

SCHEDULES.

SCHEDULE 5

LANDLORD AND TENANT ACT 1954 PART I (CONSEQUENTIAL AMENDMENTS, EFFECT OF RENT ACT 1965, ETC.).

Regulated tenancies

- 3 (1) The amount of the rent payable under a regulated tenancy arising by virtue of Part I of the Landlord and Tenant Act 1954 shall, subject to the provisions of that Act as to initial repairs and subject to the operation (as regards the fixing of a fair rent and otherwise) of the Rent Act 1965, be such amount as may be agreed between the landlord and the tenant or, in default of agreement, the same amount as the rent last payable under the long tenancy; and accordingly in the Landlord and Tenant Act 1954—
- (a) for section 6(1)(b) there shall be substituted—
 - “(b) had not been a tenancy at a low rent and, except as regards the duration of the tenancy and the amount of the rent, had been a tenancy on the terms agreed or determined in accordance with the next following section and no other terms”; and
 - (b) in section 7, in subsection (1) after the word " period " there shall be inserted the words " other than the amount of the rent " ,
in subsection (2)(b) for the words (as amended by the Rent Act 1957) " what is to be the rent " there shall be substituted the words " as regards the rent " and in subsection (3) after the word " means " there shall be inserted the words " proposals as to the rent of the dwelling-house during the period of the statutory tenancy " .
- (2) Where the rent payable under a statutory tenancy is arrived at in accordance with sub-paragraph (1) above, then the Rent Act 1965 shall apply with the following adaptations:—
- (a) for purposes of section 3(3)(a) (under which the rent payable under one regulated tenancy may impose a limit on the rent payable under a later one) the tenancy shall be disregarded;
 - (b) section 5 (under which the rent payable for a statutory period of a tenancy is not to exceed that payable for the last contractual period) shall not apply ;
 - (c) section 6 (which provides for variations of rent in respect of changes in the burden on the landlord for rates, provision of services etc.) shall apply only if the rent is one arrived at by agreement, and shall then apply as if references to the last contractual period were references to the first statutory period.
- 4 (1) In relation to a rent registered or to be registered for a dwelling-house on an application made with reference to a regulated tenancy arising by virtue of Part I of the Landlord and Tenant Act 1954, the Rent Act 1965 shall have effect subject to the provisions of this paragraph.

- (2) An application for the registration of a rent may be made by the landlord or the tenant, or jointly by the landlord and the tenant, before the commencement of the statutory tenancy, but not before the terms of that tenancy other than the amount of the rent have been agreed or determined in accordance with section 7 of the Landlord and Tenant Act 1954 ; and the provisions of the Rent Act 1965 (including the provisions of paragraph 13 of Schedule 3 as to the date from which the registration takes effect) shall apply accordingly.
- (3) Where a rent is registered in pursuance of an application made by virtue of subparagraph (2) above, then a notice under section 7(b) of the Rent Act 1965 increasing the rent payable may, if the notice is given within four weeks after the date on which the rent is registered, specify as the date from which the increase is to take effect any date not earlier than the commencement of the tenancy nor earlier than the date from which the registration takes effect.
- (4) Where initial repairs (within the meaning of Part I of the Landlord and Tenant Act 1954) remain to be carried out to the dwelling-house, then in determining what rent is or would be a fair rent regard shall be had under section 27(1) of the Rent Act 1965 to the state of repair which may be expected to subsist after the completion of the initial repairs.
- (5) The provisions of the Rent Act 1965 as to the amount of the rent recoverable shall be taken as applying to the amount before account is taken of the provisions of the Landlord and Tenant Act 1954 as to initial repairs.
- (6) Any entry in the register of a rent or of its confirmation by the rent assessment committee shall indicate that the rent is registered on an application made with reference to a statutory tenancy arising by virtue of Part I of the Landlord and Tenant Act 1954.