1954 No. 1081 (S. 104)

The Rent Restrictions (Scotland) Amendment Regulations, 1954

Made - - - -	10*th August*, 1954
Laid before Parliament	17*th August*, 1954
Coming into Operation	30*th August*, 1954

In exercise of the powers conferred on me by section 14, as read with section 15, of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1.—(1) These regulations may be cited as the Rent Restrictions (Scotland) Amendment Regulations, 1954, and shall come into operation on the 30th day of August, 1954.

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

2. Every rent book or other similar document used by or on behalf of any landlord in respect of any dwelling-house to which the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, apply shall contain a notice, in the form set out in the Schedule to these regulations or in a form substantially to the like effect, of all the matters referred to in the said form:

Provided that until the 30th day of November, 1954 a notice in the form prescribed by Regulation 4 of the Rent Restrictions (Scotland) Regulations, 1939(c), shall be sufficient compliance with the provisions of this regulation.

3. Regulation 4 of and the Second Schedule to the Rent Restrictions (Scotland) Regulations, 1939 are hereby revoked.

Dated this 10th day of August, 1954.

James Stuart,
One of Her Majesty's Principal Secretaries of Scotland.

St. Andrew's House,
Edinburgh, 1.

(a) 23 & 24 Geo. 5. c. 32. (b) 52 & 53 Vict. c. 63.
(c) S.R. & O. 1939/1615 (Rev. XII, p. 371: 1939 II, p. 1841).

SCHEDULE

Form of Notice to be inserted in every rent book or other similar document

INFORMATION FOR TENANT

1. Address of premises .....

2. Name and address of landlord(1) .....
.....

3. Name and address of agent (if any) .....
.....

4. The existing recoverable rent of the premises [inclusive of occupiers' rates](2) is £ s. d. per .....

5. The rent includes £ s. d. per ..... in respect of the [ ](3) per cent. increase permitted by the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920 (Section 2 (1) (*c*) and (*d*)).

6. The rent also includes £ s. d. per ..... in respect of the repairs increase permitted by the Housing (Repairs and Rents) (Scotland) Act, 1954 (Section 16).

7. The rent also includes £ s. d. per ..... in respect of the passing on to the tenant by the landlord of a repairs increase payable by the landlord to a superior landlord, or passed on to him by that landlord.

8. The landlord is not entitled to recover any of the increases of rent mentioned in paragraphs 5, 6 and 7 above, unless he has served on you or on a former tenant of the dwelling-house the proper notices of increase in the appropriate form.

9. If you disagree with the landlord about the rent which he can properly charge, you (or the landlord) can apply to the Sheriff Court to settle the matter.

10. If you consider that the premises are not in good and tenantable repair, or that they are in any other respect unfit for human habitation you can apply to the local authority for a certificate of disrepair. If the local authority grant the certificate they will serve a copy of it on the landlord. Once they have done this, he is not entitled to any of the increases of rent that are mentioned in paragraphs 5, 6 and 7 above, so long as the certificate remains in force. If you have paid any such increase of rent between the date when you applied to the local authority for the certificate and the date of the certificate, you can deduct the amount paid from any future payment of rent made within two years.

11. If, however, the landlord thinks that the certificate of disrepair ought not to have been granted or that any disrepair was your fault, he can appeal to the Sheriff within 21 days after the service of the copy of the certificate on him. If the Sheriff agrees with the landlord that the premises were in good repair at the time when the certificate was given by the local authority or that any disrepair was not the landlord's fault but was due, for example, to damage caused by you or a subtenant, or to your having failed to do repairs for which you were responsible, the Sheriff will revoke the certificate.

12. If the certificate is revoked by the Sheriff, you will become liable to pay any increase of rent which you have withheld from the date on which you applied to the local authority for the certificate.

13. If the local authority serve a notice under the Housing (Scotland) Act, 1950, requiring your landlord to carry out works to make the premises fit for human habitation and the notice has become operative, they will automatically grant a certificate to that effect and serve a copy on you and your landlord. Once

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(1) In the case of Trustees the name and address of each Trustee need not be specified provided that there is a sufficient indication of who the landlords are, e.g., by an entry such as:—

"John Brown (giving his address)
and others, the Trustees of (the late.....)."

(2) Delete if inapplicable.

(3) The permitted percentage is 40 where the landlord is responsible for the whole of the repairs.

they have done this he is not entitled to any of the increases of rent that are mentioned in paragraphs 5, 6 and 7 above so long as the certificate remains in force.

14. If, after the local authority have granted either form of certificate (see paragraphs 10 and 13 above), the landlord carries out the necessary repairs, the local authority will revoke the certificate. The increased rent will then become payable as from the date of the revocation of the certificate.

15. You may deduct from your rent the fee of one shilling which you have to pay to the local authority to obtain a certificate of disrepair.

16. If, after the local authority have refused to grant a certificate of disrepair, your landlord raises an action in the court for the recovery of any sum by way of any of the increases of rent that are mentioned in paragraphs 5, 6 and 7 above and you are successful in satisfying the court that, during the period in respect of which the proceedings were brought, either or both of the conditions justifying an increase of rent were not fulfilled, then no sum is recoverable in respect of any of these increases of rent for that period.

17. If your landlord has applied to the local authority for a certificate of repair (which is necessary in certain cases before the increase of rent mentioned in paragraph 6 above can be imposed) but has been refused, the local authority will automatically grant a certificate to that effect and serve a copy on you and your landlord. Once they have done this he is not entitled to the increase of rent that is mentioned in paragraph 5 above so long as the certificate remains in force.

18. If you sublet part of the premises unfurnished, you must give the landlord a statement in writing of the subletting, containing particulars of occupancy, including the rent charged. The penalty for failing to do this without reasonable excuse, or for giving false particulars, is a fine not exceeding £10. The particulars must be given to the landlord within fourteen days after subletting. Where particulars have once been given, it is not necessary to supply them again if the only change is a change of subtenant.

19. Documents, authorised or required by the Rent and Mortgage Interest Restriction Acts to be served by the tenant on the landlord may be served on the agent named above or on the person who receives the rent, and if the full name and place of abode or place of business of the landlord is required for the purpose of proceedings the agent or person who receives the rent must, on request in writing, disclose that information.

20. A landlord is entitled to apply to the Sheriff Court for an order for possession against you if you are over-charging any subtenant, and where the Sheriff has already fixed the proper rent for a subtenancy and you overcharge your subtenant, you are liable to a fine of £100.

21. The local authority is the $\frac{\text{Town}}{\text{County}}$ Council of .....

whose address is .....

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Rent Restrictions (Scotland) Regulations, 1939, by prescribing a new form of notice to be inserted in every rentbook or other similar document used by or on behalf of a landlord in respect of a dwelling-house to which the Rent Restrictions Acts apply. It is in substantially the same form as the forms in the 1939 Regulations which it replaces but takes account of the amendment of the law which has been effected by the Housing (Repairs and Rents) (Scotland) Act, 1954. A period of three months is allowed in which to make the changeover.