

SCHEDULES

SCHEDULE 1

Section 1.

CONSEQUENTIAL AMENDMENTS OF RENT ACT

PART I

AMENDMENTS OF SCHEDULE 3 TO RENT ACT

1 After Case 3 there shall be inserted the following Case:—

“Case 3A

Where the condition of any furniture provided for use under the tenancy has, in the opinion of the court, deteriorated owing to ill-treatment by the tenant or any person residing or lodging with him or any sub-tenant of his and, in the case of any ill-treatment by a person lodging with the tenant or a sub-tenant of his, where the court is satisfied that the tenant has not, before the making of the order in question, taken such steps as he ought reasonably to have taken for the removal of the lodger or subtenant, as the case may be.”

2 In the application of Case 5 (assignment or sub-letting by tenant without landlord's consent) to a regulated furnished tenancy, for the reference to 8th December 1965 there shall be substituted a reference to the commencement date.

3 In the application of Case 8 (dwelling-house required for landlord or a member of his family) to a dwelling-house subject to a regulated furnished tenancy, for the reference to 23rd March 1965 there shall be substituted a reference to 24th May 1974.

4 (1) In Case 9 (overcharging by tenant of his own sub-tenant)—
(a) after the words " by the tenant " there shall be inserted " (a) " and the word " also " shall be omitted; and
(b) subject to sub-paragraph (2) below, at the end of the Case there shall be added the words “or

(b) for any sublet part of the dwelling-house which is subject to a contract to which Part VI of this Act applies is or was in excess of the maximum (if any) which it is lawful for the lessor, within the meaning of that Part, to require or receive having regard to the provisions of that Part”.

(2) In the application of sub-paragraph (1)(b) above to Scotland for the words " Part VI" there shall be substituted the words " Part VII ".

5 (1) In the application of Case 10 in Schedule 3 to the Rent Act 1968 or, as the case may be, Case 11 in Schedule 3 to the Rent (Scotland) Act 1971 (right of owner-occupier to regain possession) to a dwelling-house subject to a regulated furnished tenancy,

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for the reference to 8th December 1965 there shall be substituted a reference to the commencement date.

- (2) For the purposes of each of the Cases referred to in sub-paragraph (1) above, the giving of a notice before the commencement date under section 79 of the Rent Act 1968 or, as the case may be, section 94 of the Rent (Scotland) Act 1971 (notice by owner-occupier to person taking up furnished letting) shall be treated in the case of a regulated furnished tenancy as compliance with paragraph (a) of the Case in question.
- 6 In Part III, in paragraph 2 (definition of relevant date) at the beginning of sub-paragraph (a) there shall be inserted the words " except in the case of a regulated furnished tenancy " , and after that sub-paragraph there shall be inserted the following sub-paragraph :—
- “(aa) in the case of a regulated furnished tenancy, if the tenancy or, in the case of a statutory furnished tenancy, the previous contractual tenancy was created before the commencement date, within the meaning of the Rent Act 1974, the relevant date means the date on which expires the period of six months beginning on that commencement date ; and”.
- 7 In Part IV, in paragraph 3 (meaning of suitable alternative accommodation) the following words shall be added at the end of sub-paragraph (1):—
- “and that if any furniture was provided for use under the protected or statutory tenancy in question, furniture is provided for use in the accommodation which is either similar to that so provided or is reasonably suitable to the needs of the tenant and his family”.

PART II

AMENDMENTS OF PARTS IV, VIII AND IX OF RENT ACT 1968

- 8 In section 44(3) (circumstances in which applications may be made for variation of registered rent) after the words " terms of the tenancy " there shall be inserted the words " the quantity, quality or condition of any furniture provided for use under the tenancy (deterioration by fair wear and tear excluded) ".
- 9 (1) In section 46 (determination of fair rent) in subsection (1) (circumstances to be considered in determining fair rent) for the words from " age " to the end of the subsection there shall be substituted the words " age, character, locality and state of repair of the dwelling-house and, if any furniture is provided for use under the tenancy, to the quantity, quality and condition of the furniture ".
- (2) At the end of subsection (3) of that section (factors to be disregarded) there shall be inserted the words “and
- (c) if any furniture is provided for use under the regulated tenancy, any improvement to the furniture by the tenant under the regulated tenancy or any predecessor in title of his or, as the case may be, any deterioration in the condition of the furniture due to any ill-treatment by the tenant, any person residing or lodging with him, or any sub-tenant of his”.
- 10 In the application of sections 93 to 95 (mortgages) to a dwelling-house subject to a regulated tenancy which is a regulated furnished tenancy, for any reference to 8th December 1965 there shall be substituted a reference to the commencement date.

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- 11 In section 103(1)(b) (certain sublettings not to exclude any part of the lessor's premises from protection) for the words " attendance or use of furniture " there shall be substituted the words " or attendance " .
- 12 In section 105(1) (county court jurisdiction to determine certain questions) after paragraph (d) there shall be inserted the words "or
(e) as to whether a protected, statutory or regulated tenancy is a protected, statutory or regulated furnished tenancy".
- 13 In section 106(1) (rules as to procedure) after the words " this Act" there shall be inserted the words " or the Rent Act 1974 " .
- 14 In section 107 (powers of local authorities for the purposes of giving information) in subsection (1)(a)(iii) after the words " this Act" there shall be inserted the words " and the Rent Act 1974 " .
- 15 (1) In Schedule 6, in paragraph 10 (procedure on application for registration of rent supported by certificate of fair rent) in sub-paragraph (1) after the words "may be, whether " there shall be inserted " (a) " and at the end of the sub-paragraph there shall be inserted the words "and
(b) if any furniture is or is to be provided for use under a regulated tenancy of the dwelling-house, the quantity, quality and condition of the furniture in the dwelling-house accords with the prescribed particulars contained in the application for the certificate.".
- (2) In sub-paragraph (2) of that paragraph after the words " may be, that" there shall be inserted " (a) " and after the words " of the certificate " there shall be inserted the words "and
(b) if any furniture is or is to be provided for use under a regulated tenancy of the dwelling-house, the quantity, quality and condition of the furniture in the dwelling-house accords with the prescribed particulars contained in the application for the certificate".
- 16 In Schedule 7, in paragraph 1 (form and content of application for certificate of fair rent) the word " and " at the end of sub-paragraph (b) shall be omitted and at the end of the paragraph there shall be inserted the words "and
(d) if any furniture is to be provided for use under a regulated tenancy of the dwelling-house, must contain the prescribed particulars with regard to any such furniture".

PART III

AMENDMENTS OF PARTS IV, IX AND X OF RENT (SCOTLAND) ACT 1971

- 17 In section 40(3) (circumstances in which applications may be made for variation of registered rent) after the words " terms of the tenancy " there shall be inserted the words " the quantity, quality or condition of any furniture provided for use under the tenancy (excluding any deterioration in that furniture due to fair wear and tear) " .
- 18 (1) In section 42 (determination of fair rent) in subsection (1) (circumstances to be considered in determining fair rent) for the words from "age" to the end of the subsection there shall be substituted the words " age, character, locality and state of repair of the dwelling-house and, if any furniture is provided for use under the tenancy, to the quantity, quality and condition of the furniture " .

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- (2) In subsection (3) of that section (factors to be disregarded)—
- (a) in paragraph (b), after the word "improvement" there shall be inserted the words "(including any improvement to the furniture provided for use under the tenancy)";
 - (b) at the end there shall be inserted the words "and
 - (c) if any furniture is provided for use under the regulated tenancy, any deterioration in the condition of the furniture due to any ill-treatment by the tenant, any person residing or lodging with him, or any subtenant of his".
- 19 In the application of sections 110 to 112 (heritable securities) to a dwelling-house subject to a regulated tenancy which is a regulated furnished tenancy, for any reference to 8th December 1965 there shall be substituted a reference to the commencement date.
- 20 In section 120(1)(b) (certain sublettings not to exclude any part of the lessor's premises from protection) for the words "attendance or use of furniture" there shall be substituted the words "or attendance".
- 21 In section 122(1) (jurisdiction) in paragraph (a) after the words "this Act" there shall be inserted the words "or the Rent Act 1974".
- 22 In section 124 (rules as to procedure) after the words "this Act" there shall be inserted the words "or the Rent Act 1974".
- 23 In section 125 (powers of local authorities for the purposes of giving information) in subsection (1)(a) after the word "1965" there shall be inserted the word "and" and after the word "1972" there shall be inserted the words "and the Rent Act 1974".
- 24 (1) In Schedule 6, in paragraph 10 (procedure on application for registration of rent supported by certificate of fair rent) in sub-paragraph (1) after the words "may be, whether" there shall be inserted "(a)" and at the end of the sub-paragraph there shall be inserted the words "and
- (b) if any furniture is or is to be provided for use under a regulated tenancy of the dwelling-house, the quantity, quality and condition of the furniture in the dwelling-house accords with the prescribed particulars contained in the application for the certificate".
- (2) In sub-paragraph (2) of that paragraph after the words "may be, that" there shall be inserted "(a)" and after the words "of the certificate" there shall be inserted the words "and
- (b) if any furniture is or is to be provided for use under a regulated tenancy of the dwelling-house, the quantity, quality and condition of the furniture in the dwelling-house accords with the prescribed particulars contained in the application for the certificate".
- 25 In Schedule 7, in paragraph 1 (form and content of application for certificate of fair rent) the word "and" at the end of sub-paragraph (b) shall be omitted and at the end of the paragraph there shall be inserted the words "and
- (d) if any furniture is to be provided for use under a regulated tenancy of the dwelling-house, must contain the prescribed particulars with regard to any such furniture".