STATUTORY INSTRUMENTS

1982 No. 1015

LANDLORD AND TENANT

The Rent Regulation (Local Authority Applications) Regulations 1982

Made - - - -	21*st July* 1982
Laid before Parliament	2*nd August* 1982
Coming into Operation	23*rd August* 1982

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by sections 68(7) and (8) and 74 of the Rent Act 1977(**a**) and of all other powers enabling them in that behalf, and, in so far as the regulations relate to rent assessment committees, after consultation with the Council on Tribunals, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Rent Regulation (Local Authority Applications) Regulations 1982 and shall come into operation on 23rd August 1982.

Interpretation

2. In these regulations, unless the context otherwise requires:—

"the Act" means the Rent Act 1977;

"committee" means a rent assessment committee;

"parties" means the landlord and the tenant under the regulated tenancy of the dwelling house to which an application under section 68 of the Act relates.

Procedure on application to rent officer

3.—(1) On receiving an application made by a local authority for consideration of a fair rent under section 68 of the Act, a rent officer—

(a) may by notice in writing served on a party, require him to give to the rent officer, within such period of not less than 7 days from the service of the notice as may be specified in the notice, such information as he may reasonably require regarding the rent and the other terms of the tenancy and the dwelling house; and

(b) shall serve on each of the parties a notice inviting him to state in writing, within a period of not less than 7 days after the service of the notice, whether he wishes the rent officer to consider, in consultation with the parties, whether a rent should be registered in pursuance of section 68(2) of the Act and, if so, what the amount of that rent should be.

(**a**) 1977 c.42.

(2) A notice served under paragraph (1)*(b)* above shall be accompanied by a copy of the application.

4. If, after service of a notice by the rent officer under regulation 3(1)*(b)* above, no request in writing is made within the period specified in the notice for the matter to be considered as mentioned in that regulation, the rent officer may either:—

(a) consider whether a rent should be registered in pursuance of section 68(2) of the Act and, if so, determine what the amount of that rent should be; or

(b) serve a notice under regulation 5(2) below.

5.—(1) Where, in response to a notice served by the rent officer under regulation 3(1)*(b)* above, a party states in writing that he wishes the rent officer to consider the matter as mentioned in that regulation, the rent officer shall serve a notice under this regulation.

(2) A notice under this regulation shall be served on the parties, informing them that the rent officer proposes, at a time (which shall not be earlier than 7 days after the service of the notice) and place specified in the notice, to consider in consultation with the parties, or such of them as may appear at that time and place, whether a rent should be registered in pursuance of section 68(2) of the Act and, if so, what the amount of that rent should be.

(3) At any such consultation the parties may each be represented by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

(4) The rent officer may, where he considers it appropriate, arrange for consultations in respect of one dwelling house to be held together with consultations in respect of one or more other dwelling houses.

Decision of a rent officer

6.—(1) When, after such consideration as is mentioned in regulations 4*(a)* or 5 above, the rent officer has reached his decision, he shall notify each of the parties and the local authority whether or not he is satisfied that the rent, or the highest rent, payable for the dwelling house exceeds what in his opinion is a fair rent, and, if he is so satisfied, the amount of the rent he has registered pursuant to section 68(2) of the Act.

(2) When the rent officer registers a rent pursuant to section 68(2) of the Act, the notification of that registration to be given to the parties pursuant to paragraph (1) above shall be given by a notice stating that if, within twenty-eight days of the service of the notice or such longer period as he or a committee may allow, an objection in writing is received by the rent officer from either of the parties the matter will be referred to a committee.

Reference to a committee

7.—(1) If such an objection as is mentioned in regulation 6(2) above is received, then—

(a) if it is received within the period of 28 days specified in that regulation or a committee so direct, the rent officer shall refer the matter to a committee;

(b) if it is received after the expiry of that period, the rent officer may either refer the matter to a committee or seek the directions of a committee whether so to refer it.

(2) The rent officer shall indicate in the register whether the matter has been referred to a committee in pursuance of this regulation.

Procedure on a reference

8. The committee to whom a reference is made under regulation 7 above—

(a) may by notice in writing served on a party require him to give to the committee, within such period of not less than 14 days from the service of the notice as may be specified in the notice, such further information, in addition to any given to the rent officer in pursuance of regulation 3(1)*(a)* above, as they may reasonably require;

(b) shall serve on each of the parties a notice specifying a period of not less than 7 days from the service of the notice during which either representations in writing or a request to make oral representations may be made by him to the committee; and

(c) shall make such further inquiry, if any, as they think fit.

The hearing and representations

9.—(1) Where, within the period specified in regulation 8 above or such further period as the committee may allow, either of the parties requests to make oral representations the committee shall give the parties an opportunity to be heard at a hearing.

(2) At a hearing each party may be heard either in person or by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

Documents

10.—(1) The committee shall, where the reference is to be subject to a hearing, take all reasonable steps to ensure that there is supplied to each of the parties before the date of the hearing—

(a) a copy of, or sufficient extracts from or particulars of, any document relevant to the reference which has been received from the rent officer or from a party (other than a document which is in the possession of such party, or of which he has previously been supplied with a copy by the rent officer); and

(b) a copy of any document which embodies the results of any enquiries made by or for the committee for the purposes of that reference, or which contains relevant information in relation to fair rents previously determined for other dwelling houses and which has been prepared for the committee for the purposes of that reference.

(2) Where a reference is not to be subject to a hearing, the committee shall supply to each of the parties a copy of, or sufficient extracts from or particulars of, any such document as is mentioned in paragraph 1*(a)* above (other than a document excepted from that paragraph) and a copy of any such document as is mentioned in paragraph 1*(b)* above, and they shall not reach their decision until they are satisfied that each party has been given a sufficient opportunity of commenting upon any document of which a copy, or from which extracts or of which particulars, has or have been so supplied, and upon the other's case.

Time and place of hearing

11.—(1) A hearing shall be on such date and at such time and place as the committee shall appoint.

(2) Notices of such date, time and place shall be given by the committee, subject to paragraph (3) below, not less than 10 days before the said date to each of the parties.

(3) The notice referred to in paragraph (2) above may be given not less than 7 days before the date of the hearing if that date has been referred to in the notice given under regulation 8*(b)* above, as the date when the hearing would be held if a request to make oral representations were to be made.

Procedure at a hearing

12.—(1) A hearing shall be in public unless, for special reasons, the committee decide otherwise; but nothing in these regulations shall prevent a member of the Council on Tribunals in that capacity from attending any hearing.

(2) At the hearing—

(a) the parties shall be heard in such order, and, subject to the provisions of these regulations, the procedure shall be such as the committee shall determine;

(b) a party may call witnesses, give evidence on his own behalf and cross-examine any witnesses called by the other party.

(3) If a party does not appear at a hearing the committee, on being satisfied that the requirements of these regulations regarding the giving of notice of hearings have been duly complied with, may proceed to deal with the reference upon the representations of any party present and upon the documents and information which they may properly consider.

Inspection of a dwelling house

13.—(1) The committee may, and shall at the request of one of the parties (subject in either case to any necessary consent being obtained), inspect the dwelling house which is the subject of the reference.

(2) An inspection may be made before, during or after the close of the hearing, or at such stage in relation to the consideration of the representations in writing, as the committee shall decide, and the committee shall give to the parties and their representatives an opportunity to attend.

(3) Notice of an inspection shall be given as though it were notice of a hearing, save that the requirements for such notice may be dispensed with or relaxed in so far as the committee are satisfied that the parties have received sufficient notice.

(4) Where an inspection is made after the close of a hearing, the committee shall, if they consider that it is expedient to do so on account of any matter arising from the inspection, re-open the hearing; and if the hearing is to be re-opened, regulation 11(2) above shall apply as it applied to the original hearing, save in so far as its requirements may be dispensed with or relaxed with the consent of the parties.

Adjournment

14.—(1) The committee at their discretion may of their own motion, or at the request of the parties, or one of them, at any time and from time to time postpone or adjourn a hearing.

(2) Where at any hearing—

(a) any document relevant to the reference is not in the possession of a party present at that hearing; and

(b) that party has not been supplied with a copy of, or sufficient extracts from or particulars of, that document by the rent officer or by the committee in accordance with the provisions of regulation 10(1) above,

then unless—

(i) that party consents to the continuation of the hearing; or

(ii) the committee consider that that party has a sufficient opportunity of dealing with that document without an adjournment of the hearing,

the committee shall adjourn the hearing for a period which they consider will afford that party a sufficient opportunity of dealing with that document.

(3) Such notice of any postponed or adjourned hearing as is reasonable in the circumstances shall be given to each of the parties by the committee.

Decision of a committee

15.—(1) The committee shall consider any information supplied or representations made to them in pursuance of regulation 8 or regulation 9 above and, where there is a hearing, any evidence adduced at that hearing, and—

(a) if it appears to them that the rent registered by the rent officer is a fair rent, they shall confirm that rent;

(b) if it does not appear to them that that rent is a fair rent, they shall determine a fair rent for the dwelling house.

(2) Where the committee confirm or determine a rent under this regulation they shall notify each of the parties, the local authority and the rent officer of their decision and of the date on which it was made.

(3) On receiving the notification, the rent officer shall, as the case may require, either indicate in the register that the rent has been confirmed or register the rent determined by the committee as the rent for the dwelling house.

16.—(1) The decision of the committee upon a reference shall be recorded in a document signed by the chairman (or in the event of his absence or incapacity, by another member of the committee) which shall contain no reference to the decision being by a majority (if that be the case) or to any opinion of a minority.

(2) The chairman (or in the event of his absence or incapacity, either of the other members of the committee) shall have power, by certificate under his hand, to correct any clerical mistakes in the said document, or any errors arising in it from an accidental slip or omission.

(3) A copy of the said document and of any such correction shall be sent by the committee to each of the parties and to the rent officer.

17.—(1) Where the committee are requested, on or before the giving or notification of the decision, to state the reasons for the decision, those reasons shall be recorded in a document.

(2) Regulation 16 above shall apply to the document recording the reasons as it applies to the document recording the decision.

Giving of notices, etc.

18. Where any notice or other written matter is required under the provisions of these regulations to be given or supplied by the committee it shall be sufficient compliance with the regulations if such notice or matter is sent by post in a prepaid letter and addressed to the party for whom it is intended at his usual or last known address, or if that party has appointed an agent to act on his behalf in relation to the reference, to that agent at the address of the agent supplied to the committee.

19. The Rent Regulation (Local Authority Applications) Regulations 1972 (**a**) are hereby revoked.

Signed by authority
of the Secretary of State.
15th July 1982.

John Stanley,
Minister for Housing and Construction,
Department of the Environment.

Nicholas Edwards,
Secretary of State for Wales.

21st July 1982.

(**a**) S.I. 1972/1307.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations prescribe the procedure to be followed when a local authority apply to a rent officer, under section 68(1) of the Rent Act 1977, for consideration of the fair rent for a dwelling house within their area.

These regulations revoke the Rent Regulation (Local Authority Applications) Regulations 1972 and make a number of changes to the procedure to be followed. In particular—

(i) it will no longer be necessary for the rent officer to invite representations from the parties as to whether or not a rent should be registered in a notice separate from his invitation to them to state whether they wish a consultation to be held (regulation 3);

(ii) the period within which either representations in writing or a request to be heard may be made to a rent assessment committee is reduced from 14 days to 7 days and the period of notice that a hearing is to be held before the committee is reduced from 10 days to 7 days, in a case where a preliminary indication of the date has been given (regulations 8 and 11);

(iii) rent assessment committees will not in future be required to give reasons for their decisions in all cases. In future reasons will only need to be given where a request for them is made on or before the giving or notification of the decision, in accordance with section 12 of the Tribunals and Inquiries Act 1972 (c.62) (regulations 16 and 17).

These changes reflect broadly similar changes to the procedure of rent officers and rent assessment committees in other cases under the Rent Act made by earlier instruments — the Regulated Tenancies (Procedure) Regulations 1980 (S.I. 1980/1696) in the case of (i), and the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1981 (S.I. 1981/1783) in the case of (ii) and (iii).

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