
STATUTORY INSTRUMENTS

1993 No. 648 (S.94)

LANDLORD AND TENANT, SCOTLAND

**The Assured Tenancies (Forms)
(Scotland) Amendment Regulations 1993**

<i>Made</i>	- - - -	<i>11th March 1993</i>
<i>Laid before Parliament</i>		<i>11th March 1993</i>
<i>Coming into force</i>	- -	<i>1st April 1993</i>

The Secretary of State, in exercise of the powers conferred on him by sections 17(2) and (3), 19(3), 24(1) and (3), 32(2) and (4), 34(1), 48(2), 53(3) and 55(1) of the Housing (Scotland) Act 1988(1), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Assured Tenancies (Forms) (Scotland) Amendment Regulations 1993 and shall come into force on 1st April 1993.

Amendment of Assured Tenancies (Forms) (Scotland) Regulations 1988

2. The Assured Tenancies (Forms) (Scotland) Regulations 1988(2) are hereby amended as set out in the Schedule to these Regulations.

St Andrew's House,
Edinburgh
11th March 1993

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

(1) 1988 c. 43; section 19(3) was amended by the Housing Act 1988 (c. 50), Schedule 17, paragraph 85(b); section 55(1) contains a definition of "prescribed" relevant to the exercise of the statutory powers under which these Regulations are made.
(2) S.I. 1988/2109.

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SCHEDULE

Regulation 2

AMENDMENT OF ASSURED TENANCIES (FORMS) (SCOTLAND) REGULATIONS 1988

The Schedule to the Assured Tenancies (Forms) (Scotland) Regulations 1988 shall be amended as follows—

1. In the list of forms—

- (a) in the third column, for the words “Statutory references to the Act” there shall be substituted “References to the Act in forms” and for the words “Section 32(2)” and the entry relating to section 19(3) there shall be substituted, respectively, “Section 32” and “Section 19”; and
- (b) at the end there shall be added the following entry—

“AT9	Notice of a proposed increase of rent to take account of the council tax	Section 25A as inserted by the Local Government Finance (Housing) (Consequential Amendments) (Scotland) Order 1993 (S.I.1993/658).”
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2. In form AT2: Part 2 at the end of note 5 there shall be added the words “(except during the period commencing on 1st April 1993 and ending on 31st March 1994 when he can increase the rent to take account of the council tax—a separate form, form AT9, has to be used for this purpose.)”

3. In form AT4—

- (a) in the heading, after the words “section 24(3)” there shall be inserted “25A”; and
- (b) in Part 11 at the end there shall be added the following paragraph—
 - “(e) A copy of notice AT9 if one has been served on you by your landlord.”.

4. At the end of the forms there shall be added the following form—

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FORM AT9: FOR USE ONLY BY A LANDLORD

ASSURED TENANCIES

AT9

HOUSING (SCOTLAND) ACT 1988

**NOTICE UNDER SECTION 25A OF A PROPOSED INCREASE
OF RENT TO TAKE ACCOUNT OF THE COUNCIL TAX**

This notice only has effect where a landlord wishes to increase the rent on account of the council tax.

IMPORTANT: INFORMATION FOR TENANT(S)

This notice informs you as tenant(s) that your landlord(s) wish(es) to increase the rent for your assured tenancy to take account of the council tax. The new rent will take effect unless you reach an agreement with your landlord that the rent should be a different amount or unless you refer this notice to a rent assessment committee for a rent determination using form AT4. If you do apply to the committee you must do so before the date on which the new rent is due to take effect. You should give your landlord your response to the proposed new rent by returning to him Part 3 of this notice.

Please read this notice carefully before responding.

Part 1. To.....
(name of tenant(s))
of.....
.....
.....

NOTE 1 TO TENANT

YOUR LANDLORD MUST GIVE YOU AT LEAST ONE MONTH'S NOTICE OF A RENT INCREASE TO TAKE ACCOUNT OF THE COUNCIL TAX

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(address of tenant(s))

Part 2. This gives you notice that.....

(name of landlord)

of.....

.....

.....

(address of landlord)

proposes to charge a new rent of £..... to take account of the council tax.

[per year]*

[per month]*

[per week]*

for your tenancy of the house at the address in part 1.

The new rent including council tax is to take effect from.....(date)

Signed.....(landlord(s)*/landlord's agents)

Date.....

Address of agent (if applicable)

.....

.....

IMPORTANT: FOR THE ATTENTION OF TENANT(S) NOTES 2 TO 4

2. A LANDLORD MAY PROPOSE A NEW RENT BY THIS MEANS ONLY IF THE TENANCY IS A STATUTORY OR CONTRACTUAL ASSURED TENANCY. IF YOU ARE IN DOUBT ABOUT WHAT KIND OF TENANCY YOU HAVE YOU SHOULD CONSULT A SOLICITOR OR AN ORGANISATION WHICH GIVES ADVICE ON HOUSING MATTERS.

3. THE PROPOSED NEW RENT WILL TAKE EFFECT ON THE DATE SPECIFIED UNLESS YOU REACH SOME OTHER AGREEMENT WITH YOUR LANDLORD OR UNLESS YOU REFER THE NOTICE TO A RENT ASSESSMENT COMMITTEE FOR A RENT DETERMINATION BEFORE THE DATE ON WHICH THE NEW RENT TAKES EFFECT.

4. IF YOU DECIDE TO REFER THIS NOTICE TO THE RENT ASSESSMENT COMMITTEE YOU MUST DO SO USING FORM AT4 (OBTAINABLE FROM THE CLERK TO THE RENT ASSESSMENT COMMITTEE, THE RENT REGISTRATION SERVICE, CITIZENS ADVICE BUREAU OR HOUSING ADVISORY CENTRE). THE APPLICATION SHOULD BE MADE TO THE LOCAL RENT ASSESSMENT COMMITTEE (SEE TELEPHONE BOOK FOR ADDRESS). THE RENT ASSESSMENT COMMITTEE IS AN INDEPENDENT BODY WHICH CHARGES NO FEE.

*delete as appropriate

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IMPORTANT: FOR THE ATTENTION OF TENANT(S) NOTES 5 TO 7

5. YOUR LANDLORD CANNOT INCREASE YOUR RENT BY THIS METHOD MORE THAN ONCE.

6. DETACH PART 3 AND RETURN IT TO YOUR LANDLORD AS SOON AS POSSIBLE. HOWEVER IF YOU WISH TO DISCUSS THE PROPOSED NEW RENT WITH YOUR LANDLORD DO NOT COMPLETE PART 3 NOW. BUT REMEMBER IF YOU DECIDE TO REFER THE NEW RENT TO THE RENT ASSESSMENT COMMITTEE YOU MUST DO SO BEFORE THE DATE ON WHICH THE NEW RENT IS DUE TO TAKE EFFECT.

7. THIS IS AN IMPORTANT DOCUMENT AND IT SHOULD BE KEPT IN A SAFE PLACE.

Part 3. (This part is for the use of the tenant).

To.....
(landlord*/landlord's agent)

I/We acknowledge receipt of the notice AT9 dated.....19..... and give you notice that

***I/We accept the new rent including council tax to apply from**

..... 19....

***I/We do not accept the new rent including council tax to apply from**

..... 19.... and

propose to refer the matter to a rent assessment committee for a rent determination.

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

(If the tenancy is a joint tenancy all tenants or their agents should sign)

Date

Address of tenant's agent(s) (if appropriate)

.....
.....

*delete as appropriate.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Assured Tenancies (Forms) (Scotland) Regulations 1988 and are consequential on the introduction of the council tax.

The Regulations prescribe the new form to be used for an increase of rent on account of the council tax, as provided for by section 25A of the Housing (Scotland) Act 1988 as inserted by the local Government Finance (Housing) (Consequential Amendments) (Scotland) Order 1993, and make consequential and drafting changes to the rest of the regulations.