

## SCHEDULES

### SCHEDULE 11

Section 67.

#### APPLICATIONS FOR REGISTRATION OF RENT

##### PART I

##### APPLICATION UNSUPPORTED BY CERTIFICATE OF FAIR RENT

###### *Procedure on application to rent officer*

- 1 On receiving any application for the registration of a rent, the rent officer may, by notice in writing served on the landlord or on the tenant (whether or not the applicant or one of the applicants), 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 such of the particulars contained in the application as may be specified in the notice.
- 2 Where the application is made by the landlord alone, the rent officer shall serve on the tenant, and where it is made by the tenant alone he shall serve on the landlord, a notice informing him of the application and specifying a period of not less than 7 days from the service of the notice during which representations in writing may be made to the rent officer against the registration of the rent specified in the application.
- 3 (1) Where—
  - (a) the application is made jointly by the landlord and the tenant, or
  - (b) no representations are made as mentioned in paragraph 2 above ;and it appears to the rent officer, after making such inquiry, if any, as he thinks fit and considering any information supplied to him in pursuance of paragraph 1 above, that the rent specified in the application is a fair rent, he may register that rent without further proceedings.
- (2) Where the rent officer registers a rent under this paragraph he shall notify the landlord and tenant accordingly.
- 4 (1) Where representations are made as mentioned in paragraph 2 above or the rent officer is not satisfied that the rent specified in the application is a fair rent or, as the case may be, that the rent for the time being registered is no longer a fair rent, he shall serve a notice under this paragraph.
- (2) A notice under this paragraph shall be served on the landlord and on the tenant 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 landlord and the tenant, or such of them as may appear at that time and place, what rent ought to be registered for the dwelling-house or, as the case may be, whether a different rent ought to be so registered.

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- (3) At any such consultation the landlord and the tenant may each be represented by a person authorised by him in mat behalf, whether or not that person is of counsel or a solicitor.
- 5      After considering, in accordance with paragraph 4 above, what rent ought to be registered or, as the case may be, whether a different rent ought to be registered, the rent officer shall, as the case may require,—
- (a) determine a fair rent and register it as the rent for the dwelling-house; or
  - (b) confirm the rent for the time being registered and note the confirmation in the register ;
- and shall notify the landlord and the tenant accordingly by a notice stating that if, within 28 days of the service of the notice or such longer period as he or a rent assessment committee may allow, an objection in writing is received by the rent officer from the landlord or the tenant the matter will be referred to a rent assessment committee.
- 6      (1) If such an objection as is mentioned in paragraph 5 above is received, then—
- (a) if it is received within the period of 28 days specified in that paragraph or a rent assessment committee so direct, the rent officer shall refer the matter to a rent assessment committee;
  - (b) if it is received after the expiry of that period the rent officer may either refer the matter to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer it.
- (2) The rent officer shall indicate in the register whether the matter has been referred to a rent assessment committee in pursuance of this paragraph.

*Determination of fair rent by rent assessment committee*

- 7      (1) The rent assessment committee to whom a matter is referred under paragraph 6 above—
- (a) may by notice in the prescribed form served on the landlord or the tenant 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 paragraph 1 above, as they may reasonably require; and
  - (b) shall serve on the landlord and on the tenant a notice specifying a period of not less than 14 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.
- (2) If any person fails without reasonable cause to comply with any notice served on him under sub-paragraph (1)(a) above, he shall be liable on a first conviction to a fine not exceeding £50 and, on a second or subsequent conviction, to a fine not exceeding £100.
- (3) Where an offence under sub-paragraph (2) above committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager or secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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- 8           Where, within the period specified in paragraph 7(1)(b) above, or such further period as the committee may allow, the landlord or the tenant requests to make oral representations the committee shall give him an opportunity to 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.
- 9           (1) The committee shall make such inquiry, if any, as they think fit and consider any information supplied or representation made to them in pursuance of paragraph 7 or paragraph 8 above and—
- (a) if it appears to them that the rent registered or confirmed 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 paragraph they shall notify the landlord, the tenant and the rent officer accordingly.
- (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.

## PART II

### APPLICATION SUPPORTED BY CERTIFICATE OF FAIR RENT (EXCEPT WHERE CERTIFICATE ISSUED BY VIRTUE OF PART VIII)

#### *Procedure on application to rent officer*

- 10          (1) On receiving an application for the registration of a rent which is made as mentioned in section 69(4) of this Act, the rent officer shall ascertain whether the works specified in the certificate have been carried out in accordance with the plans and specifications which accompanied the application for the certificate or, as the case may be, whether—
- (a) the condition of the dwelling-house is the same as at the date of the certificate, 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) If the rent officer is satisfied that the works have been so carried out or, as the case may be, that—
- (a) the dwelling-house is in the same condition as at the date of the certificate, 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,
- he shall register the rent in accordance with the certificate.
- (3) If the rent officer is not satisfied as mentioned in sub-paragraph (2) above, he shall serve on the applicant a notice stating the matters with respect to which he is not

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so satisfied and informing him that if, within 14 days from the service of the notice or such longer period as the rent officer or a rent assessment committee may allow, the applicant makes a request in writing to that effect, the rent officer will refer the matter to a rent assessment committee.

- 11 If such a request as is mentioned in paragraph 10(3) above is made, then—
- (a) if it is made within the period of 14 days specified in that paragraph or a rent assessment committee so direct, the rent officer shall refer the matter to a rent assessment committee ;
  - (b) if it is made after the expiry of that period, the rent officer may either refer the matter to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer it.

*Procedure on reference to rent assessment committee*

- 12 (1) The rent assessment committee to whom a matter is referred under paragraph 11 above shall give the applicant an opportunity to make representations in writing or to 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.
- (2) After considering any representations made under sub-paragraph (1) above, the rent assessment committee shall notify the rent officer and the applicant whether they are satisfied as mentioned in paragraph 10(2) above and—
- (a) if they are so satisfied they shall direct the rent officer to register the rent in accordance with the certificate ;
  - (b) if they are not so satisfied they shall direct the rent officer to refuse the application for registration.

*Provisional registration*

- 13 Where a rent is registered in pursuance of such an application as is mentioned in paragraph 10(1) above by a person who intends to grant a regulated tenancy, the registration shall be provisional only until the regulated tenancy is granted and shall be of no effect unless the rent officer is notified in the prescribed manner, within one month from the date of the registration or such longer time as the rent officer may allow, that the regulated tenancy has been granted.
- 14 Where a registration is made as mentioned in paragraph 13 above, the rent officer shall indicate in the register that it is so made and—
- (a) if he is notified as mentioned in that paragraph that the regulated tenancy has been granted he shall indicate that fact in the register ;
  - (b) if he is not so notified he shall delete the registration.

**PART III**

APPLICATION SUPPORTED BY CERTIFICATE OF FAIR RENT ISSUED BY VIRTUE OF PART VIII

*General*

- 15 If—

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- (a) the local authority have, under section 111(4) of this Act, stated that the works specified in the plans and specifications accompanying the application for the certificate of fair rent, have been carried out, and
- (b) the application for registration of a rent is made not later than 3 months after the issue of the qualification certificate,

the rent officer shall register the rent in accordance with the certificate of fair rent.

16 (1) If—

- (a) the application for registration of a rent is made not later than 3 months after the issue of the qualification certificate, but
- (b) the local authority have not stated that the landlord has complied with the provisions of section 111(4) of this Act as respects the certificate of fair rent,

the rent officer shall ascertain whether the works specified in the plans and specifications accompanying the application for the certificate of fair rent have been carried out.

(2) If the rent officer is satisfied that the works have been so carried out, he shall register the rent in accordance with the certificate.

(3) If the rent officer is not so satisfied, paragraphs 18 to 25 below shall apply.

17 If—

- (a) the application for registration of a rent is made later than 3 months after the issue of the qualification certificate, or
- (b) the local authority have, under section 111(4) of this Act, stated that the works specified in the plans and specifications accompanying the application for the certificate of fair rent have not been carried out (in whole or in part),

paragraphs 18 to 25 below shall apply.

*Notice served on tenant*

18 Where this paragraph and the following paragraphs of this Schedule apply, the rent officer shall serve a notice on the tenant informing him of the application and specifying a period of not less than 7 days from the service of the notice during which representations in writing may be made to the rent officer against the registration of the rent specified in the certificate of fair rent.

19 Where no such representations are made then, unless it appears to the rent officer that the rent specified in the certificate of fair rent is higher than a fair rent, he shall register that rent and notify the landlord and tenant accordingly.

20 (1) Where—

- (a) representations are made as mentioned in paragraph 18 above, or
- (b) the rent officer is of opinion that the rent specified in the certificate of fair rent is higher than a fair rent,

he shall serve notice on the landlord and on the tenant informing them that he 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 landlord and the tenant or such of them as may appear at that time and place, what rent, not exceeding that specified in the certificate of fair rent, ought to be registered.

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- (2) At any such consultation the landlord and tenant may each be represented by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.
- 21 (1) The rent officer shall consider, in accordance with paragraph 20 above, what rent ought to be registered, and—
- (a) if, after considering it, he is of opinion that the rent specified in the certificate of fair rent is not higher than a fair rent he shall register it, but
  - (b) if, after considering it, he is of opinion that the rent so specified is higher than a fair rent he shall determine a fair rent and register that rent,
- as the rent for the dwelling-house, and shall give notice of the registration to the landlord and the tenant.
- (2) The notice shall state that if, within 28 days of the service of the notice or such longer period as the rent officer or a rent assessment committee may allow, an objection in writing is received by the rent officer from the landlord or the tenant the matter will be referred to a rent assessment committee.
- 22 (1) If such an objection is received, then—
- (a) if it is received within the period of 28 days mentioned in paragraph 21 above or a rent assessment committee so direct, the rent officer shall refer the matter to a rent assessment committee;
  - (b) if it is received after that period, the rent officer may either refer the matter to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer it.
- (2) The rent officer shall indicate in the register whether the matter has been referred to a rent assessment committee in pursuance of this paragraph.

*Determination of fair rent by rent assessment committee*

- 23 The rent assessment committee to whom a matter is referred under paragraph 22 above shall serve on the landlord and on the tenant a notice specifying a period of not less than 14 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.
- 24 Where, within the period specified under paragraph 23 above or such further period as the committee may allow, the landlord or the tenant requests to make oral representations the committee shall give him an opportunity to 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.
- 25 (1) The committee shall make such inquiry, if any, as they think fit and consider any representation made to them in pursuance of paragraphs 23 and 24 above and—
- (a) if it appears to them that the rent registered by the rent officer has been rightly registered they shall confirm it;
  - (b) in any other case they shall designate as the rent for the dwelling-house either the rent specified in the certificate of fair rent or such lower rent as appears to them to be a fair rent, as the case may require;
- and they shall notify the landlord, the tenant and the rent officer accordingly.
- (2) 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 designated by the committee as the rent for the dwelling-house.