on it than was reasonable.

No such application may be made in respect of an improvement where

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

(*b*) a grant has been made under section 27 or 40 of the Housing (Financial Provisions) (Scotland) Act 1968 (improvement or standard grants) in pursuance of an application made before 25th August 1969 or

(*c*) the improvement consists of the street works referred to in Note 2 above or

(*d*) the tenant has, in writing, consented to the improvement and acknowledged (in whatever terms) that the rent can be increased on account of the improvement.

6. If this notice is served during a contractual period of the regulated tenancy 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, section 25(3) of the Act of 1971 provides that this notice will operate to convert the tenancy into a statutory tenancy as from that date.

FORM NO. 3

RENT (SCOTLAND) ACTS 1971 AND 1972

Notice of increase of unregistered rent under a regulated tenancy on account of improvements completed before the tenancy became converted into a regulated tenancy (*Note* 1)

Date.....

To.....

1. The amount of the rent which is, at present, lawfully recoverable from you as tenant of the dwellinghouse situated at..... is £.....per.....

2. The following improvement of the dwellinghouse, namely..... (Note 2), was completed on.....(Note 3) before the date when the controlled tenancy of the dwellinghouse was converted into a regulated tenancy on.....(Note 3), and the landlord has incurred £.....(Note 4) as expenditure upon that improvement.

3. The landlord is entitled, by virtue of section 36(2) of the Housing (Financial Provisions) (Scotland) Act 1972, to increase the recoverable rent for any rental period of the regulated tenancy by the amount to which he could have increased (but did not increase) the recoverable rent for a rental period of the controlled tenancy, under paragraph 1(3)(*a*) or that paragraph as applied by paragraph 2(3) of Schedule 8 to the Rent (Scotland) Act 1971, namely by an annual amount of £.....being 12½% per cent of the amount of his expenditure incurred upon the improvement.

4. Accordingly I hereby give you notice that the rent lawfully recoverable from you as tenant of the dwellinghouse will be increased by £..... per.....to £.....per.....with effect from..... .....(Note 5).

.....
(Signature of Landlord/Landlord's Agents)

.....
(Address of Landlord/Landlord's Agents)

NOTES

(*To be incorporated in the notice*)

1. This notice of increase is required where:
   (*a*) the tenancy of the dwellinghouse has become a regulated tenancy within the meaning of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971") by conversion from being a controlled tenancy by virtue of
      (i) section 34 of the Housing (Financial Provisions) (Scotland) Act 1972 (referred to hereafter as "the Act of 1972") or
      (ii) Part VI of the Act of 1971 (following upon the issue of a qualification certificate) or
      (iii) paragraph 5 of Schedule 2 to the Act of 1971 (conversion on death of first successor);

(*b*) the rent recoverable for the last rental period of the controlled tenancy beginning before the conversion was less than it would have been if the landlord had increased the rent on account of an improvement of the dwellinghouse completed before the conversion; and

(*c*) no rent has been registered for the dwellinghouse.

In these circumstances, section 36(2) of the Act of 1972 provides that the rent recoverable for any rental period of the regulated tenancy may be increased, by the service of this notice, above the rent recoverable for the last rental period beginning before the conversion by the amount to which the landlord could have increased that rent on account of the improvement.

2. Insert a description of the improvement of the dwellinghouse.

Improvement includes structural alteration of the dwellinghouse and the provision of additional or improved fixtures and fittings but does not include anything done by way of decoration or repair.

Where the dwellinghouse has access to a street on which works have been carried out under any of the enactments referred to in section 1 of the Local Government (Street Works) (Scotland) Act 1956 or the corresponding provisions of any local Act, paragraph 5 of Schedule 8 to the Act of 1971 provides that the amount of any expenditure or liability incurred by the landlord after 5th July 1957 in connection with the carrying out of those works shall be treated as expenditure incurred by the landlord on an improvement of the dwellinghouse. Where this provision applies therefore, a description of the improvement of the dwellinghouse should include a description of the street works in question.

3. Insert relevant date.

4. Insert amount expended by the landlord on the improvement.

The amount of any repayment under section 12(1) of the Clean Air Act 1956 (adaptation of fireplaces in private dwellings) should not be included as the amount expended by the landlord on the improvement.

Where an improvement consists of the street works referred to in Note 2 above, and benefit accrues from the carrying out of the works not only to the dwellinghouse but also to other premises of the landlord, the amount to be treated as the amount expended by the landlord on the improvement shall be so much only of the expenditure or liability incurred by the landlord as may be determined by agreement in writing between the landlord and the tenant or by the sheriff, to be properly apportionable to the dwellinghouse, having regard to the benefit accruing, from the carrying out of the works, to the dwellinghouse and to the other premises. The amount of any expenditure must also be diminished by the amount of any contribution made in respect of that expenditure under any enactment.

5. By virtue of the proviso to section 36(2) of the Act of 1972, the date from which the increase is to take effect may be any date after the service of this notice.

If this notice is served during a contractual period of the regulated tenancy (i.e. a rental period beginning before the protected tenancy comes to an end), 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 the notice for the increase to take effect, section 25(3) of the Act of 1971 provides that this notice will operate to convert the tenancy into a statutory tenancy as from that date. In this case, the date to be inserted as the date upon which the increase is to take effect must be later than the date upon which the tenancy could be brought to an end by such a notice to quit.

FORM NO. 4

RENT (SCOTLAND) ACTS 1971 AND 1972

Notice of increase of rent under a regulated tenancy, up to the amount of the registered rent where there are no restrictions on rent increases (*Note* 1)

Date.....

To.....

1. The amount of the rent which is at present lawfully recoverable from you as tenant of the dwellinghouse situated at.....is £..... per.....

2. A rent of £.....per.....was registered on..... as the fair rent for the dwellinghouse (Note 4).

3. The landlord is entitled, in terms of section 21(2)(*b*) of the Rent (Scotland) Act 1971, to increase the rent recoverable for any statutory period of the tenancy up to the amount of the registered rent.

4. Accordingly I hereby give you notice that the rent lawfully recoverable from you as tenant of the dwellinghouse will be increased by £..... per..... to £.....per.....with effect as from..... .....(Note 5).

Delete words in square brackets if they do not apply

[5. It is noted in the register that the rates in respect of the dwellinghouse are borne by the landlord and, in terms of section 43(3) of the Rent (Scotland) Act 1971, the amount of rates for any rental period ascertained in accordance with Schedule 4 to that Act (Note 6), is recoverable from you in addition to the above rent for any statutory period of the tenancy, without service of any notice of increase. The amount of the rates which is at present lawfully recoverable from you, in addition to the above rent, is £.....per.....].

.....
(Signature of Landlord/Landlord's Agents)

.....
(Address of Landlord/Landlord's Agents)

NOTES

(*To be incorporated in the notice*)

1. This notice of increase is required where;
   (*a*) the tenancy of the dwellinghouse is a regulated tenancy within the meaning of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971");
   (*b*) the tenancy of the dwellinghouse is a statutory tenancy within the meaning of the Act of 1971 or will become one as a result of the operation of this notice (Note 2);
   (*c*) a rent has been registered for the dwellinghouse which is higher than the rent at present recoverable; and
   (*d*) the increase in rent up to the amount of the registered rent is not subject to phasing under section 79 of and Schedule 13 to the Act of 1971 or

under section 37 of and Schedule 6 to the Housing (Financial Provisions) (Scotland) Act 1972 (referred to hereafter as "the Act of 1972") (Note 3).

In these circumstances, section 21(2)(*b*) of the Act of 1971 provides that the rent may be increased up to the amount of the registered rent by the service of this notice.

2. If the tenancy is a protected tenancy, (that is, if the regulated tenancy is a contractual tenancy) the registration of a fair rent for the dwellinghouse, which is higher than the rent at present recoverable, does not allow the landlord to increase the rent up to the amount registered, unless there is a provision to that effect in the tenancy contract.

If the protected tenancy has come to an end and the tenant is retaining possession of the dwellinghouse as a statutory tenant, the landlord may increase the rent recoverable for a rental period of the statutory tenancy up to the amount of the registered rent by the service of this notice.

Even although the notice of increase relates to statutory periods, section 25(3) of the Act of 1971 provides that it may be served during a contractual period (i.e. a rental period beginning before the protected tenancy comes to an end) and, if 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 increase to take effect, this notice will operate to convert the tenancy into a statutory tenancy as from that date.

3. Section 79 of and Schedule 13 to the Act of 1971 and section 37 of and Schedule 6 to the Act of 1972 provide in general for the phasing of any increase in rent, before the full amount of the registered rent may be obtained, where a rent is first registered for the dwellinghouse

(*a*) under a tenancy which has been converted into a regulated tenancy under Part VI of the Act of 1971 (i.e. following upon the issue of a qualification certificate) or under section 34 of the Act of 1972 or

(*b*) under a regulated tenancy after the completion, during the existence of the tenancy, of works towards the cost of which a grant was payable under Part II of the Housing (Financial Provisions) (Scotland) Act 1968 (improvement or standard grants),

and in certain circumstances, where a rent is subsequently registered for the dwellinghouse.

4. The rent register may be inspected at the office of the rent officer.

5. The date to be inserted cannot be earlier than the date upon which the rent was registered for the dwellinghouse nor earlier than four weeks before the date of service of this notice.

If this notice is served during a contractual period of the tenancy, the date to be inserted must be later than the date on which the tenancy could be brought to an end by a notice to quit served by the landlord at the same time as this notice (Note 2).

6. Schedule 4 of the Act of 1971 provides that the amount of rates for any rental period should be ascertained by dividing the total rates payable for the whole rating period, in which the rent for that rental period is payable, by the number which is obtained by dividing the length of that rating period by the length of the rental period.

Until the local authority make their first demand for, or for an instalment of, the rates for a rating period, the amount of the rates for any rental period is to be calculated on the basis that the rates for that rating period continue to be the same as for the previous rating period.

When the local authority have made their first such demand or when they have made any subsequent demand during the rating period, the amount of the rates for any rental period must, if necessary, be recalculated, but any such recalculation cannot affect the ascertainment of rates for any rental period beginning more than six months before the date of service of the demand which gives rise to the recalculation.

FORM NO. 5

RENT (SCOTLAND) ACTS 1971 AND 1972

Notice of increase of rent under a regulated tenancy where a rent has been registered after the completion of grant-aided improvements and there are restrictions on rent increases (*Note* 1).

Date.....

To.....

1. A rent of £.....per.....was registered on..... (Note 3) as the fair rent for the dwellinghouse situated at..... ....., of which you are the tenant (Note 4).

2. (*a*) The registration is, or is treated as if it is (Note 5), the first after the completion, during the existence of the regulated tenancy, of works towards the cost of which a grant was payable after 25th August 1969 under Part II of the Housing (Financial Provisions) (Scotland) Act 1968 (improvement or standard grants) [or

(*b*) Where there has been such a registration as is mentioned in sub-paragraph (*a*) above, the registration is any subsequent registration which occurs at any time during the period of delay of two years specified in paragraph 3 below, and details of the former registration are as follows:—

Delete wo in square brackets i they do nc apply

(i) the amount of rent then registered.....

(ii) the amount (if any) then noted in the register as the amount apportioned to services (Note 6).....]

3. By virtue of section 79 of and Schedule 13 to the Rent (Scotland) Act 1971, there is a period of delay of two years imposed as from.....(being the date which is referred to in Note 7 [(*a*)] [(*b*)] [(*c*)]) before the full amount of the registered rent may be recovered and the rent may only be increased by this notice for any statutory period beginning in any year of that period of delay to the extent permitted under the said Schedule 13 (Note 8).

4. This is a notice increasing the rent payable for a statutory period of the tenancy beginning in the [first] [second] year of the period of delay and the amount of the increase is calculated as follows:—

Add	£ per .....
(*a*) The amount of the previous limit (Note 8)	£.....
[(*b*) The amount (if any) noted in the register as the amount apportioned to services (Note 6)	£.....]
(*c*) Whichever is the greater of—	
(i) the minimum amount to which the rent may be increased (Note 8); or	
(ii) [one-third] [two-thirds] of £.....being the appropriate proportion of the total increase (Note 8)	£.....

[(*d*) If the registration referred to in paragraph 1 above is such a registration as is mentioned in paragraph 2(*b*) above, add where appropriate, the amount of the difference between the new registration and the former registration (Note 9) £.....] £ .....

Deduct £ .....

The amount of the rent which is at present lawfully recoverable from you as tenant of the dwellinghouse £ .....

The amount of the increase per.....is £ .....

5. Accordingly, 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.....(Note 10).

[6. It is noted in the register that the rates in respect of the dwellinghouse are borne by the landlord and, in terms of section 43(3) of the Rent (Scotland) Act 1971, the amount of the rates for any rental period, ascertained in accordance with Schedule 4 to that Act (Note 11), is recoverable from you in addition to the above rent for any statutory period of the tenancy, without service of any notice of increase. The amount of the rates which is at present lawfully recoverable from you, in addition to the above rent, is £.....per.....]

.....
(Signature of Landlord/landlord's agents)

.....
(Address of landlord/landlord's agents)

NOTES

(*To be incorporated in the notice*)

1. This notice of increase is required where:—

(*a*) the tenancy of the dwellinghouse is a regulated tenancy within the meaning of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971");

(*b*) the tenancy of the dwellinghouse is a stautory tenancy or will become one as a result of the operation of this notice (Note 2);

(*c*) a rent has been registered for the dwellinghouse which is higher than the rent at present recoverable; and

(*d*) the registration is one of those mentioned in paragraph 2 of this notice

In these circumstances, section 79 of and Schedule 13 to the Act of 1971 provide that the rent may only be increased by a notice of increase under section 21(2)(*b*) of that Act to the extent (if any) permitted under that Schedule.

2. If the tenancy is a protected tenancy (that is, if the regulated tenancy is a contractual tenancy) the registration of a fair rent for the dwellinghouse, which is higher than the rent at present recoverable, does not allow the landlord to increase the rent up to the amount registered, unless there is a provision to that effect in the tenancy contract.

If the protected tenancy has come to an end, and the tenant is retaining possession of the dwellinghouse as a statutory tenant, section 21(2)(*b*) of the Act of 1971 provides that the landlord may, subject to section 79 of and Schedule 13 to that Act, increase the rent up to the amount of the registered rent by the service of this notice.

Even although this notice of increase relates to statutory periods, section 25(3) of the Act of 1971 provides that it may be served during a contractual period (i.e. a rental period beginning before the protected tenancy comes to an end) and, if 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 increase to take effect, this notice will operate to convert the tenancy into a statutory tenancy as from that date.

The restrictions on rent increases imposed by section 79 of and Schedule 13 to the Act of 1971 cannot be evaded, either by the landlord and the tenant entering into an agreement increasing the rent payable under the tenancy or by the landlord granting to the tenant or to any of his potential statutory successors a new tenancy of the dwellinghouse, whether before or during the period of delay of two years specified in paragraph 3 of this notice.

3. Insert the date upon which the rent determined by the rent officer or by the rent assessment committee was registered for the dwellinghouse.

4. The rent register may be inspected at the office of the rent officer.

5. Where

(*a*) a new regulated tenancy has been granted to the tenant or to any of his potential statutory successors after the completion of the works referred to in paragraph 2(*a*) of this notice; and

(*b*) a rent has then been registered for the dwellinghouse, which, had the new tenancy not been granted, would have been such a registration as is mentioned in the said paragraph 2(*a*),

paragraph 8 of Schedule 13 to the Act of 1971 provides that the amount to which the rent may be increased after the date of registration for any rental period of the new tenancy is, subject to Note 7(*c*) below, the amount to which the rent could have been increased for a statutory period of the previous tenancy, had that tenancy continued. Where that provision applies, the registration is, for the purposes of this notice, treated as if it had been such a registration as is mentioned in paragraph 2(*a*) of this notice.

6. Where the rent is registered before 1st January 1973, there may be an amount noted in the register as the amount apportioned to services and, if so, this amount is excluded from the restrictions on rent increases with respect to any year of the period of delay which begins before 1st January 1973 (Note 8).

7. (*a*) Insert the date of registration of the rent mentioned in paragraph 2(*a*) of this notice.

(*b*) Where a rent determined by a rent assessment committee is registered in substitution for a rent determined by the rent officer, the date of registration is deemed for the purposes of Schedule 13 to the Act of 1971 to be the date on which the rent determined by the rent officer was registered.

(*c*) Where

(i) between the time of the completion of the works referred to in paragraph 2(*a*) of this notice and the registration of the rent specified in that paragraph, there has been an agreement increasing the rent payable under the tenancy or a new regulated tenancy granted to the tenant or to any of his potential statutory successors; and

(ii) that agreement or new tenancy is a rent agreement with a tenant

having security of tenure within the meaning of Part V of the Housing (Financial Provisions) (Scotland) Act 1972 (referred to hereafter as "the Act of 1972"); and

(iii) the requirements of sections 42 and 44 of that Act have been observed as respects the rent agreement,

paragraph 8B of Schedule 13 to the Act of 1971 provides that the provisions of that Schedule should apply, as respects the period after the actual date when the rent was registered for the dwellinghouse, as if the date of registration had been on the date wnen the agreement took effect. For the purposes of this notice, therefore, the date of registration should be deemed to be the date on which the rent agreement took effect.

8. Under Schedule 13 to the Act of 1971, the amount to which the rent may be increased for any statutory period beginning in any year of the period of delay is the appropriate proportion, namely one-third or two-thirds, of the total increase in rent, according as to whether the statutory period begins in the first or the second year of the period of delay.

The total increase in rent is the difference between the amount of the registration which is referred to in paragraph 2(*a*) of this notice and the amount of the previous limit (that is, the amount, exclusive of rates, which at the date of registration (Note 7) was recoverable by way of rent or would have been so recoverable if all authorised notices of increase had been served), but with respect to any year of the period of delay which begins before 1st January 1973, the total increase in rent is the difference between the amount of that registered rent and the sum of—

(*a*) the amount of the previous limit; and

(*b*) the amount, if any, which is noted on the register as the amount apportioned to services (Note 6).

The minimum amount to which the rent may be increased however (but not above the amount of the registered rent) for each year of the period of delay is—

(*a*) 37½p per week with respect to any year of the period of delay which begins before 1st January 1973; or

(*b*) 50p per week with respect to any year of the period of delay which begins on or after that date.

In other words, with respect to any year of the period of delay which begins before 1st January 1973, if the total increase exceeds £1·12½p per week, the rent may be increased in three equal annual instalments, each of one-third of the increase; but, if it does not exceed £1·12½p per week, the rent may be increased by annual instalments of 37½p per week up to the registered rent. With respect to any year of the period of delay which begins, following a registration, on or after 1st January 1973, if the total increase exceeds £1·50p per week the rent may be increased in three equal annual instalments, each of one-third of the increase; but if it does not exceed £1·50p per week, the rent may be increased by annual instalments of 50p per week up to the registered rent.

In addition to this amount of the increase, the previous limit, and where appropriate, the amount apportioned to services may also be recovered.

9. Where the registration referred to in paragraph 1 of this notice is not the first registration after the completion of the works referred to in paragraph 2(*a*) of this notice (i.e. where it is such a registration as is mentioned in paragraph 2(*b*) of this notice) and it exceeds the rent for the time being recoverable under the regulated tenancy, the rent payable for any statutory period beginning before the end of the period of delay may be increased only to the same extent as if the rent first registered has remained registered.

Where the new rent is lower than the rent first registered, the rent payable may not however exceed the amount of the new rent registered.

Where the new rent is higher than the rent first registered, the difference between them may

(*a*) where the date of registration of the new rent is before 1st January 1973, be added in full in any statutory period beginning in the year after the year of the period of delay in which the new rent is registered; or

(*b*) where the date of registration of the new rent is on or after 1st January 1973, be added in full for any statutory period beginning after the date of registration of the new rent.

10. The date to be inserted here must be a date which is not earlier than

(*a*) the date of registration which is specified in paragraph 1 of this notice; or

(*b*) four weeks before the date of service of this notice; or

(*c*) the commencement of the first rental period beginning in the relevant year of the period of delay to which this notice relates.

If this notice is served during a contractual period of the tenancy, the date to be inserted must also be later than the date on which the tenancy could be brought to an end by a notice to quit served by the landlord at the same time as this notice (Note 2).

11. Schedule 4 of the Act of 1971 provides that the amount of rates for any rental period should be ascertaned by dividing the total rates payable for the whole rating period, in which the rent for that rental is payable, by the number which is obtained by dividing the length of that rating period by the length of the rental period.

Until the local authority make their first demand for, or for an instalment of, the rates for a rating period, the amount of the rates for any rental period is to be calculated on the basis that the rates for that rating period continue to be the same as for the previous rating period.

When the local authority have made their first such demand or when they have made any subsequent demand during the rating period, the amount of the rates for any rental period must, if necessary, be recalculated, but any such recalculation cannot affect the ascertainment of rates for any rental period beginning more than six months before the date of service of the demand which gives rise to the recalculation.

FORM NO. 6

RENT (SCOTLAND) ACTS 1971 AND 1972

Notice of increase of rent under a regulated tenancy where a rent has been registered after the conversion of the tenancy into a regulated tenancy following upon the issue of a qualification certificate and there are restrictions on rent increases with respect to any year beginning before 1 *January* 1973 (*Note* 1).

Date.....

To.....

1. A rent of £.....per.....was registered on..... (Note 3) as the fair rent for the dwellinghouse situated at....., of which you are the tenant (Note 4).

Delete words in square brackets if they do not apply

2. (*a*) The registration is, or is treated as if it is (Note 5), the first after the conversion of the tenancy into a regulated tenancy under Part VI of the Rent (Scotland) Act 1971 (following upon the issue of a qualification certificate) [or

(*b*) Where there has been such a registration as is mentioned in sub-paragraph (*a*) above, the registration is any subsequent registration which occurs at any time during the period of delay of four years specified in paragraph 3 below, and, details of the former registration are as follows:—

(i) the amount of rent then registered.....

(ii) the amount (if any) then noted in the register as the amount apportioned to services (Note 6).....]

3. By virtue of section 79 of and Schedule 13 to the Rent (Scotland) Act 1971, there is a period of delay of four years imposed as from.....(Note 7) before the full amount of the registered rent may be recovered, and the rent may only be increased, by this notice, for any statutory period beginning in any year of that period of delay which begins before 1st January 1973 to the extent permitted under the said Schedule 13 as originally enacted (Note 8).

4. This is a notice increasing the rent payable for a statutory period of the tenancy beginning in the [first] [second] [third] [fourth] year of the period of delay and the amount of the increase is calculated as follows:—

Add		£ per.....
(*a*) The amount of the previous limit (Note 8)	£.....	
(*b*) The amount (if any) noted in the register as the amount apportioned to services (Note 6)	£.....	
(*c*) Whichever is the greater of—		
(i) the minimum amount to which the rent may be increased (i.e. 37½p per week for each year of the period of delay); or		
(ii) [one-fifth] [two-fifths] [three-fifths] [four-fifths] of £..... being the appropriate proportion of the difference between the registered rent and the sum of (*a*) and (*b*) (Note 8).	£.....	

[(*d*) If the registration referred to in paragraph 1 above is such a registration as is mentioned in paragraph 2(*b*) above, add, where appropriate, the amount of the difference between the new registration and the former registration (Note 9) £.....] £.....

Deduct £.....

The amount of the rent which is at present lawfully recoverable from you as tenant of the dwelling-house £.....

The amount of the increase per.....is £

5. Accordingly, 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.....(Note 10).

[6. It is noted in the register that the rates in respect of the dwellinghouse are borne by the landlord and, in terms of section 43(3) of the Rent (Scotland) Act 1971, the amount of the rates for any rental period, ascertained in accordance with Schedule 4 to that Act (Note 11), is recoverable from you in addition to the above rent for any statutory period of the tenancy, without service of any notice of increase. The amount of the rates which is at present lawfully recoverable from you in addition to the above rent, is £.....per.....]

.....
(Signature of landlord/landlord's agents)

.....
(Address of landlord/landlords's agents)

NOTES

(*To be incorporated in the notice*)

1. This notice of increase is required where:—

(*a*) the tenancy of the dwelling house is a regulated tenancy within the meaning of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971");

(*b*) the tenancy of the dwellinghouse is a statutory tenancy or will become one as a result of the operation of this notice (Note 2);

(*c*) a rent has been registered for the dwellinghouse which is higher than the rent at present recoverable; and

(*d*) the registration is one of those mentioned in paragraph 2 of this notice.

In these circumstances, section 79 of and Schedule 13 to the Act of 1971 provide that the rent may only be increased by a notice of increase under section 21(2)(*b*) of that Act to the extent (if any) permitted under that Schedule.

2. If the tenancy is a protected tenancy (that is, if the regulated tenancy is a contractual tenancy) the registration of a fair rent for the dwellinghouse, which is higher than the rent at present recoverable, does not allow the landlord to increase the rent up to the amount registered, unless there is a provision to that effect in the tenancy contract.

If the protected tenancy has come to an end, and the tenant is retaining possession of the dwellinghouse as a statutory tenant, section 21(2)(*b*) of the Act of 1971 provides that the landlord may, subject to section79 of and Schedule 13 to that Act, increase the rent up to the amount of the registered rent by the service of this notice. Even although this notice of increase relates to statutory periods, section 25(3) of the Act of 1971 provides that it may be served during a contractual period (i.e. a rental period beginning before the protected tenancy comes to an end) and, if 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 increase to take effect, this notice will operate to convert the tenancy into a statutory tenancy as from that date.

The restrictions on rent increases imposed by section 79 of and Schedule 13 to the Act of 1971 cannot be evaded, either by the landlord and the tenant entering into an agreement increasing the rent payable under the tenancy or by the landlord granting to the tenant or to any of his potential statutory successors a new tenancy of the dwellinghouse, whether before or during the period of delay of four years specified in paragraph 3 of this notice.

3. Insert the date upon which the rent determined by the rent officer or the rent determined or designated by the rent assessment committee was registered for the dwellinghouse.

4. The rent register may be inspected at the office of the rent officer.

5. Where

(*a*) a new regulated tenancy has been granted to the tenant or to any of his potential statutory successors after the conversion of the tenancy into a regulated tenancy; and

(*b*) a rent has then been registered for the dwellinghouse, which, had the new tenancy not been granted, would have been such a registration as is mentioned in the said paragraph 2(*a*),

paragraph 8 of Schedule 13 to the Act of 1971 provides that the amount to which the rent may be increased after the date of registration for any rental period of the new tenancy is the amount to which the rent could have been increased for a statutory period of the previous tenancy, had that tenancy continued. Where that provision applies, the registration is, for the purposes of this notice, treated as if it had been such a registration as is mentioned in paragraph 2(*a*) of this notice.

6. Where the rent is registered before 1st January 1973, there may be an amount noted in the register as the amount apportioned to services and, if so, this amount is excluded from the restrictions on rent increases with respect to any year of the period of delay which begins before 1st January 1973 (Note 8).

7. Insert the date of registration of rent mentioned in paragraph 2(*a*) of this notice.

Where a rent determined or designated by a rent assessment committee is registered in substitution for a rent determined by the rent officer, the date of registration is deemed for the purposes of Schedule 13 to the Act of 1971 to be the date on which the rent determined by the rent officer was registered.

8. Under Schedule 13 to the Act of 1971, as originally enacted, the amount to which the rent may be increased for any statutory period beginning in any year of the period of delay which begins before 1st January 1973 is the appropriate proportion, namely one-fifth, two-fifths, three-fifths or four-fifths according as to whether the statutory period begins in the first, second, third or fourth year of the period of delay, of the difference between the amount of the registration which is referred to in paragraph 2(*a*) of this notice and the sum of—

(*a*) the amount of the previous limit (that is, the amount, exclusive of rates, which at the date of registration (Note 7) 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 on the register as the amount apportioned to services (Note 6).

The minimum amount to which the rent may be increased however (but not above the amount of the registered rent) for each year of the period of delay is 37½p per week.

In other words, with respect to any year of the period of delay which begins before 1st January 1973, if the increase (that is the difference between registered rent and the sum of (*a*) and (*b*) above) exceeds £1·87½p per week, the rent may be increased in five equal annual instalments, each of one-fifth of the increase; but, if it does not exceed £1·87½p per week, the rent may be increased by annual instalments of 37½p per week up to the registered rent.

In addition to this amount of the increase, the previous limit and, where appropriate the amount apportioned to services may also be recovered.

9. Where the registration referred to in paragraph 1 of this notice is not the first registration after the conversion of the tenancy into a regulated tenancy (i.e. where it is such a registration as is mentioned in paragraph 2(*b*) of this notice) and it exceeds the rent for the time being recoverable under the regulated tenancy, the rent payable for any statutory period beginning before the end of the period of delay may be increased only to the same extent as if the rent first registered had remained registered.

Where the new rent is lower than the rent first registered, the rent payable may not however exceed the amount of the new rent registered.

Where the new rent is higher than the rent first registered, the difference between them may

(*a*) where the date of registration of the new rent is before 1st January 1973, be added in full in any statutory period beginning in the year after the year of the period of delay in which the new rent is registered; or

(*b*) where the date of registration of the new rent is on or after 1st January 1973, be added in full for any statutory period beginning after the date of registration of the new rent.

10. The date to be inserted here must be a date which is not earlier than

(*a*) the date of registration which is specified in paragraph 1 of this notice; or

(*b*) four weeks before the date of service of this notice; or

(*c*) the commencement of the first rental period beginning in the relevant year of the period of delay to which this notice relates.

If this notice is served during a contractual period of the tenancy, the date to be inserted must also be later than the date on which the tenancy could be brought to and end by a notice to quit served by the landlord at the same time as this notice (Note 2).

11. Schedule 4 of the Act of 1971 provides that the amount of rates for any rental period should be ascertained by dividing the total rates payable for the whole rating period, in which the rent for that rental period is payable, by the number which is obtained by dividing the length of that rating period by the length of the rental period.

Until the local authority make their first demand for, or for an instalment of, the rates for a rating period, the amount of the rates for any rental period is to be calculated on the basis that the rates for that rating period continue to be the same as for the previous rating period.

When the local authority have made their first such demand or when they have made any subsequent demand during the rating period, the amount of the rates for any rental period must, if necessary, be recalculated, but any such recalculation cannot affect the ascertainment of rates for any rental period beginning more than six months before the date of service of the demand which gives rise to the recalculation.

FORM NO. 7

RENT (SCOTLAND) ACTS 1971 AND 1972

Notice of increase of rent under a regulated tenancy where a rent has been registered after the conversion of the tenancy into a regulated tenancy following upon the issue of a qualification certificate and there are restrictions on rent increases with respect to any year beginning on or after 1 January 1973 (Note 1).

Date.....

To.....

1. A rent of £.....per.....was registered on..... (Note 3) as the fair rent for the dwellinghouse situated at..... of which you are the tenant (Note 4).

2. (*a*) The registration is, or is treated as if it is (Note 5) the first after the conversion of the tenancy into a regulated tenancy under Part VI of the Rent (Scotland) Act 1971 (following upon the issue of a qualification certificate) [or

(*b*) Where there has been such a registration as is mentioned in sub-paragraph (*a*) above, the registration is any subsequent registration which occurs at any time during the period of delay specified in paragraph 3 below and the amount of the former registration was £.....per.....]

Delete w in square brackets i they do n apply

3. By virtue of section 79 of and Schedule 13 to the Rent (Scotland) Act 1971, as amended by Schedule 7 to the Housing (Financial Provisions) (Scotland) Act 1972, there is a period of delay of [two] [three] years (Note 6) imposed as from.....(being the date which is referred to in Note 7 [(*a*)] [(*b*)] [(*c*)]) before the full amount of the registered rent may be recovered and the rent may only be increased by this notice for any statutory period beginning in a year of that period of delay which begins on or after 1st January 1973 to the extent permitted under the said Schedule 13, as so amended.

4. This is a notice increasing the rent payable for a statutory period of the tenancy beginning in the [first] [second] [third] year of the period of delay which begins on or after 1st January 1973 and the amount of the increase is calculated as follows:—

Add		£ per.....
(*a*) The amount of the previous limit (Note 8)	£.....	
(*b*) Whichever is the greater of—		
(i) the minimum amount to which the rent may be increased (Note 8); or		
(ii) .....of £....., being the appropriate proportion of the difference between the registered rent and the amount of the previous limit (Note 8)	£.....	
[(*c*) If the registration referred to in paragraph 1 above is such a registration as is mentioned in paragraph 2(*b*) above, add, where appropriate, the amount of the difference between the new registration and the former registration (Note 9)	£.....]	£.....

Deduct

The amount of the rent which is at present lawfully recoverable from you as tenant of the dwellinghouse	£.....
The amount of the increase per.....is	£.....

5. Accordingly, 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.....(Note 10).

[6. It is noted in the register that the rates in respect of the dwellinghouse are borne by the landlord and, in terms of section 43(3) of the Rent (Scotland) Act 1971, the amount of the rates for any rental period, ascertained in accordance with Schedule 4 to that Act (Note 11), is recoverable from you in addition to the above rent for any statutory period of the tenancy, without service of any notice of increase. The amount of the rates which is at present lawfully recoverable from you, in addition to the above rent, is £.....per.....]

.....
(Signature of landlord/landlord's agent)

.....
(Address of landlord/landlord's agents)

NOTES

(*To be incorporated in the notice*)

1. This notice of increase is required where:—

(*a*) the tenancy of the dwellinghouse is a regulated tenancy within the meaning of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971");

(*b*) the tenancy of the dwellinghouse is a statutory tenancy or will become one as a result of the operation of this notice (Note 2);

(*c*) a rent has been registered for the dwellinghouse which is higher than the rent at present recoverable; and

(*d*) the registration is one of those mentioned in paragraph 2 of this notice.

In these circumstances, section 79 of and Schedule 13 to the Act of 1971 provide that the rent may only be increased by a notice of increase under section 21(2)(*b*) of that Act to the extent (if any) permitted under that Schedule.

2. If the tenancy is a protected tenancy (that is, if the regulated tenancy is a contractual tenancy), the registration of a fair rent for the dwellinghouse, which is higher than the rent at present recoverable, does not allow the landlord to increase the rent up to the amount registered, unless there is a provision to that effect in the tenancy contract.

If the protected tenancy has come to an end, and the tenant is retaining possession of the dwellinghouse as a statutory tenant, section 21(2)(*b*) of the Act of 1971 provides that the landlord may, subject to section 79 of and Schedule 13 to that Act, increase the rent up to the amount of the registered rent by the service of this notice.

Even although this notice of increase relates to statutory periods, section 25(3) of the Act of 1971 provides that it may be served during a contractual period

(i.e. a rental period beginning before the protected tenancy comes to an end) and, if 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 increase to take effect, this notice will operate to convert the tenancy into a statutory tenancy as from that date.

The restrictions on rent increases imposed by section 79 of and Schedule 13 to the Act of 1971 cannot be evaded, either by the landlord and the tenant entering into an agreement increasing the rent payable under the tenancy or by the landlord granting to the tenant or to any of his potential statutory successors a new tenancy of the dwellinghouse, whether before or during the period of delay specified in paragraph 3 of this notice.

3. Insert the date upon which the rent determined by the rent officer or the rent determined or designated by the rent assessment committee was registered for the dwellinghouse.

4. The rent register may be inspected at the office of the rent officer.

5. Where

(*a*) a new regulated tenancy has been granted to the tenant or to any of his potential statutory successors after the conversion of the tenancy into a regulated tenancy; and

(*b*) a rent has then been registered for the dwellinghouse, which, had the new tenancy not been granted, would have been such a registration as is mentioned in paragraph 2(*a*) of this notice,

paragraph 8 of Schedule 13 to the Act of 1971 provides that the amount to which the rent may be increased after the date of registration for any rental period of the new tenancy is, subject to Note 7(*c*) below, the amount to which the rent could have been increased for a statutory period of the previous tenancy, had that tenancy continued. Where that provision applies, the registration is, for the purposes of this notice, treated as if it had been such a registration as is mentioned in paragraph 2(*a*) of this notice.

6. Where a rent for the dwellinghouse is registered on or after 1st January 1973, paragraph 2 of Schedule 13 to the Act of 1971, as amended by paragraph 11 of Schedule 7 to the Housing (Financial Provisions) (Scotland) Act 1972 (referred to hereafter as "the Act of 1972") provides for a period of delay of two years from the date of registration (Note 7) before the full amount of the registered rent may be obtained.

Where a rent for the dwellinghouse has been registered before 1st January 1973 and there is a period of delay of four years imposed by paragraph 2 of Schedule 13 to the Act of 1971, as originally enacted, paragraph 12 of Schedule 7 to the Act of 1972 provides for the reduction of the length of that period of delay as from 1st January 1973. The extent of that reduction depends upon what year of the period of delay begins on or after 1st January 1973 as follows:—

(*a*) if the second year of a period of delay of four years begins on or after 1st January 1973 (i.e. if the rent was registered in 1972) the period of delay is reduced to two years;

(*b*) if the third year of a period of delay of four years begins on or after 1st January 1973 (i.e. if the rent was registered in 1971) the period of delay is reduced to three years; and

(*c*) if the fourth year of a period of delay of four years begins on or after 1st January 1973 (i.e. if the rent was registered in 1970) the period of delay is terminated at the end of the third year.

The length of the reduced period of delay should, where appropriate, be inserted.

7. (*a*) Insert the date of registration of the rent mentioned in paragraph 2(*a*) of this notice.

(*b*) Where a rent determined or designated by a rent assessment committee is registered in substitution for a rent determined by the rent officer, the date of registration is deemed for the purposes of Schedule 13 to the Act of 1971 to be the date on which the rent determined by the rent officer was registered.

(*c*) Where

(i) between the date of the conversion of the tenancy into a regulated tenancy and the registration of the rent specified in paragraph 2(*a*) of this notice, there has been an agreement increasing the rent payable under the tenancy or a new regulated tenancy granted to the tenant or to any of his potential statutory successors; and

(ii) that agreement or new tenancy is a rent agreement with a tenant having security of tenure within the meaning of Part V of the Act of 1972; and

(iii) the requirements of sections 42 and 43 of that Act have been observed as respects the rent agreement,

paragraph 8B of Schedule 13 to the Act of 1971 provides that the provisions of that Schedule should apply, as respects the period after the actual date when the rent was registered for the dwellinghouse, as if the date of registration had been on the date when the agreement took effect. For the purposes of this notice, therefore, the date of registration should be deemed to be the date on which the rent agreement took effect.

8. Under Schedule 13 to the Act of 1971, as amended, the amount to which the rent may be increased for any statutory period beginning in any year of the period of delay which begins on or after 1st January 1973 is the appropriate proportion of the increase, that is of the difference between the amount of the registration which is referred to in paragraph 2(*a*) of this notice and the amount of the previous limit (i.e. the amount, exclusive of rates, which at the date of registration (Note 7) was recoverable by way of rent or would have been so recoverable if all authorised notices of increase had been served).

Where a rent has been registered on or after 1st January 1973, and there is a two year period of delay imposed as from the date of registration (Note 6), the appropriate proportion is one-third or two-thirds of the increase according as to whether the statutory period begins in the first or the second year of the period of delay, but the minimum amount to which the rent may be increased (but not above the amount of the registered rent) for each year of the period of delay is 50p per week. Accordingly, in this case, if the total increase exceeds £1·50p per week, the rent may be increased in three equal annual instalments, each of one-third of the increase; but if it does not exceed £1·50p per week the rent may be increased by annual instalments of 50p per week up to the registered rent.

Where a rent has been registered before 1st January 1973 and the period of delay of four years is reduced in accordance with paragraph 12 of Schedule 7 to the Act of 1972 (Note 6), the appropriate proportion is ascertained as follows:—

(*a*) if the second year of the period of delay of four years begins on or after 1st January 1973 and the period of delay has been reduced to two years, the appropriate proportion of the increase which may be recovered for any statutory period beginning in the second year of the period of delay is three-fifths; and

(*b*) if the third year of the period of delay of four years begins on or after 1st January 1973 and that period of delay has been reduced to three years, the appropriate proportion of the increase which may be recovered for any statutory period beginning in the third year of the period of delay is four-fifths.

In the case where a rent has been registered before 1st January 1973, the minimum amount to which the rent may be increased (but not above the amount of the registered rent) for each year of the period of delay is

(*a*) 37½p per week with respect to any year of the period of delay which begins before 1st January 1973; and

(*b*) 50p per week with respect to any year of the period of delay which begins on or after that date.

9. Where the registration referred to in paragraph 1 of this notice is not the first registration after the conversion of the tenancy into a regulated tenancy, (i.e. where it is such a registration is mentioned in paragraph 2(*b*) of the notice) and it exceeds the rent for the time being recoverable under the regulated tenancy, the rent payable for any statutory period beginning before the end of the period of delay may be increased only to the same extent as if the rent first registered had remained registered.

Where the new rent is lower than the rent first registered the rent payable may not however exceed the amount of the new rent registered.

Where the new rent is higher than the rent first registered, the difference between them may

(*a*) where the date of registration of the new rent is before 1st January 1973, be added in full in any statutory period beginning in the year after the year of the period of delay in which the new rent is registered; or

(*b*) where the date of registration of the new rent is on or after 1st January 1973, be added in full for any statutory period beginning after the date of registration of the new rent.

10. The date to be inserted here must be a date which is not earlier than

(*a*) the date of registration which is specified in paragraph 1 of this notice; or

(*b*) four weeks before the date of service of this notice; or

(*c*) the commencement of the first rental period beginning in the relevant year of the period of delay to which this notice relates.

If this notice is served during a contractual period of the tenancy, the date to be inserted must also be later than the date on which the tenancy could be brought to an end by a notice to quit served by the landlord at the same time as this notice (Note 2).

11. Schedule 4 of the Act of 1971 provides that the amount of rates for any rental period should be ascertained by dividing the total rates payable for the whole rating period, in which the rent for that rental period is payable, by the number which is obtained by dividing the length of that rating period by the length of the rental period.

Until the local authority make their first demand for, or for an instalment of, the rates for a rating period, the amount of the rates for any rental period is to be calculated on the basis that the rates for that rating period continue to be the same as for the previous rating period.

When the local authority have made their first such demand or when they have made any subsequent demand during the rating period, the amount of the rates for any rental period must, if necessary, be recalculated, but any such recalculation cannot affect the ascertainment of rates for any rental period beginning more than six months before the date of service of the demand which gives rise to the recalculation.

FORM NO. 8

RENT (SCOTLAND) ACTS 1971 AND 1972

Notice of increase of rent under a regulated tenancy where a rent has been registered after the conversion of the tenancy into a regulated tenancy under section 34 of the Housing (Financial Provisions) (Scotland) Act 1972 and there are restrictions on rent increases (Note 1).

Date.....

To.....

1. A rent of £.....per.....was registered on..... (Note 3) as the fair rent for the dwellinghouse situated at.....,of which you are the tenant (Note 4).

2.(*a*) The registration is, or is treated as if it is (Note 5), the first to take effect after the conversion of the tenancy into a regulated tenancy under section 34 of the Housing (Financial Provisions) (Scotland) Act 1972, [or

Delete words in square brackets if they do not apply

(*b*) Where there has been such a registration as is mentioned in sub-paragraph (*a*) above, the registration is any subsequent registration which occurs at any time during the period of delay of two years specified in paragraph 3 below, and the amount of the former registration was £.....per.....]

3. By virtue of section 37 of and Schedule 6 to the Housing (Financial Provisions) (Scotland) Act 1972 there is a period of delay of two years imposed as from.....(being the date which is referred to in Note 6 [(*a*)] [(*b*)] [(*c*)]) before the full amount of the registered rent may be recovered and the rent may only be increased by this notice for any statutory period beginning in any year of that period of delay to the extent permitted under the said Schedule 6 (Note 7).

4. This is a notice increasing the rent payable for a statutory period of the tenancy beginning in the [first] [second] year of the period of delay and the amount of the increase is calculated as follows:—

Add		£ per.....
(*a*) The amount of the previous limit (Note 7)	£.....	
(*b*) Whichever is the greater of—		
(i) the minimum amount to which the rent may be increased, (i.e. 50p per week for each year of the period of delay); or		
(ii) [one-third] [two-thirds] of £.....being the appropriate proportion of the difference between the registered rent and the previous limit (Note 7)	£.....	
[(*c*) If the registration referred to in paragraph 1 above is such a registration as is mentioned in paragraph 2(*b*) above, add, where appropriate, the amount of the difference between the new registration and the former registration (Note 8)	£.....]	£.....

Deduct

The amount of the rent which is at present lawfully recoverable from you as tenant of the dwellinghouse	£.....
The amount of the increase per.....is	£.....

5. Accordingly, 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.....(Note 9).

[6. It is noted in the register that the rates in respect of the dwellinghouse are borne by the landlord and, in terms of section 43(3) of the Rent (Scotland) Act 1971, the amount of the rates for any rental period, ascertained in accordance with Schedule 4 to that Act (Note 10), is recoverable from you in addition to the above rent for any statutory period of the tenancy, without service of any notice of increase. The amount of the rates which is at present lawfully recoverable from you, in addition to the above rent, is £.....per.....]

.....
(Signature of landlord/landlord's agents)

.....
(Address of landlord/landlord's agents)

NOTES

(To be incorporated in the notice)

1. This notice of increase is required where:—
   (*a*) the tenancy of the dwellinghouse is a regulated tenancy within the meaning of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971");
   (*b*) the tenancy of the dwellinghouse is a statutory tenancy or will become one as a result of the operation of this notice (Note 2);
   (*c*) a rent has been registered for the dwellinghouse which is higher than the rent at present recoverable; and
   (*d*) the registration is one of those mentioned in paragraph 2 of this notice.

In these circumstances, section 37 of and Schedule 6 to the Housing (Financial Provisions) (Scotland) Act 1972 (referred to hereafter as "the Act of 1972") provide that the rent may only be increased by a notice of increase under section 21(2)(*b*) of the Act of 1971 to the extent (if any) permitted under the said Schedule 6.

2. If the tenancy is a protected tenancy (that is, if the regulated tenancy is a contractual tenancy), the registration of a fair rent for the dwellinghouse, which is higher than the rent at present recoverable, does not allow the landlord to increase the rent up to the amount registered, unless there is a provision to that effect in the tenancy contract.

If the protected tenancy has come to an end, and the tenant is retaining possession of the dwellinghouse as a statutory tenant, section 21(2)(*b*) of the Act of 1971 provides that the landlord may, subject to section 37 of and Schedule 6 to the Act of 1972, increase the rent up to the amount of the registered rent by the service of this notice.

Even although this notice of increase relates to statutory periods, section 25(3) of the Act of 1971 provides that it may be served during a contractual period (i.e. a rental period beginning before the protected tenancy comes to an end) and, if 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 increase to take effect, this notice will operate to convert the tenancy into a statutory tenancy as from that date.

The restrictions on rent increases imposed by section 37 of and Schedule 6 to the Act of 1972 cannot be evaded, either by the landlord and the tenant entering into an agreement increasing the rent payable under the tenancy or by the landlord granting to the tenant or to any of his potential statutory successors a new tenancy of the dwellinghouse, whether before or during the period of delay of two years specified in paragraph 3 of this notice.

3. Insert the date upon which the rent determined by the rent officer or by the rent assessment committee was registered for the dwellinghouse. Where the rent is registered before the date when the tenancy became converted into a regulated tenancy, the date of registration is, by virtue of section 38(3) of the Act of 1972, deemed to be the date when the registration takes effect.

4. The rent register may be inspected at the office of the rent officer.

5. Where

(*a*) a new regulated tenancy has been granted to the tenant or to any of his potential statutory successors after the conversion of the tenancy into a regulated tenancy; and

(*b*) a rent has then been registered for the dwellinghouse, which, had the new tenancy not been granted, would have been such a registration as is mentioned in paragraph 2(*a*) of this notice,

paragraph 7 of Schedule 6 to the Act of 1972 provides that the amount to which the rent may be increased after the date of registration for any rental period of the new tenancy is, subject to Note 6(*c*) below, the amount to which the rent could have been increased for a statutory period of the previous tenancy, had that tenancy continued. Where that provision applies, the registration is, for the purposes of this notice, treated as if it had been such a registration as is mentioned in paragraph 2(*a*) of this notice.

6. (*a*) Insert the date of registration of the rent mentioned in paragraph 2(*a*) of this notice. Where that rent was registered before the date when the tenancy became converted into a regulated tenancy, the date of registration is deemed to be the date when the registration took effect.

(*b*) Where a rent determined by a rent assessment committee is registered in substitution for a rent determined by the rent officer, the date of registration is deemed for the purposes of Schedule 6 to the Act of 1972 to be the date on which the rent determined by the rent officer was registered.

(*c*) Where

(i) between the date of the conversion of the tenancy into a regulated tenancy and the registration of the rent specified in paragraph 2(*a*) of this notice, there has been an agreement increasing the rent payable under the tenancy or a new regulated tenancy granted to the tenant or to any of his potential statutory successors; and

(ii) that agreement or new tenancy is a rent agreement with a tenant having security of tenure within the meaning of Part V of the Act of 1972; and

(iii) the requirements of sections 42 and 43 of that Act have been observed as respects the rent agreement,

paragraph 9 of Schedule 6 to the Act of 1972 provides that the provisions of that Schedule should apply, as respects the period after the actual date when the rent was registered for the dwellinghouse, as if the date of registration had been

on the date when the agreement took effect. For the purposes of this notice, therefore, the date of registration should be deemed to be the date on which the rent agreement took effect.

7. Under Schedule 6 to the Act of 1972, the amount to which the rent may be increased for any statutory period beginning in any year of the period of delay is the appropriate proportion, namely one-third, or two-thirds, according as to whether the statutory period begins in the first or the second year of the period of delay, of the difference between the amount of the registration which is referred to in paragraph 2(*a*) of this notice and the amount of the previous limit (that is the amount, exclusive of rates, which, at the date of registration (Note 6) was recoverable by way of rent or would have been so recoverable if all authorised notices of increase had been served). The minimum amount to which the rent may be increased however (but not above the amount of the registered rent) for each year of the period of delay is 50p per week.

In other words if the total increase (i.e. the difference between the registered rent and the amount of the previous limit) exceeds £1·50p per week the rent may be increased in three equal annual instalments, each of one-third of the increase; but if it does not exceed £1·50p per week the rent may be increased by annual instalments of 50p per week up to the registered rent.

8. Where the registration referred to in paragraph 1 of this notice is not the first registration after the conversion of the tenancy into a regulated tenancy (i.e. where it is such a registration as is mentioned in paragraph 2(*b*) of this notice) and it exceeds the rent for the time being recoverable under the regulated tenancy, the rent payable for any statutory period beginning before the end of the period of delay may be increased only to the same extent as if the rent first registered has remained registered.

Where the new rent is lower than the rent first registered, the rent payable may not however exceed the amount of the new rent registered.

Where the new rent is higher than the rent first registered, the difference between them may be added in full for any statutory period beginning after the date of registration of the new rent.

9. The date to be inserted here must be a date which is not earlier than

(*a*) the date of registration which is specified in paragraph 1 of this notice; or

(*b*) four weeks before the date of service of this notice; or

(*c*) the commencement of the first rental period beginning in the relevant year of the period of delay to which this notice relates.

If this notice is served during a contractual period of the tenancy, the date to be inserted must also be later than the date on which the tenancy could be brought to an end by a notice to quit served by the landlord at the same time as this notice (Note 2).

10. Schedule 4 of the Act of 1971 provides that the amount of rates for any rental period should be ascertained by dividing the total rates payable for the whole rating period, in which the rent for that rental period is payable, by the number which is obtained by dividing the length of that rating period by the length of the rental period.

Until the local authority make their first demand for, or for an instalment of, the rates for a rating period, the amount of the rates for any rental period is to be calculated on the basis that the rates for that rating period continue to be the same as for the previous rating period. When the local authority have made their first such demand or when they have made any subsequent demand during the rating period, the amount of the rates for any rental period must, if necessary, be recalculated, but any such recalculation cannot affect the ascertainment of rates for any rental period beginning more than six months before the date of service of the demand which gives rise to the recalculation.

FORM NO. 9

RENT (SCOTLAND) ACTS 1971 AND 1972

Application for the registration of a rent unsupported by a certificate of fair rent where the dwellinghouse is or is to be let under a regulated tenancy (*Note* 1)

Date.....

To the Rent Officer

Delete words in square brackets if they do not apply

[I,] [We, jointly, (Note 2)] hereby apply, under section 40 of the Rent (Scotland) Act 1971, for the registration of a fair rent for the dwellinghouse situated at ....., under a regulated tenancy.

The rent which it is proposed should be registered for the dwellinghouse is £ per (Note 3).

The following particulars are submitted.

Signed.....
[Landlord/Landlord's agents]

.....
[Tenant/Tenant's agents]

THE PARTICULARS

(*Please write in block letters or type and strike out words which do not apply*)

1. Name and address of landlord and of his agents (if any).

2. Name and address of tenant and of his agents (if any).

3. Description of the dwellinghouse (Note 4).

4. Current gross annual value of the dwellinghouse.

5. Rateable value of the dwellinghouse on 23rd March 1965 (or upon such later date as the rateable value of the dwellinghouse was first shown on the valuation roll) (Note 5).

6. If the tenancy has become a regulated tenancy by virtue of Part VI of the Rent (Scotland) Act 1971 (i.e. following upon the issue of a qualification certificate),

(*a*) state the date upon which the tenancy became a regulated tenancy (Note 6) and

(*b*) enclose a copy of the qualification certificate (Note 7).

7. If the tenancy has or is due to become a regulated tenancy under section 34 of the Housing (Financial Provisions) (Scotland) Act 1972, state the rateable value of the dwellinghouse on 27 August 1972 (Notes 5 and 8).

8. The rent at present payable is £ per , exclusive/inclusive of rates borne by the landlord and, if inclusive, state the amount of the rates included in the rent.

9. State the particulars of the tenancy (Note 9).

10. State whether any change has occurred during the present tenancy in the condition of the dwellinghouse (Note 10) which is claimed by the applicant(s) to be due to

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

(*b*) any improvement, including the replacement of any fixture or fitting, carried out by the tenant (including a former holder of the present tenancy) other than under the terms of the tenancy.

11. State whether an improvement or standard grant has been obtained from the local authority.

12. If a rent has already been registered for the dwellinghouse, specify whichever is the later date

(i) the date upon which the registration took effect, or

(ii) where, upon an application for the registration of a different rent the registered rent has been confirmed, the date of that application (or the last of them),

and, if the application is made by the landlord or the tenant alone within 3 years of that date, state the grounds upon which the application is made (Note 11).

13. Specify the amount, if any, of the rent proposed to be registered which it is considered should be noted in the register as the amount fairly attributable to

(*a*) the use of part of the premises comprised in the dwellinghouse as a shop or office or for business trade or professional purposes;

(*b*) the use of furniture provided by the landlord; or

(*c*) the provision of any service by the landlord.

NOTES

(To be incorporated in the application and any copy thereof)

1. This form of application is required where

(*a*) the tenancy of the dwellinghouse

(1) is or has become converted into a regulated tenancy within the meaning of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971") or

(2) is due to become a regulated tenancy under section 34 of the Housing (Financial Provisions) (Scotland) Act 1972 (referred to hereafter as "the Act of 1972") and the application is made not earlier than six months before the relevant date of conversion (Note 8) and

(*b*) either the landlord or the tenant or both the landlord and the tenant jointly wish to apply to the rent officer for the registration of a rent for the dwellinghouse under the regulated tenancy, and

(*c*) the application is not, nor is required to be (Note 7), supported by a certificate of fair rent.

An application for the registration of a rent cannot be entertained at a time when there is in operation, with respect to the dwellinghouse, a condition relating to rent imposed under any of the enactments specified in section 40(5) of the Act of 1971.

2. Where an application is made jointly by the landlord and the tenant, there is no right to have the matter referred to a rent assessment committee if the rent officer is satisfied that the rent proposed to be registered is a fair rent.

3. The rent specified should be a rent exclusive of any rates borne by the landlord but inclusive of any sums payable by the tenant for the use of furniture or for services provided by the landlord, (s. 43 of the Act of 1971).

4. The description of the dwellinghouse should include

(*a*) the location of the flat, if the dwellinghouse is situated in tenement property;

(*b*) the number of rooms comprised in the dwellinghouse and the use which is made of them;

(*c*) any accommodation of which the tenant has shared use and state whether the sharing is with the landlord or with another tenant, and

(*d*) a description of any part of the premises comprised in the dwellinghouse which is used as a shop or office or for business, trade, or professional purposes.

5. If, on the appropriate date, the dwellinghouse forms part only of lands and heritages for which a rateable value is then shown on the valuation roll, its rateable value is, by virtue of section 6 of the Act of 1971, taken to be such value as is found by the sheriff to be a proper apportionment of the rateable value so shown. Where paragraph 7 of the particulars applies, the proper apportionment of the rateable value may be determined, by virtue of section 34(5) of the Act of 1972, by agreement in writing between the landlord and tenant.

6. Under section 70 of the Act of 1971, the date upon which such a tenancy becomes a regulated tenancy is the date of issue of the qualification certificate, unless that certificate was issued under section 72(2) of that Act and its date of issue was before

(*a*) 1st January 1971 in the case of a dwellinghouse of a rateable value of £45 or more on 25th August 1969 or

(*b*) 1st July 1971 in the case of a dwellinghouse of a rateable value of less than £45 on 25th August 1969,

in which case it is the relevant date specified above.

7. It is only necessary to enclose a copy of the qualification certificate if it is an application by the landlord for the first registration of a rent after the tenancy has become a regulated tenancy (s. 74(1) of the Act of 1971).

After a certificate of fair rent has been issued on an application under Part I of Schedule 12 to the Act of 1971 (i.e. after the issue of a certificate of provisional approval), this form of application cannot be used and the appropriate form may be obtained from the rent officer.

8. Paragraph 7 of the particulars only applies if the tenancy of the dwellinghouse has been or is due to be converted from being a controlled tenancy into a regulated tenancy under section 34 of the Act of 1972. The date of conversion depends upon the rateable value of the dwellinghouse on 27 August 1972, as follows namely:—

Rateable value	*Date of Conversion*
£50 or more	1st January 1973
£25 or less than £50	1st January 1974
less than £25	1st January 1975

(The Secretary of State has power, by order, to advance or retard the relevant date of conversion)

9. The particulars of the tenancy which should be given are

(i) the nature of the tenancy, that is whether it is a contractual/statutory tenancy;

(ii) the date of commencement of the contractual/statutory tenancy;

(iii) the duration of the contractual tenancy;

(iv) the rental period;

(v) any services or furniture provided by the landlord and the amount (if any) of the rent which is apportioned to them under the tenancy agreement;

(vi) the respective liability of the landlord and tenant for the maintenance and repair of the dwellinghouse;

(vii) any other terms of the tenancy (if these cannot be briefly stated, a copy of the tenancy agreement may be attached).

10. Any such changes in the condition of the dwellinghouse are required, by section 42(3) of the Act of 1971, to be disregarded in determining a fair rent for the dwellinghouse.

11. In these circumstances, section 40(3) of the Act of 1971 provides that the rent officer can only entertain the application on the grounds that "since that date, there has been such a change in the condition of the dwellinghouse (including the making of any improvement therein), the terms of the tenancy or any other circumstances taken into consideration when the rent was registered or confirmed as to make the registered rent no longer a fair rent".

FORM NO. 10

RENT (SCOTLAND) ACTS 1971 AND 1972

Application for the registration of a rent unsupported by a certificate of fair rent where the dwellinghouse is let under a tenancy to which sections 60 to 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply (Note 1)

Date.....

To the Rent Officer

Delete words in square brackets if they do not apply

[I,] [We, jointly, (Note 2)] hereby apply, under section 40 of the Rent (Scotland) Act 1971, as applied by section 61 of the Housing (Financial Provisions) (Scotland) Act 1972, for the registration of a fair rent for the dwellinghouse situated at ....., under a housing association tenancy (Note 1).

The rent which it is proposed should be registered for the dwellinghouse is £.....per.....(Note 3).

The following particulars are submitted.

Signed.....
[Landlord/Landlord's agents]

.....
[Tenant/Tenant's agents]

THE PARTICULARS

(*Please write in block letters or type and strike out words which do not apply*)

1. Name and address of landlord and of his agents (if any).

2. Name and address of tenant and of his agents (if any).

3. Description of the dwellinghouse (Note 4).

4. Current gross annual value of the dwellinghouse.

5. The rent at present payable is £ per , exclusive/inclusive of rates borne by the landlord and, if inclusive, state the amount of the rates included in the rent.

6. State the particulars of tenancy (Note 5).

7. State whether any change has occurred during the present tenancy in the condition of the dwellinghouse (Note 6) which is claimed by the applicant(s) to be due to

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

(*b*) any improvement, including the replacement of any fixture or fitting, carried out by the tenant (including a former holder of the present tenancy) other than under the terms of the tenancy.

8. If a rent has already been registered for the dwellinghouse, specify whichever is the later date

(i) the date upon which the registration took effect (Note 7), or

(ii) where, upon an application for the registration of a different rent, the registered rent has been confirmed, the date of that application (or the last of them), and

if the application is made by the landlord or the tenant alone within 3 years of that date, state the grounds upon which the application is made (Note 8).

9. Specify the amount, if any, of the rent proposed to be registered which it is considered should be noted in the register as the amount fairly attributable to the provision of any furniture or any service by the landlord.

NOTES

(To be incorporated in the application and any copy thereof)

1. This form of application is required where

(*a*) the tenancy of the dwellinghouse is one to which sections 60 to 66 of the Housing (Financial Provisions) (Scotland) Act 1972 (referred to hereafter as "the Act of 1972") apply, that is a tenancy (referred to as "a housing association tenancy") where

(i) the interest of the landlord under that tenancy belongs to a housing association or to the Housing Corporation and

(ii) the tenancy would be a protected tenancy but for section 5 of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971"); and

(*b*) either the landlord or the tenant or both the landlord and the tenant jointly wish to apply to the rent officer for the registration of a rent for the dwellinghouse under the tenancy, and

(*c*) the application is not supported by a certificate of fair rent.

The application for the registration of a rent cannot be entertained at a time when there is in operation, with respect to the dwellinghouse, a condition relating to rent imposed under any of the enactments specified in section 40(5) of the Act of 1971.

2. Where an application is made jointly by the landlord and the tenant, there is no right to have the matter referred to a rent assessment committee if the rent officer is satisfied that the rent proposed to be registered is a fair rent.

3. The rent specified should be a rent exclusive of any rates borne by the landlord but inclusive of any sums payable by the tenant for the use of furniture or for services provided by the landlord (s. 43 of the Act of 1971, as applied by section 61 of the Act of 1972).

4. The description of the dwellinghouse should include:

(*a*) the location of the flat if the dwellinghouse is situated in tenement property;

(*b*) the number of rooms comprised in the dwellinghouse and the use which is made of them; and

(*c*) any accommodation of which the tenant has shared use and state whether the sharing is with the landlord or with another tenant.

5. The particulars of the tenancy which should be given are:—

(i) the date of commencement and duration of the tenancy;

(ii) the rental period;

(iii) any services or furniture provided by the landlord and the amount (if any) of the rent which is apportioned to them under the tenancy agreement;

(iv) the respective liability of the landlord and tenant for the maintenance and repair of the dwellinghouse; and

(v) any other terms of the tenancy (if these cannot be briefly stated a copy of the tenancy agreement may be attached).

6. In determining what is a fair rent for the dwellinghouse, any such changes in the condition of the dwellinghouse are required to be disregarded (s. 42(3) of the Act of 1971, as applied by section 61 of the Act of 1972).

7. Section 61(3) of the Act of 1972 provides that the registration of a rent for a housing association tenancy takes effect on the date of registration. Where however the registration is, by virtue of section 64 of that Act, provisional (Note 9), it is provided that, for the purposes of this provision, a reference to the date upon which the registered rent took effect should be deemed to be a reference to the date of the provisional registration.

8. In these circumstances, section 40(3) of the Act of 1971, as applied by section 61 of the Act of 1972, provides that the rent officer can only entertain the application on the grounds that "since that date, there has been such a change in the condition of the dwellinghouse (including the making of any improvement therein), the terms of the tenancy or any other circumstances taken into consideration when the rent was registered or confirmed as to make the registered rent no longer a fair rent".

9. Section 61(3) of the Act of 1972 provides that the registration of a fair rent before 1st January 1973 is provisional only until that date.

Where the rent limit of the dwellinghouse immediately before the date of registration exceeds the rent registered, the registration is provisional only until it takes effect in accordance with section 64 of the Act of 1972.

FORM NO. 11

RENT (SCOTLAND) ACTS 1971 AND 1972

Application for a certificate of fair rent where the dwellinghouse is or is to be let under a regulated tenancy.

Date.....

To the Rent Officer

I hereby apply under [section 41(1) of] [section 73(2) of and Part I of Schedule 12 to] the Rent (Scotland) Act 1971 (Note 1), for a certificate of fair rent specifying a fair rent under a regulated tenancy of the dwellinghouse [to be] situated at.....[after the completion of the works shown in the plans and specifications which accompany this application (Note 2)] [after the completion of the works shown in the plans and specifications which accompanied the application for a qualification certificate. I enclose copies of these plans and specifications and also of the certificate of provisional approval (Note 3)].

Delete wo in square brackets i they do no apply

I propose that the rent to be specified in the certificate of fair rent should be £ per (Note 4).

The following particulars are submitted.

Signed.....
Applicant/Applicant's agents

THE PARTICULARS

(*Please write in block letters or type and strike out words which do not apply*)

1. Name and address of applicant and of his agents, (if any).

2. If the dwellinghouse is not subject to a controlled tenancy, state the grounds upon which the application is made, that is whether the applicant is intending

(*a*) to provide a dwellinghouse by the erection or conversion of any premises,

(*b*) to make any improvements in the dwellinghouse, or

(*c*) to let on a regulated tenancy a dwellinghouse which is not at present subject to such a tenancy and, if a rent has been registered for such a dwellinghouse, specify whichever is the later date (Note 5)

(i) the date upon which the registration took effect or,

(ii) where, upon an application for the registration of a different rent, the last of them).

3. If the dwellinghouse is subject to a controlled tenancy or if the grounds of the application are as stated in paragraphs 2(*a*) or (*b*) above, give a brief description of the proposed works shown in the accompanying plans and specifications and state

(*a*) the estimated cost of the works and,

(*b*) whether an application has been or will be made to the local authority for an improvement or standard grant.

4. In the case of an existing dwellinghouse, give a brief description of the dwellinghouse (Note 6) and state

(*a*) its current gross annual value and,

(*b*) its rateable value on 23rd March 1965 (or upon such later date as its rateable value was first shown on the valuation roll).

5. Where the dwellinghouse is already subject to a regulated tenancy or to a controlled tenancy which is due to become a regulated tenancy on the date of issue of a qualification certificate, state

(*a*) the name of the tenant;

(*b*) the rent at present payable, £ per exclusive/inclusive of rates borne by the landlord and, if inclusive, state the amount of rates included in the rent;

(*c*) the particulars of the tenancy (Note 7);

(*d*) whether any change has occurred during the present tenancy in the condition of the dwellinghouse (Note 8) which is claimed by the applicant to be due to

(i) any disrepair or other defect attributable to a failure by the tenant (including a former holder of the present tenancy) to comply with the terms of the tenancy or,

(ii) any improvement, including the replacement of any fixture or fitting carried out by the tenant (including a former holder of the present tenancy) other than under the terms of the tenancy.

6. Where paragraph 5 does not apply and it is proposed to grant a regulated tenancy, state (Note 9)

(*a*) the proposed duration of the tenancy;

(*b*) the proposed rental period;

(*c*) the proposed respective liability of the landlord and the tenant for the maintenance and repair of the dwellinghouse;

(*d*) any service or furniture to be provided by the landlord;

(*e*) whether the rates will be borne by the landlord, and

(*f*) any other terms (a separate sheet may be attached if necessary).

7. State the amount, if any, of the rent proposed to be specified in the certificate of fair rent which it is considered should be noted on the certificate of fair rent as the amount fairly attributable to:—

(*a*) the use of part of the premises comprised in the dwellinghouse as a shop or office or for business, trade or professional purposes;

(*b*) the use of furniture provided or to be provided by the landlord; and

(*c*) the provision of any service by the landlord.

NOTES

(*To be incorporated in the application and any copy thereof*)

1. The reference to section 73(2) of and Part I of Schedule 12 to the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971") is only required where—

(*a*) the application for a certificate of fair rent is made when the dwellinghouse is subject to a controlled tenancy;

(*b*) an application for a qualification certificate has been made to the local authority; and

(*c*) the local authority have issued a certificate of provisional approval.

A certificate of fair rent which is issued in pursuance of such an application, specifies the rent which would be a fair rent under the regulated tenancy that might arise when a qualification certificate might be issued, if the works shown

in the plans and specifications which accompanied the application for the qualification certificates were carried out.

2. These words are only required if the application is not made under section 73(2) of and Part I of Schedule 12 to the Act of 1971 and if the grounds of the application are as stated in paragraph 2(*a*) or (*b*) of the submitted particulars.

3. These words are required if the application is made under section 73(2) of and Part I of Schedule 12 to the Act of 1971 (Note 1).

4. The rent specified should be a rent exclusive of rates borne by the landlord but inclusive of any sums payable by the tenant for the use of furniture or for services provided or to be provided by the landlord (section 43 of the Act of 1971).

5. The application cannot be entertained until three years after the date (if any) which is specified.

6. The description of the dwellinghouse should include

(*a*) the location of the flat, if the dwellinghouse is situated in tenement property;

(*b*) the number of rooms comprised in the dwellinghouse and the use which is or is to be made of them;

(*c*) any accommodation of which the tenant has or is to have shared use and state whether sharing is or is to be with the landlord or with another tenant and,

(*d*) a description of any part of the premises comprised in the dwellinghouse which is used as a shop or office or for business, trade or professional purposes.

7. The particulars of the tenancy which should be given are:—

(i) the nature of the tenancy, that is whether it is a contractual/statutory tenancy;

(ii) the date of commencement of the contractual/statutory tenancy;

(iii) the duration of the contractual tenancy;

(iv) the rental period;

(v) any services or furniture provided by the landlord and the amount (if any) of the rent which is apportioned to them under the tenancy agreement;

(vi) the respective liability of the landlord and tenant for the maintenance and repair of the dwellinghouse; and

(vii) any other terms of the tenancy (if these cannot be briefly stated, a copy of the tenancy agreement may be attached).

8. In determining what is a fair rent for the dwellinghouse, any such changes in the condition of the dwellinghouse are required to be disregarded (section 42(3) of the Act of 1971).

9. Except in so far as other terms are specified, it will be assumed that the tenant will be liable for internal decorative repairs but for no others and that no services or furniture will be provided for him.

FORM NO. 12

RENT (SCOTLAND) ACTS 1971 AND 1972

Application for a certificate of fair rent where the dwellinghouse is, or is to be, let under a tenancy to which sections 60 to 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply (Note 1)

Date.....

To the Rent Officer

I hereby apply, under section 41(1) of the Rent (Scotland) Act 1971, as applied by section 61 of the Housing (Financial Provisions) (Scotland) Act 1972, for a certificate of fair rent specifying a fair rent under a housing association tenancy (Note 1) of the dwellinghouse [to be] situated at..... [after the completion of the works shown in the plans and specifications which accompany this application (Note 2)].

Delete words in square brackets if they do not apply

I propose that the rent to be specified in the certificate of fair rent should be £ per (Note 3).

The following particulars are submitted.

Signed .....
Applicant/Applicant's agents

THE PARTICULARS

(*Please write in block letters or type and strike out words which do not apply*)

1. Name and address of applicant and of his agents (if any).

2. State the grounds upon which the application is made, that is whether the applicant is intending

(*a*) to provide a dwellinghouse by the erection or conversion of any premises,

(*b*) to make any improvements in the dwellinghouse, or

(*c*) to let on a housing association tenancy a dwellinghouse which is not at present subject to such a tenancy and, if a rent has been registered for such a dwellinghouse, specify whichever is the later date (Note 4)

(i) the date upon which the registration took effect (Note 5), or

(ii) where, upon an application for the registration of a different rent, the registered rent was confirmed, the date of that application (or the last of them).

3. If the grounds of the application are as stated in paragraphs 2(*a*) or (*b*) above, give a brief description of the proposed works shown in the accompanying plans and specifications and specify the estimated cost of the works.

4. In the case of an existing dwellinghouse, give a brief description of the dwellinghouse (Note 6) and state its current gross annual value.

5. Where the dwellinghouse is already subject to a housing association tenancy, state

(*a*) the name of the tenant;

(*b*) the rent at present payable, £ per exclusive/inclusive of rates borne by the landlord, and, if inclusive, state the amount of rates included in the rent;

(*c*) the particulars of the tenancy (Note 7); and

(*d*) whether any change has occurred during the present tenancy in the condition of the dwellinghouse (Note 8) which is claimed by the applicant to be due to

(i) any disrepair or other defect attributable to a failure by the tenant (including a former holder of the present tenancy) to comply with the terms of the tenancy or,

(ii) any improvement, including the replacement of any fixture or fitting, carried out by the tenant (including a former holder of the present tenancy) other than under the terms of the tenancy.

6. Where paragraph 5 does not apply and it is proposed to grant a housing association tenancy, state (Note 9)

(*a*) the proposed duration of the tenancy;

(*b*) the proposed rental period;

(*c*) the proposed respective liability of the landlord and the tenant for the maintenance and repair of the dwellinghouse;

(*d*) any service or furniture to be provided by the landlord;

(*e*) whether the rates will be borne by the landlord; and

(*f*) any other terms (a separate sheet may be attached if necessary).

7. State the amount, if any, of the rent proposed to be specified in the certificate of fair rent which it is considered should be noted on the certificate of fair rent as the amount fairly attributable to any services or furniture provided or to be provided by the landlord.

NOTES

(*To be incorporated in the application and any copy thereof.*)

1. A tenancy to which sections 60 to 66 of the Housing (Financial Provisions) (Scotland) Act 1972 (referred to hereafter as "the Act of 1972") apply is a tenancy (referred to as a "housing association tenancy") where

(*a*) the interest of the landlord under that tenancy belongs to a housing association or to the Housing Corporation; and

(*b*) the tenancy would be a protected tenancy but for section 5 of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971").

2. These words are only required if the grounds of the application are as stated in paragraph 2(*a*) or (*b*) of the submitted particulars.

3. The rent specified should be a rent exclusive of rates borne by the landlord but inclusive of any sums payable by the tenant for the use of furniture or for services provided or to be provided by the landlord (section 43 of the Act of 1971).

4. The application cannot be entertained until three years after the date (if any) which is specified.

5. Section 61(3) of the Act of 1972 provides that the registration of a rent for a housing association tenancy takes effect on the date of registration. Where however the registration is, by virtue of section 64 of that Act, provisional, it is provided that, for the purposes of this provision, a reference to the date upon which the registered rent took effect should be deemed to be a reference to the date of the provisional registration.

6. The description of the dwellinghouse should include—

(*a*) the location of the flat, if the dwellinghouse is situated in tenement property;

(*b*) the number of rooms comprised in the dwellinghouse and the use which is, or is to be, made of them; and

(*c*) any accommodation of which the tenant has, or is to have, shared use and state whether sharing is or is to be with the landlord or with another tenant.

7. The particulars of the tenancy which should be given are—

(*a*) the date of commencement and duration of the tenancy;

(*b*) the rental period;

(*c*) any services or furniture provided by the landlord and the amount (if any) of the rent which is apportioned to them under the tenancy agreement;

(*d*) the respective liability of the landlord and tenant for the maintenance and repair of the dwellinghouse; and

(*e*) any other terms of the tenancy (if this cannot be briefly stated, a copy of the tenant's agreement may be attached).

8. In determining what is a fair rent for the dwellinghouse, any such changes in the condition of the dwellinghouse are required to be disregarded (section 42(3) of the Act of 1971).

9. Except in so far as other terms are specified, it will be assumed that the tenant will be liable for internal decorative repairs but for no others and that no services or furniture will be provided for him.

FORM NO. 13

RENT (SCOTLAND) ACTS 1971 AND 1972

Application for the registration of a rent, supported by a certificate of fair rent, where the dwellinghouse is or is to be let under a regulated tenancy.

Date.....

To the Rent Officer

I hereby apply, under section 41(4) [and section 74(1) (Note 1)] of the Rent (Scotland) Act 1971, for the registration of a rent for the dwellinghouse situated at.....in accordance with the certificate of fair rent issued in repect of the dwellinghouse under a regulated tenancy on (Note 2). I enclose a copy of the certificate of fair rent.

Delete wo in square brackets if they do nc apply

[I also enclose a copy of the qualification certificate (Note 1).]

The following particulars are submitted.

Signed .....
Applicant/Applicant's Agents

THE PARTICULARS

(*Please write in block letters or type and strike out words which do not apply*)

1. Name and address of applicant and of his agents (if any).

2. State the current gross annual value of the dwellinghouse.

3. If the dwellinghouse was not subject to a controlled or a regulated tenancy when the certificate of fair rent was issued, has a regulated tenancy now been granted (Note 3) and, if so, state—

(*a*) the name of the tenant;

(*b*) the date of commencement of the tenancy;

(*c*) the duration of the tenancy and the rental period; and

(*d*) whether the terms of the tenancy are shown as in the certificate of fair rent.

4. Where proposed works are specified in the certificate of fair rent,

(*a*) have those works been carried out in accordance with the plans and specifications which accompanied the application for the certificate of fair rent; and

(*b*) has an improvement or standard grant been obtained from the local authority.

5. Where proposed works are not specified in the certificate of fair rent, is the condition of the dwellinghouse the same as at the date of the certificate of fair rent.

6. Where any services or furniture are or are to be provided by the landlord, state the amount of the rent specified in the certificate of fair rent which the applicant considers is fairly attributable to such services or furniture, unless such amount is already noted on the certificate of fair rent.

NOTES

(To be incorporated in the application and any copy thereof)

1. The reference to section 74(1) of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971") is only required where—

(*a*) this is an application by the landlord for the first registration of a rent for the dwellinghouse after the tenancy has become a regulated tenancy following upon the issue of a qualification certificate; and

(*b*) the certificate of fair rent has been issued on an application under Part I of Schedule 12 to that Act (i.e. after the issue of a certificate of provisional approval).

In these circumstances the application must be accompanied by a copy of the qualification certificate as well as by a copy of the certificate of fair rent and the procedure upon such applications is governed by Part II of Schedule 12 instead of by Part II of Schedule 6 to the Act of 1971.

2. Under section 41(4) of the Act of 1971, this application may only be made within three years of the date of the certificate of fair rent—

(*a*) by the landlord under such a regulated tenancy of the dwellinghouse as is specified in the certificate; or

(*b*) by a person intending to grant such a regulated tenancy.

An application for the registration of a rent cannot be entertained at a time when there is in operation, with respect to the dwellinghouse, a condition relating to rent imposed under any of the enactments specified in section 40(5) of the Act of 1971.

3. Under paragraph 13 of Schedule 6 to the Act of 1971, if a rent is registered in pursuance of this appication which is made by a person who intends to grant a regulated tenancy, the registration is provisional only until it is granted, and is of no effect unless the rent officer is notified, in the prescribed manner, within one month from the date of registration or such longer time as the rent officer may allow, that it has been granted.

FORM NO. 14

RENT (SCOTLAND) ACTS 1971 AND 1972

Application for the registration of a rent, supported by a certificate of fair rent, where the dwellinghouse is or is to be let under a tenancy to which sections 60 to 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply (Note 1).

Date.....

To the Rent Officer

I hereby apply under section 41(4) of the Rent (Scotland) Act 1971, as applied by section 61 of the Housing (Financial Provisions) (Scotland) Act 1972, for the registration of a rent for the dwellinghouse situated at.....
.....in accordance with the certificate of fair rent issued in respect of the dwellinghouse under a housing association tenancy (Note 1) on .....(Note 2). I enclose a copy of the certificate of fair rent.

The following particulars are submitted.

Signed .....
Applicant/Applicant's Agents

PARTICULARS

(*Please write in block letters or type and strike out words which do not apply*)

1. Name and address of applicant and of his agents (if any).

2. State the current gross annual value of the dwellinghouse.

3. If the dwellinghouse was not let on a housing association tenancy (Note 1) when the certificate of fair rent was issued, has such a tenancy now been granted (Note 3), and if so, state—

(*a*) the name of the tenant;

(*b*) the date of commencement of the tenancy;

(*c*) the duration of the tenancy and the rental period; and

(*d*) whether the terms of the tenancy are as shown in the certificate of fair rent.

4. Where proposed works are specified in the certificate of fair rent, have those works been carried out in accordance with the plans and specifications which accompanied the application for the certificate of fair rent.

5. Where proposed works are not specified in the certificate of fair rent, is the condition of the dwellinghouse the same as at the date of the certificate of fair rent.

NOTES

(*To be incorporated in the application and any copy thereof*)

1. A tenancy to which sections 60 to 66 of the Housing (Financial Provisions) (Scotland) Act 1972 (referred to hereafter as "the Act of 1972") apply is a tenancy (referred to as "a housing association tenancy") where—

(*a*) the interest of the landlord under that tenancy belongs to a housing association or to the Housing Corporation; and

(*b*) the tenancy would be a protected tenancy but for section 5 of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971")

2. Under section 41(4) of the Act of 1971, as applied by section 61 of the Act of 1972, this application may only be made within three years of the date of the certificate of fair rent—

(*a*) by the landlord under such a housing association tenancy of the dwelling-house as is specified in the certificate; or

(*b*) by a person intending to grant such a tenancy.

An application for the registration of a rent cannot be entertained at a time when there is in operation, with respect to the dwellinghouse, a condition relating to rent imposed under any of the enactments specified in section 40(5) of the Act of 1971, as applied by section 61 of the Act of 1972.

3. Under paragraph 13 of Schedule 6 to the Act of 1971, as applied by section 61 of the Act of 1972, if a rent is registered in pursuance of this application which is made by a person who intends to grant a housing association tenancy the registration is provisional only until it is granted and is of no effect unless the rent officer is notified, in the prescribed manner, within one month from the date of registration or such longer time as the rent officer may allow, that it has been granted.

4. Section 61(3) of the Act of 1972 provides that the registration of a fair rent before 1st January 1973 is provisional only until that date.

Where the rent limit of the dwellinghouse immediately before the date of registration exceeds the rent registered, the registration is provisional only until it takes effect in accordance with section 64 of the Act of 1972.

FORM NO. 15

RENT (SCOTLAND) ACTS 1971 AND 1972

Application for the cancellation of a registration.

Date.....

To the Rent Officer

We hereby jointly apply, under section 44A of the Rent (Scotland) Act 1971, for the cancellation of the rent registered for the dwellinghouse situated at.....

.....

We enclose a copy of our rent agreement (Note 1).

The following particulars are submitted.

Signed .....
Landlord/Landlord's Agents

.....
Tenant/Tenant's Agents

PARTICULARS

(*Please write in block letters or type and strike out words which do not apply*)

1. Specify whichever is the later date (Note 2):—
   (*a*) the date upon which the registration took effect, or
   (*b*) where, upon an application for the registration of a different rent, the registered rent was confirmed, the date of that application (or the last of them).

2. Name and address of landlord and of his agents (if any).

3. Name and address of tenant and of his agents (if any).

4. Current gross annual value of the dwellinghouse.

5. State
   (*a*) whether any change has occurred in the condition of the dwellinghouse since the date of the registration and, if so,
   (*b*) whether any such change occurred during the present tenancy which is claimed to be due to
      (i) any disrepair or other defect attributable to a failure by the tenant (including a former holder of the present tenancy) to comply with the terms of the tenancy, or
      (ii) any improvement (including the replacement of any fixture or fitting), carried out by the tenant (including a former holder of the present tenancy) other than under the terms of the tenancy.

NOTES

(*To be incorporated in the application and any copy thereof*)

1. The application must be accompanied by a copy of the written rent agreement which has been made between the landlord and the tenant. A rent agreement is, by virtue of section 44A(9) of the Rent (Scotland) Act 1971, an agreement

increasing the rent payable under a contractual regulated tenancy or the grant of a new regulated tenancy at a rent higher than that under the previous regulated tenancy.

2. The application cannot be entertained until 3 years after the date which is specified.

FORM NO. 16

RENT (SCOTLAND) ACTS 1971 AND 1972

Notice requiring further information to be given to a Rent Assessment Committee.

Date.....

To

The application for the registration of a rent for the dwellinghouse situated at.....under a [regulated tenancy] [tenancy to which sections 60 to 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply (Note 1)], which was made by..... on....., has been referred by the Rent Officer to this Rent Assessment Committee.

Delete wor in square brackets if they do not apply

To enable the Committee to consider the matter referred to them they hereby, by virtue of paragraph 7(1)(*a*) of Schedule 6 to the Rent (Scotland) Act 1971, [as applied by section 61 of the Housing (Financial Provisions) (Scotland) Act 1972 (Note 2),] require you, the landlord/tenant of the dwellinghouse, to supply them, not later than....., with the following information:—

You should send this information to the Clerk of the Committee at the following address.....

If you fail without reasonable cause to comply with this notice, paragraph 7(2) of the said Schedule 6, [as applied by the said section 61 (Note 2),] provides that 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 .....
Clerk to the Committee

NOTES

(*To be incorporated in the notice or any copy thereof*)

1. A tenancy to which sections 60 to 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply is a tenancy where

(*a*) the interest of the landlord under that tenancy belongs to a housing association or to the Housing Corporation; and

(*b*) the tenancy would be a protected tenancy but for section 5 of the Rent (Scotland) Act 1971.

2. These words are only required if the tenancy is one to which the said sections 60 to 66 apply (Note 1).

FORM NO. 17

RENT (SCOTLAND) ACTS 1971 AND 1972

Notice of grant of a regulated tenancy

Date.....

To the Rent Officer

A rent was registered on.....(Note) for the dwellinghouse situated at.....and, by virtue of paragraph 13 of Schedule 6 to the Rent (Scotland) Act 1971, the registration is provisional only until a regulated tenancy is granted.

I hereby notify you that a regulated tenancy of the dwellinghouse has been granted to.....in accordance with the particulars entered in the register. The tenancy commenced on.....

Signed .....
Landlord/Landlord's Agents

Name and address of landlord and of his agents (if any)

.....

.....

.....

NOTES

(*To be incorporated in the notice and any copy thereof*)

Where a rent is registered in pursuance of an application supported by a certificate of fair rent by a person who intends to grant a regulated tenancy, the registration is of no effect unless the rent officer is notified, within one month from the date of registration or such longer time as the rent officer may allow, that the regulated tenancy has been granted.

FORM NO. 18

RENT (SCOTLAND) ACTS 1971 and 1972

Notice of grant of a tenancy to which sections 60 *to* 66 *of the Housing* (*Financial Provisions*) *Scotland*) *Act* 1972 *apply* (*Note* 1)

Date.....

To the Rent Officer

A rent was registered on.....(Note 2) for the dwellinghouse situated at.....and by virtue of paragraph 13 of Schedule 6 to the Rent (Scotland) Act 1971, as applied by section 61 of the Housing (Financial Provisions) (Scotland) Act 1972, the registration is provisional only until a housing association tenancy (Note 1) is granted.

I hereby notify you that a housing association tenancy of the dwellinghouse has been granted to.....in accordance with the particulars entered in the register. The tenancy commenced on.....

Signed .....
Landlord/Landlord's Agents

Name and address of landlord and of his agents (if any)

.....

.....

.....

NOTES

(*To be incorporated in the notice and any copy thereof*)

1. A tenancy to which sections 60 to 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply is a tenancy (referred to as "a housing association tenancy") where—

(*a*) the interest of the landlord under that tenancy belongs to a housing association or to the Housing Corporation; and

(*b*) the tenancy would be a protected tenancy but for section 5 of the Rent (Scotland) Act 1971.

2. Where a rent is registered in pursuance of an application supported by a certificate of fair rent by a person who intends to grant a housing association tenancy, the registration is of no effect unless the rent officer is notified, within one month from the date of registration or such longer time as the rent officer may allow, that the housing association tenancy has been granted.

FORM NO. 19

RENT (SCOTLAND) ACTS 1971 AND 1972

Application for a qualification certificate where the dwellinghouse is considered to satisfy the qualifying conditions (*Note* 1).

Date.....

To Town/County Council

I hereby apply, under section 71(1) of the Rent (Scotland) Act 1971, as amended (Note 1), for a qualification certificate in respect of the dwellinghouse situated at.....and declare that the dwellinghouse

(i) is subject to a controlled tenancy (Note 2);

(ii) is provided with all the standard amenities (Note 3);

(iii) is in good repair (Note 4);

(iv) meets the tolerable standard (Note 5).

Delete words in square brackets if they do not apply

The name of the tenant is.....[and his address, if different from the address of the dwellinghouse, is.....]. (Note 6).

Signed .....
Landlord/Landlord's Agents

Name and address of landlord and of his Agents (if any)

.....

.....

.....

NOTES

(*To be incorporated in the application and any copy thereof*)

1. Under section 71(1) of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971"), as amended by paragraph 2 of Schedule 7 to the Housing (Financial Provisions) (Scotland) Act 1972 (referred to hereafter as "the Act of 1972") an application for a qualification certificate may be made in respect of a dwellinghouse by a landlord under a controlled tenancy of the dwellinghouse, if he considers that the dwellinghouse satisfies the qualifying conditions.

The qualifying conditions are defined in section 70(4) of the Act of 1971 as meaning that the dwellinghouse:—

(*a*) is provided with all the standard amenities (Note 3);

(*b*) is in good repair (Note 4); and

(*c*) meets the tolerable standard (Note 5).

2. A controlled tenancy is construed in accordance with section 7 of the Act of 1971. Generally speaking, a tenancy is controlled if

(*a*) it is a protected or a statutory tenancy within the meaning of that Act;

(*b*) the tenant has been in occupation of the dwellinghouse since before 6th July 1957 or has succeeded to the tenancy on the death of someone who had been a tenant on that date; and

(*c*) the rateable value of the dwellinghouse on 7 November 1956 was £40 or less.

A controlled tenancy may already have been converted into a regulated tenancy

(*a*) if, upon the death of the original tenant and his first successor, the right to remain in occupation of the dwellinghouse has been passed on a second time or

(*b*) under section 34 of the Act of 1972.

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

(*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.

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

5. The tolerable standard is defined in section 2 of the Housing (Scotland) Act 1969. In order to meet the tolerable standard, the dwellinghouse 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 outbuildings.

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

6. A copy of this application will be sent by the local authority to the tenant who will be given an opportunity to make representations that the dwellinghouse does not satisfy the qualifying conditions.

FORM NO. 20

RENT (SCOTLAND) ACTS 1971 AND 1972

Application for a qualification certificate where the dwellinghouse does not satisfy the qualifying conditions (Note 1).

Date.....

To Town/County Council

1. I hereby apply, under section 71(2) of the Rent (Scotland) Act 1971, as amended (Note 1), for a qualification certificate in respect of the dwellinghouse situated at .

Delete words in square brackets if they do not apply

2. The dwellinghouse is subject to a controlled tenancy (Note 2). The name of the tenant is [and his address, if different from the address of the dwellinghouse, is] (Note 3).

3. The following works are required to be carried out to enable the dwellinghouse to satisfy the qualifying conditions (Note 4) and I enclose plans and specifications of those works (Note 5):—

4. State

(*a*) whether any of the proposed works have begun to be carried out; and

(*b*) whether an application for an improvement or a standard grant from the local authority has been or is to be made in respect of the cost of carrying out the proposed works (Note 6).

5. I declare that, apart from the proposed works, the dwellinghouse

(*a*) is provided with all the standard amenities (Note 7);

(*b*) is in good repair (Note 8); and

(*c*) meets the tolerable standard (Note 9).

Signed .....
Landlord/Landlord's Agents

Name and address of landlord and of his Agents (if any)

.....

.....

.....

NOTES

(*To be incorporated in the application and any copy thereof*)

1. Under section 71(2) of the Rent (Scotland) Act 1971 (referred to hereafter as "the Act of 1971"), as amended by paragraph 2 of Schedule 7 of the Housing (Financial Provisions) (Scotland) Act 1972 (referred to hereafter as "the Act of 1972"), an application for a qualification certificate may be made in respect of a dwellinghouse by a landlord under a controlled tenancy, even although at the time of the making of the application the dwellinghouse does not satisfy the qualifying conditions (Note 4).

2. A controlled tenancy is construed in accordance with section 7 of the Act of 1971. Generally speaking, a tenancy is controlled if

(*a*) it is a protected or a statutory tenancy within the meaning of that Act;

(*b*) the tenant has been in occupation of the dwellinghouse since before 6th July 1957 or has succeeded to the tenancy on the death of someone who had been a tenant on that date; and

(*c*) the rateable value of the dwellinghouse on 7 November 1956 was £40 or less.

A controlled tenancy may already have been converted into a regulated tenancy

(*a*) if, upon the death of the original tenant and his first successor, the right to remain in occupation of the dwellinghouse has been passed on a second time or

(*b*) under section 34 of the Act of 1972.

3. A copy of this application will be sent by the local authority to the tenant, whose attention is drawn to Note 10 below.

4. The qualifying conditions are defined under section 70(4) of the Act of 1971 as meaning that the dwellinghouse

(*a*) is provided with all the standard amenities (Note 7);

(*b*) is in good repair (Note 8); and

(*c*) meets the tolerable standard (Note 9).

5. If it appears to the local authority that the dwellinghouse 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 such a certificate, they will send the applicant a written statement of their reasons for the refusal. The applicant may then appeal to the sheriff on the ground that the certificate of provisional approval should be issued.

Where the works required to enable the dwellinghouse to satisfy the qualifying conditions cannot be carried out without the consent of the tenant and the tenant is unwilling to give his consent, then, if the tenancy is a statutory tenancy and those works are specified in this application and a certificate of provisional approval is issued, section 80 of the Act of 1971, as amended, provides that the landlord may apply to the sheriff for an order empowering him to enter and carry out the works.

6. This application may be made as part of or in conjunction with an application for an improvement or a standard grant.

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

(*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.

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

9. The tolerable standard is defined in section 2 of the Housing (Scotland) Act 1969. In order to meet the tolerable standard, the dwellinghouse 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 asscessible 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 outbuildings.

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

10. The following information is drawn to the attention of the tenant:—

(*a*) If it appears to the local authority that the dwellinghouse will satisfy the qualifying conditions (Note 4) when the works specified in this application have been carried out, they will issue a certificate of provisional approval. The tenant may appeal to the sheriff to have any such certificate quashed.

(*b*) After the works specified in this application have been carried out, then, if the local authority are satisfied that the dwellinghouse satisfies the qualifying conditions, they will issue a qualification certificate. The tenant may again appeal to the sheriff to have this certificate quashed.

(*c*) On the date of issue of a qualification certificate, the tenancy will be converted into a regulated tenancy.

(*d*) The right of the tenant to stay on in the dwellinghouse will not be affected by the conversion, but, when the tenancy becomes regulated, an application may be made to the rent officer for the registration of a fair rent for the dwellinghouse.

(*e*) If an application is made by the landlord for the registration of a rent, he will specify a rent which he proposes should be registered. Whatever the rent proposed by the landlord, the rent officer will, however, only register a fair rent for the dwellinghouse. The tenant will be given the opportunity to make representations against the registration of the rent proposed by the landlord and, if the tenant does so, the rent officer will give him the further opportunity of considering in consultation with him and the landlord the amount of the rent which should be registered.

(*f*) If a fair rent is registered which is higher than the rent at present payable by the tenant, any increase is payable in annual instalments.

(*g*) As an alternative to obtaining the registration of a rent, the tenant may, after the tenancy has become a regulated tenancy and after 1st January 1973, agree a rent to be paid with the landlord. Any such agreement must, however, be in writing and can only come into effect after the rent officer has been consulted to ensure that the agreed rent does not exceed a fair rent for the dwellinghouse.

(*h*) Further information is given in the booklets entitled "House Improvements and Rents" and "Controlled Tenancies—Conversion to Regulated Tenancies", which you may obtain from the local authority or from the rent officer.

FORM NO. 21

RENT (SCOTLAND) ACTS 1971 AND 1972

Notice by local authority to a tenant under section 72(1) *of the Rent (Scotland) Act* 1971

To Date.....

Delete words in square brackets if they do not apply.

1. An application for a qualification certificate in respect of the dwellinghouse situated at has been made to the Town/County Council by [on behalf of] , the landlord of the dwellinghouse.

2. A copy of the application is attached and is sent to you as the person named in it as being the tenant of the dwellinghouse under a controlled tenancy.

3. Before the Council can issue a qualification certificate, they must be satisfied that the dwellinghouse satisfies the following conditions (known as "the qualifying conditions"), namely that the dwellinghouse

(*a*) must be provided with all the standard amenities (Note 1);

(*b*) must be in good repair (Note 2); and

(*c*) must meet the tolerable standard (Note 3).

4. You may, within 28 days from the service of this notice, make representations to the Council that the dwellinghouse does not satisfy the qualifying conditions. You may send any written representations to—

5. The Council will consider any representations made by you before deciding whether or not the dwellinghouse satisfies the qualifying conditions. A copy of their decision will be sent to you and, if they issue a qualification certificate, you may appeal to the sheriff.

6. The following information as to the effect of the issue of a qualification certificate is drawn to your attention:—

(*a*) On the date of issue of a qualification certificate, your tenancy will be converted into a regulated tenancy.

(*b*) Your right to stay on in the dwellinghouse is not affected by the conversion, but, when the tenancy becomes regulated, an application may be made to the rent officer for the registration of a fair rent for the dwellinghouse.

(*c*) If an application is made by the landlord for the registration of a rent, he will specify a rent which he proposes should be registered. Whatever the rent proposed by the landlord, the rent officer will, however, only register a fair rent for the dwellinghouse. You will be given the opportunity to make representations against the registration of the rent proposed by the landlord and, if you do, the rent officer will give you the further opportunity of considering in consultation with him and the landlord, the amount of rent which should be registered.

(*d*) If a fair rent is registered which is higher than the rent at present payable by you, any increase is payable in annual instalments.

(*e*) As an alternative to obtaining the registration of a rent, you may, after the tenancy has become a regulated tenancy and after 1 January 1973, agree a rent to be paid with the landlord. Any such agreement must however be in writing and can only come into effect if the rent officer

has been consulted to ensure that the agreed rent does not exceed a fair rent for the dwellinghouse.

(*f*) Further information is given in the booklets entitled "House Improvements and Rents" and "Controlled Tenancies—Conversion to Regulated Tenancies," which you may obtain from the local authority or from the rent officer.

Signed.....
Clerk to the Council

NOTES

(*To be incorporated in the notice and any copy thereof*)

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

(*a*) a fixed bath or shower in a bathroom, or, if that is not reasonably practicable, in any part of the dwellinghouse 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.

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

3. The tolerable standard is defined in section 2 of the Housing (Scotland) Act 1969. In order to meet the tolerable standard, the dwellinghouse 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 outbuildings.

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

FORM NO. 22

RENT (SCOTLAND) ACTS 1971 AND 1972

Qualification certificate where application was made when the dwellinghouse is considered to satisfy the qualifying conditions

Date.....

To.....

The.....Town/County Council have considered your application under section 71(1) of the Rent (Scotland) Act 1971 (as amended) for a qualification certificate in respect of the dwellinghouse situated at..... [and the representations made by the tenant under the controlled tenancy of the dwellinghouse].

Delete words in square brackets if they do not apply

This is to certify that the Council are satisfied that the dwellinghouse satisfies the qualifying conditions mentioned in section 70 of that Act.

Your attention is drawn to Note 1 below.

A copy of this qualification certificate is being sent to the tenant, who may appeal to the sheriff (Note 2).

Signed .....
Clerk to the Council

NOTES

(*To be incorporated in the certificate and any copy thereof*)

1. On the date of issue of the qualification certificate the controlled tenancy of the dwellinghouse is converted into a regulated tenancy (unless the tenancy has otherwise become a regulated tenancy or has ceased to exist).

The first application by the landlord to the rent officer for the registration of a fair rent for the dwellinghouse must be accompanied by a copy of this certificate.

2. The tenant may appeal to the Sheriff, within twenty eight days of the service upon him by the local authority of a copy of this certificate (or such longer period as the sheriff may allow) on either or both of the following grounds:—

(*a*) that the certificate ought not to have been issued;

(*b*) that the certificate is invalid by reason of a failure to comply with any of the requirements of Part VI of the Rent (Scotland) Act, 1971 or of some informality, defect or error.

The sheriff may confirm or quash the certificate but, if the appeal is on ground (*b*) above, the sheriff is required to confirm the certificate unless he is satisfied that the interests of the tenant have been substantially prejudiced by the facts relied on by him.

FORM NO. 23

RENT (SCOTLAND) ACTS 1971 AND 1972

Notice of refusal of a qualification certificate where application was made when the dwellinghouse is considered to satisfy the qualification conditions.

Date.....

To.....

The.....Town/County Council have considered your application under section 71(1) of the Rent (Scotland) Act 1971 (as amended) for a qualification certificate in respect of the dwellinghouse situated at..... .....[and the representations made by the tenant under the controlled tenancy of the dwellinghouse].

Delete words in square brackets if they do not apply

The Council are not satisfied that the dwellinghouse satisfies the qualifying conditions mentioned in section 70 of that Act, for the following reasons:—

This notice is accordingly sent of the Council's refusal of your application.

You may appeal to the sheriff, within twenty eight days of the service of this notice (or such longer period as the sheriff may allow), on the grounds that the qualification certificate ought to be issued. On any such appeal, the sheriff may confirm the refusal or order the Council to issue the certificate.

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

Signed.....
Clerk to the Council

FORM NO. 24

RENT (SCOTLAND) ACTS 1971 AND 1972

Certificate of provisional approval.

Date.....

To.....

The.....Town/County Council have considered your application under section 71(2) of the Rent (Scotland) Act 1971 (as amended) for a qualification certificate in respect of the dwellinghouse situated at.....

.....

It appears to the Council that the dwellinghouse will satisfy the qualifying conditions mentioned in section 70 of the Act, when the works specified in the application have been carried out.

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

Your attention is drawn to Notes 1 to 3 below.

A copy of this certificate of provisional approval is being sent to the tenant who may appeal to the sheriff (Note 4).

Signed .....
Clerk to the Council

NOTES

(To be incorporated in the certificate and any copy thereof)

1. After the works specified in the application for a qualification certificate have been carried out, the local authority is required to issue the qualification certificate if they are satisfied that the dwellinghouse satisfies the qualifying conditions.

If at the time the qualification certificate is issued, the state of the dwellinghouse differs in any respect from that which, at the time the application for the certificate was made, it could be expected to be in when the works specified in the application have been carried out, the local authority will specify those differences in the certificate.

2. On the date of issue of a qualification certificate, the controlled tenancy of the dwellinghouse will become converted into a regulated tenancy. An application may then be made to the Rent Officer for the registration of a fair rent for the dwellinghouse.

The applicant for a qualification certificate may, after he has obtained this certificate of provisional approval, apply to the Rent Officer for a certificate of fair rent for the dwellinghouse which will specify the rent which would be a fair rent under the regulated tenancy that might arise if a qualification certificate was issued. A copy of this certificate of provisional approval and of the plans and specifications which accompanied the application for a qualification certificate must accompany an application for a certificate of fair rent.

3. Where the works required to enable the dwellinghouse to satisfy the qualifying conditions cannot be carried out without the consent of the tenant and the tenant is unwilling to give his consent, then, if the tenancy is a statutory tenancy and those works were specified in an application for a qualification certificate and a certificate of provisional approval has been issued, section 80 of the Rent

(Scotland) Act 1971, as amended, provides that the landlord may apply to the sheriff for an order empowering him to enter and carry out the works.

4. The tenant may appeal to the sheriff, within twenty eight days of the service upon him by the local authority of a copy of this certificate (or such longer period as the sheriff may allow) on either or both of the following grounds:

(*a*) that the certificate ought not to have been issued;

(*b*) that the certificate is invalid by reason of a failure to comply with any of the requirements of Part VI of the Rent (Scotland) Act 1971 or of some informality, defect or error.

The sheriff may confirm or quash the certificate but, if the appeal is on ground (*b*) above, the sheriff is required to confirm this certificate unless he is satisfied that the interests of the tenant have been substantially prejudiced by the facts relied on by him.

FORM NO. 25

RENT (SCOTLAND) ACTS 1971 AND 1972

Notice of refusal of a certificate of provisional approval

Date.....

To.....

The.....Town/County Council have considered your application under section 71(2) of the Rent (Scotland) Act 1971 (as amended) for a qualification certificate in respect of the dwellinghouse situated at.....

.....

It does not appear to the Council that the dwellinghouse will satisfy the qualifying conditions mentioned in section 70 of that Act when the works specified in the application have been carried out, for the following reasons:—

This notice is accordingly sent of the Council's refusal to issue a certificate of provisional approval.

You may appeal to the sheriff, within twenty eight days of the service of this notice (or such longer period as the sheriff may allow) on the ground that the certificate of provisional approval ought to be issued. On any such appeal, the sheriff may confirm the refusal or order the Council to issue the certificate.

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

Signed.....
Clerk to the Council

FORM NO. 26

RENT (SCOTLAND) ACTS 1971 AND 1972

Qualification certificate where application was made when dwellinghouse did not satisfy the qualifying conditions.

Date.....

To.....

With reference to your application under section 71(2) of the Rent (Scotland) Act 1971 (as amended) for a qualification certificate in respect of the dwellinghouse situated at.....and to the certificate of provisional approval issued on....., the..... Town/County Council are satisfied that the works specified in the application have been carried out and hereby certify that they are satisfied that the dwellinghouse satisfies the qualifying conditions mentioned in section 70 of that Act.

Your attention is drawn to Note 1 below.

[The state of the dwellinghouse differs from the state which at the time the application was made, the dwellinghouse could be expected to be in when the works specified in the application had been carried out. The differences are as follows:]

Delete wor in square brackets if they do r apply

A copy of this qualification certificate is being sent to the tenant who may appeal to the sheriff (Note 2).

Signed.....
Clerk to the Council

NOTES

(*To be incorporated in the certificate and any copy thereof*)

1. On the date of issue of the qualification certificate, the controlled tenancy of the dwellinghouse is converted into a regulated tenancy (unless the tenancy has otherwise become a regulated tenancy or has ceased to exist).

The first application by the landlord to the rent officer for the registration of a fair rent for the dwellinghouse must be accompanied by a copy of this certificate and also by the copy of the certificate of fair rent, if one has been obtained after the issue of the certificate of provisional approval.

2. The tenant may appeal to the sheriff, within twenty eight days of the service upon him by the local authority of a copy of this certificate (or such longer period as the sheriff may allow) on either or both of the following grounds:

(*a*) that the certificate ought not to have been issued;

(*b*) that the certificate is invalid by reason of a failure to comply with any of the requirements of Part VI of the Rent (Scotland) Act 1971 or of some informality, defect or error.

The sheriff may confirm or quash the certificate but, if the appeal is on ground (*b*) above, the sheriff is required to confirm this certificate unless he is satisfied that the interests of the tenant have been substantially prejudiced by the facts relied on by him.

FORM NO. 27

RENT (SCOTLAND) ACTS 1971 AND 1972

Notice of refusal of a qualification certificate where application was made when the dwellinghouse did not satisfy the qualifying conditions.

Date.....

To.....

With reference to your application under section 71(2) of the Rent (Scotland) Act 1971 (as amended) for a qualification certificate in respect of the dwellinghouse situated at.....and to the certificate of provisional approval issued on....., the..... Town/County Council are not satisfied that the dwellinghouse satisfies the qualifying conditions for the following reasons:—

This notice is accordingly sent of the Council's refusal of your application.

You may appeal to the sheriff within twenty eight days of the service of this notice (or such longer period as the sheriff may allow) on the ground that the qualification certificate ought to be issued. On such appeal, the sheriff may confirm the refusal or order the Council to issue the certificate.

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

Signed.....
Clerk to the Council

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These regulations supersede the Rent Regulation (Forms etc.) (Scotland) Regulations 1969 and the Rent Regulation (Forms etc.) (Scotland) (Amendment) Regulations 1969, which are revoked by Regulation 3.

Regulation 4 and Schedule 1 prescribe the particulars of a tenancy which a rent officer is required to enter in the register when he registers a rent for a dwelling-house.

Regulation 5 and Schedule 2 prescribe the particulars which are required to be contained in a rent agreement in pursuance of section 43(5)(*a*) of the Housing (Financial Provisions) (Scotland) Act 1972.

Regulation 6 and Schedule 3 prescribe the forms, or forms as near thereto as circumstances admit, which are to be used for the purposes of the Rent (Scotland) Act 1971 and the Housing (Financial Provisions) (Scotland) Act 1972 in the cases where those forms are applicable.

Forms Nos 1 to 8 of Schedule 3 are those to be used in certain cases where a landlord increases the rent under a regulated tenancy. Forms Nos 9 to 18 of Schedule 3 are those to be used in connection with applications for the registration of a rent or for a certificate of fair rent under a regulated tenancy or under a tenancy to which sections 60 to 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply. Forms Nos 19 to 27 of Schedule 3 are those to be used by landlords of controlled tenancies applying for a qualification certificate under Part VI of the Rent (Scotland) Act 1971 and by local authorities in connection with such applications.

Regulation 7 prescribes a fee of 12p which is required to be paid to the rent officer to obtain a certified copy of an entry in the register or of a rent agreement.

SI 1972/1221
ISBN 0-11-021221-5

