



# Rent Act 1977

## 1977 CHAPTER 42

### PART IV

#### REGISTRATION OF RENTS UNDER REGULATED TENANCIES

#### 62 Registration areas.

- (1) [<sup>F1</sup>Except so far as different provision is made by an order under section 17 of the Local Government Act 1992,] the registration areas for the purpose of this Part of this Act [<sup>F2</sup>are—
- (a) counties [<sup>F3</sup>and county boroughs];
  - (b) London boroughs; and
  - (c) the City of London.]
- (2) For the purposes of this Part of this Act—
- (a) ..... <sup>F4</sup> the City of London shall be deemed to include the Inner Temple and the Middle Temple, and
  - (b) the Isles of Scilly shall be a registration area and the Council of the Isles of Scilly shall be the local authority for that registration area.

#### Textual Amendments

- F1** Words in s. 62(1) inserted (13.10.1995) by S.I. 1995/2451, reg. 3
- F2** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 16, Sch. 8 para. 13(1)
- F3** Words in s. 62(a) inserted (1.10.1995) by 1994 c. 19, s. 22(2), Sch. 8 para. 3(2) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/2490, art. 4(1), Sch. 2
- F4** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 16, Sch. 8 para. 13(2)

*Status: Point in time view as at 13/10/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Rent Act 1977, Part IV. (See end of Document for details)*

**63 Schemes for appointment of rent officers.**

(1) The Secretary of State shall for every registration area make, after consultation with the local authority, a scheme providing for the appointment by the proper officer of the local authority—

- (a) of such number of rent officers for the area as may be determined by or in accordance with the scheme, . . . <sup>F5</sup>
- (b) . . . . . <sup>F5</sup>

(2) A scheme under this section—

- (a) shall provide for the payment by the local authority to rent officers . . . <sup>F6</sup> of remuneration and allowances in accordance with scales approved by the Secretary of State with the consent of the Treasury;
- (b) shall prohibit the dismissal of a rent officer . . . <sup>F7</sup> except by the proper officer of the local authority on the direction, or with the consent, of the Secretary of State;
- (c) shall require the local authority to provide for the rent officers office accommodation and clerical and other assistance;
- (d) shall allocate, or confer on the proper officer of the local authority the duty of allocating, work as between the rent officers and shall confer on the proper officer the duty of supervising the conduct of rent officers . . . <sup>F8</sup>, . . . <sup>F9</sup>
- (e) . . . . . <sup>F10</sup>

[<sup>F11</sup>(2A) A scheme under this section may make all or any of the following provisions—

- (a) provision requiring the consent of the Secretary of State to the appointment of rent officers;
- (b) provision with respect to the appointment of rent officers for fixed periods;
- (c) provision for the proper officer of the local authority, in such circumstances and subject to such conditions (as to consent or otherwise) as may be specified in the scheme,—
  - (i) to designate a person appointed or to be appointed a rent officer as chief rent officer and to designate one or more such persons as senior rent officers;
  - (ii) to delegate to a person so designated as chief rent officer such functions as may be specified in the scheme; and
  - (iii) to revoke a designation under sub-paragraph (i) above and to revoke or vary a delegation under sub-paragraph (ii) above;
- (d) provision with respect to the delegation of functions by a chief rent officer to other rent officers (whether designated as senior rent officers or not);
- (e) provision as to the circumstances in which and the terms on which a rent officer appointed by the scheme may undertake functions outside the area to which the scheme relates in accordance with paragraph (f) below;
- (f) provision under which a rent officer appointed for an area other than that to which the scheme relates may undertake functions in the area to which the scheme relates and for such a rent officer to be treated for such purposes as may be specified in the scheme (which may include the purposes of paragraphs (c) and (d) above and paragraphs (c) and (d) of subsection (2) above) as if he were a rent officer appointed under the scheme; and
- (g) provision conferring functions on the proper officer of a local authority with respect to the matters referred to in paragraphs (d) to (f) above.]

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- (3) For the purposes of any local Act scheme, within the meaning of section 8 of the <sup>M1</sup>Superannuation Act 1972, rent officers . . . <sup>F12</sup> appointed in pursuance of a scheme under this section shall be deemed to be officers in the employment of the local authority for whose area the scheme is made; and for the purposes of—
- (a) Part III of the [<sup>F13</sup>Pension Schemes Act 1993], and
  - (b) the <sup>M2</sup>Social Security Act 1975,
- they shall be deemed to be in that employment under a contract of service.
- (4) References in this Part of this Act to the rent officer are references to any rent officer appointed for any area who is authorised to act in accordance with a scheme under this section.
- (5) A scheme under this section may be varied or revoked by a subsequent scheme made thereunder.
- (6) The Secretary of State shall, in respect of each financial year, make to any local authority incurring expenditure which is of a kind mentioned in subsection (7) below, a grant equal to that expenditure.
- (7) The expenditure mentioned in subsection (6) above is any expenditure—
- (a) attributable to this section [<sup>F14</sup>or an order under section 121 of the Housing Act 1988], or
  - (b) incurred in respect of pensions, allowances or gratuities payable to or in respect of rent officers . . . <sup>F15</sup> (appointed in pursuance of a scheme under this section) by virtue of regulations under section 7 [<sup>F16</sup>or section 24] of the <sup>M3</sup>Superannuation Act 1972 [<sup>F17</sup>or]
  - <sup>F18</sup>(c) incurred in respect of increases of pensions payable to or in respect of rent officers (so appointed) by virtue of the Pensions (Increase) Act 1971].
- (8) Any expenditure incurred by the Secretary of State by virtue of subsection (6) above shall be paid out of money provided by Parliament.
- <sup>F19</sup>(9) In the case of a registration area in respect of which there is more than one local authority, this section shall apply as if—
- (a) the first reference to “the local authority” in subsection (1) were a reference to each of those local authorities which is—
    - (i) the county council for a county in England; or
    - (ii) the council for a district in England which is not in a county having a county council; and
  - (b) the second reference to “the local authority” in that subsection, the references to “the local authority” in subsections (2) and (2A)(c), the reference to “a local authority” in subsection (2A)(g) and the reference to “the local authority for whose area the scheme is made” in subsection (3) were references to such one of those authorities as has been designated by the scheme]

#### Textual Amendments

- F5** S. 63(1)(b) and the word “and” immediately preceding it repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), ss. 120, 140(2), Sch. 14 para. 1, **Sch. 18**
- F6** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), ss. 120, 140(2), Sch. 14 para. 2(a), **Sch. 18**
- F7** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), ss. 120, 140(2), Sch. 14 para. 2(b), **Sch. 18**
- F8** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), ss. 120, 140(2), Sch. 14 para. 2(c), **Sch. 18**

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- F9** Word “and” was inserted by Housing Act 1980 (c. 51, SIF 61), s. 59(1) and repealed by Housing Act 1988 (c. 50, SIF 61, 75:1), ss. 120, 140(2), Sch. 14 para. 2(c), Sch. 18
- F10** S. 63(2)(e) was inserted by Housing Act 1980 (c. 51, SIF 61), s. 59(1) and repealed by Housing Act 1988 (c. 50, SIF 61, 75:1), ss. 120, 140(2), Sch. 14 para. 2(d), Sch. 18
- F11** S. 63(2A) inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 119, Sch. 14 para. 3
- F12** Words repealed by Housing Act 1988 (c. 50, SIF 61, 75:1), ss. 119, 140(2), Sch. 14 para. 4, Sch. 18
- F13** In s. 63(3) the words "Pension Schemes Act 1993" substituted (7.2.1994) for the words "Social Security Pensions Act 1975" (expressed as s. 653(3) in the amending Act) by 1993 c. 48, s. 190, Sch. 8 para. 10 (with ss. 6(8), 164); S.I. 1994/86, art. 2
- F14** Words inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 121(3)
- F15** Words repealed by Housing Act 1988 (c. 50, SIF 61, 75:1), s. 140(2), Sch. 18
- F16** Words inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 120, Sch. 14 para. 5(a)
- F17** Word substituted by Housing Act 1988 (c. 50, SIF 75:1), s. 120, Sch. 14 para. 5(a)
- F18** S. 63(7)(c) inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 119, Sch. 14 para. 5(b)
- F19** S. 63(9) substituted (13.10.1995) by S.I. 1995/2451, reg. 4

**Modifications etc. (not altering text)**

- C1** S. 63(1) modified (13.10.1995) by S.I. 1995/2451, reg. 8(1)-(3)

**Marginal Citations**

- M1** 1972 c. 11.  
**M2** 1975 c. 14.  
**M3** 1972 c. 11.

**64 Default powers of Secretary of State.**

- (1) If the Secretary of State is of opinion that a local authority have failed to carry out any function conferred on them by a scheme under section 63 of this Act he may, after such enquiry as he thinks fit, by order revoke the scheme and, without consulting the local authority, make another scheme under that section.
- (2) A scheme made by virtue of subsection (1) above may confer functions otherwise exercisable by the local authority or the proper officer of the local authority on a person appointed by the Secretary of State and that person may, if another local authority consent, be that other local authority or, as the case may be, the proper officer of that other local authority.
- (3) If the Secretary of State is of opinion that the proper officer of the local authority has failed to carry out any functions conferred on the proper officer by a scheme under section 63 he may (after consultation with the local authority) exercise his power under subsection (5) of that section by making a scheme providing for all or any of the functions otherwise exercisable by the proper officer to be exercised by some other person.
- (4) A scheme made by virtue of this section may contain such incidental and transitional provisions as appear to the Secretary of State to be necessary or expedient.

*<sup>F20</sup> Amalgamation schemes*

**Textual Amendments**

- F20** Ss. 64A, 64B inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 120, Sch. 14 Pt. II

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**64A**

- (1) If the Secretary of State is of the opinion—
  - (a) that there is at any time insufficient work in two or more registration areas to justify the existence of a separate service of rent officers for each area, or
  - (b) that it would at any time be beneficial for the efficient administration of the service provided by rent officers in two or more registration areas,he may, after consultation with the local authorities concerned, make a scheme under section 63 above designating as an amalgamated registration area the areas of those authorities and making provision accordingly for that amalgamated area.
- (2) Any reference in the following provisions of this Chapter to a registration area includes a reference to an amalgamated registration area and, in relation to such an area, “the constituent authorities” means the local authorities whose areas make up the amalgamated area.
- (3) A scheme under section 63 above made for an amalgamated registration area—
  - (a) shall confer on the proper officer of one of the constituent authorities all or any of the functions which, in accordance with section 63 above, fall to be exercisable by the proper officer of the local authority for the registration area;
  - (b) may provide that any rent officer previously appointed for the area of any one of the constituent authorities shall be treated for such purposes as may be specified in the scheme as a rent officer appointed for the amalgamated registration area; and
  - (c) shall make such provision as appears to the Secretary of State to be appropriate for the payment by one or more of the constituent authorities of the remunerations, allowances and other expenditure which under section 63 above is to be paid by the local authority for the area.
- (4) A scheme under section 63 above made for an amalgamated registration area may contain such incidental, transitional and supplementary provisions as appear to the Secretary of State to be necessary or expedient.]

*New basis for administration of rent officer service*

**64B**

- (1) If, with respect to registration areas generally or any particular registration area or areas, it appears to the Secretary of State that it is no longer appropriate for the appointment, remuneration and administration of rent officers to be a function of local authorities, he may by order—
  - (a) provide that no scheme under section 63 above shall be made for the area or areas specified in the order; and
  - (b) make, with respect to the area or areas so specified, such provision as appears to him to be appropriate with respect to the appointment, remuneration and administration of rent officers and the payment of pensions, allowances or gratuities to or in respect of them.
- (2) An order under this section shall make provision for any expenditure attributable to the provisions of the order to be met by the Secretary of State in such manner as may be specified in the order (whether by way of grant, reimbursement or otherwise); and any expenditure incurred by the Secretary of State by virtue of this subsection shall be paid out of money provided by Parliament.
- (3) An order under this section—

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- (a) may contain such incidental, transitional and supplementary provisions as appear to the Secretary of State to be appropriate, including provisions amending this Part of this Act; and
- (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**65 Rent assessment committees.**

Rent assessment committees shall be constituted in accordance with Schedule 10 to this Act.

**66 Register of rents.**

- (1) The rent officer for any area shall prepare and keep up to date a register for the purposes of this Part of this Act and shall make the register available for inspection in such place or places and in such manner as may be provided by the scheme made for the area under section 63 of this Act.
- (2) The register shall contain, in addition to the rent payable under a regulated tenancy of a dwelling-house—
  - (a) the prescribed particulars with regard to the tenancy; and
  - (b) a specification of the dwelling-house.
- (3) A copy of an entry in the register certified under the hand of the rent officer or any person duly authorised by him shall be receivable in evidence in any court and in any proceedings.
- (4) A person requiring such a certified copy shall be entitled to obtain it on payment of the prescribed fee.

**67 Application for registration of rent.**

- (1) An application for the registration of a rent for a dwelling-house may be made to the rent officer by the landlord or the tenant, or jointly by the landlord and the tenant, under a regulated tenancy of the dwelling-house.
- [<sup>F21</sup>(2) Any such application must be in the prescribed form and must—
  - (a) specify the rent which it is sought to register;
  - (b) where the rent includes any sum payable by the tenant to the landlord for services and the application is made by the landlord, specify that sum and be accompanied by details of the expenditure incurred by the landlord in providing those services; and
  - (c) contain such other particulars as may be prescribed.]
- (3) Subject to subsection (4) below [<sup>F22</sup>and sections 67A and 70A of this Act], where a rent for a dwelling-house has been registered under this Part of this Act, no application by the tenant alone or by the landlord alone for the registration of a different rent for that dwelling-house shall be entertained before the expiry of [<sup>F23</sup>2 years] from the relevant date (as defined in subsection (5) below) except on the ground that, since that date, there has been such a change in—
  - (a) the condition of the dwelling-house (including the making of any improvement therein),

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- (b) the terms of the tenancy,
- (c) the quantity, quality or condition of any furniture provided for use under the tenancy (deterioration by fair wear and tear excluded), or
- (d) any other circumstances taken into consideration when the rent was registered or confirmed,

as to make the registered rent no longer a fair rent.

[<sup>F24</sup>(3A) If the dwelling-house forms part of a hereditament in respect of which the landlord or a superior landlord is, or was on the relevant date, liable under Part I of the Local Government Finance Act 1992 to pay council tax, then, in determining for the purposes of subsection (3) above whether since the relevant date there has been such a change falling within paragraph (d) of that subsection as to make the registered rent no longer a fair rent, any change in the amount of council tax payable in respect of the hereditament shall be disregarded unless it is attributable to—

- (a) the fact that the hereditament has become, or has ceased to be, an exempt dwelling,
- (b) an alteration in accordance with regulations under section 24 of the Local Government Finance Act 1992 of the valuation band shown in a valuation list as applicable to the hereditament, or
- (c) the compilation of a new valuation list in consequence of an order of the Secretary of State under section 5(4)(b) of that Act.

(3B) In subsection (3A) above “hereditament” means a dwelling within the meaning of Part I of the Local Government Finance Act 1992 and, subject to that, expressions used in subsection (3A) and in Part I of that Act have the same meaning in that subsection as in that Part.]

(4) Notwithstanding anything in subsection (3) above, an application such as is mentioned in that subsection which is made by the landlord alone and is so made within the last 3 months of the period of [<sup>F23</sup>2 years] referred to in that subsection may be entertained notwithstanding that that period has not expired.

[<sup>F25</sup>(5) In this section <sup>F26</sup>... “relevant date”, in relation to a rent which has been registered under this Part of this Act, means the date from which the registration took effect or, in the case of a registered rent which has been confirmed, the date from which the confirmation (or, where there have been two or more successive confirmations, the last of them) took effect [<sup>F27</sup>but for the purposes of this subsection any registration or confirmation by virtue of section 70A of this Act shall be disregarded.]]

<sup>F28</sup>(6) .....

(7) <sup>F26</sup>... The provisions of Part I of Schedule 11 to this Act [<sup>F29</sup>as modified by the Regulated Tenancies (Procedure) Regulations 1980][<sup>F30</sup>and by the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1981] shall have effect with respect to the procedure to be followed on applications for the registration of rents.

#### Textual Amendments

**F21** S. 67(2) substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 59(2)

**F22** Words in s. 67(3) inserted (1.4.1993) by [S.I. 1993/651, art. 2\(2\)](#), [Sch. 2 para. 2\(a\)](#)

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- F23** Words “2 years” substituted (with saving) for “3 years” by **Housing Act 1980 (c. 51, SIF 61), s. 60(1)(2)** (Editorial note: the amending section 60 was subsequently repealed without saving by **Housing Act 1988 (c. 50, SIF 61, 75:1), s. 140(2), Sch. 18**)
- F24** S. 67(3A)(3B) inserted (1.4.1993) by **S.I. 1993/651, art. 2(1), Sch. 1 para. 5**
- F25** S. 67(5) substituted with saving by **Housing Act 1980 (c. 51, SIF 61), s. 61(5)(8)**
- F26** Words repealed by **Housing Act 1988 (c. 50, SIF 61, 75:1), s. 140(2), Sch. 18**
- F27** Words at the end of s. 67(5) added (1.4.1993) by **S.I. 1993/651, art. 2(2), Sch. 2 para. 2(b)**
- F28** S. 67(6) repealed by **Housing Act 1980 (c. 51, SIF 61), Sch. 26**
- F29** Words inserted by **S.I. 1980/1696, reg. 2** as respects applications for the registration of a rent made after coming into operation of regulations on 28.11.1980
- F30** Words inserted by **S.I. 1981/1783, reg. 2(2)**

**[<sup>F31</sup>67A Application before 1st April 1994 for interim increase of rent in certain cases where landlord liable for council tax**

- (1) Subject to subsection (4) below, an application under this section for the registration under section 70A of this Act of an increased rent for a dwelling-house may be made by the landlord or the tenant, or jointly by the landlord and the tenant, under a regulated tenancy of the dwelling-house in any case where—
- (a) under Part I of the Local Government Finance Act 1992 the landlord or a superior landlord is liable to pay council tax in respect of a dwelling (within the meaning of that Part of that Act) which includes the dwelling-house,
  - (b) under the terms of the tenancy (or an agreement collateral to the tenancy) the tenant is liable to make payments to the landlord in respect of council tax,
  - (c) the case falls within subsection (2) or subsection (3) below, and
  - (d) no previous application has been made under this section in relation to the dwelling-house.
- (2) The case falls within this subsection if—
- (a) a rent has been registered under this Part of this Act before 1st April 1993,
  - (b) the period of two years from the relevant date has not yet expired, and
  - (c) since the relevant date there has been no such change in circumstances of a kind mentioned in paragraphs (a) to (d) of section 67(3) of this Act (other than circumstances relating to council tax) as to make the registered rent no longer a fair rent.
- (3) The case falls within this subsection if an application under section 67 of this Act has been made before 1st April 1993 but has not been disposed of before that date.
- (4) No application may be made under this section after 31st March 1994.
- (5) Any such application must be in the prescribed form and must—
- (a) specify the rent which it is sought to register to take into account the tenant’s liability to make payments to the landlord in respect of council tax; and
  - (b) contain such other particulars as may be prescribed.
- (6) The provisions of Part I of Schedule 11 to this Act (as modified by the Regulated Tenancies (Procedure) Regulations 1980 and by the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1981) shall have effect with respect to the procedure to be followed on applications for the registration of rents.
- (7) In this section “relevant date”, in relation to a rent which has been registered under this Part of this Act, has the same meaning as in section 67 of this Act.]



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**Textual Amendments**

**F31** S. 67A inserted (1.4.1993) by S.I. 1993/651, art. 2(2), Sch. 2 para.3

**68, 69.** ..... <sup>F32</sup>

**Textual Amendments**

**F32** Ss. 68, 69 repealed (with saving) by Housing Act 1988 (c. 50, SIF 61, 75:1), s. 140, Sch. 17 para. 22, Sch. 18

**70 Determination of fair rent.**

(1) In determining, for the purposes of this Part of this Act, what rent is or would be a fair rent under a regulated tenancy of a dwelling-house, regard shall be had to all the circumstances (other than personal circumstances) and in particular to—

- (a) the age, character, locality and state of repair of the dwelling-house, . . . <sup>F33</sup>
- (b) if any furniture is provided for use under the tenancy, the quantity, quality and condition of the furniture [<sup>F34</sup>, and]

[<sup>F34</sup>(c) any premium, or sum in the nature of a premium, which has been or may be lawfully required or received on the grant, renewal, continuance or assignment of the tenancy.]

(2) For the purposes of the determination it shall be assumed that the number of persons seeking to become tenants of similar dwelling-houses in the locality on the terms (other than those relating to rent) of the regulated tenancy is not substantially greater than the number of such dwelling-houses in the locality which are available for letting on such terms.

(3) There shall be disregarded—

- (a) any disrepair or other defect attributable to a failure by the tenant under the regulated tenancy or any predecessor in title of his to comply with any terms thereof;
- (b) any improvement carried out, otherwise than in pursuance of the terms of the tenancy, by the tenant under the regulated tenancy or any predecessor in title of his;

(c) ..... <sup>F35</sup>

(e) 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.

[<sup>F36</sup>(3A) In any case where under Part I of the Local Government Finance Act 1992 the landlord or a superior landlord is liable to pay council tax in respect of a hereditament (“the relevant hereditament”) of which the dwelling-house forms part, regard shall also be had to the amount of council tax which, as at the date on which the application to the rent officer was made, was set by the billing authority—

- (a) for the financial year in which that application was made, and

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(b) for the category of dwellings within which the relevant hereditament fell on that date,

but any discount or other reduction affecting the amount of council tax payable shall be disregarded.

(3B) In subsection (3A) above—

- (a) “hereditament” means a dwelling within the meaning of Part I of the Local Government Finance Act 1992,
- (b) “billing authority” has the same meaning as in that Part of that Act, and
- (c) “category of dwellings” has the same meaning as in section 30(1) and (2) of that Act.]

(4) In this section “improvement” includes the replacement of any fixture or fitting.

[<sup>F37</sup>(4A) In this section “premium” has the same meaning as in Part IX of this Act, and “sum in the nature of a premium” means—

- (a) any such loan as is mentioned in section 119 or 120 of this Act,
- (b) any such excess over the reasonable price of furniture as is mentioned in section 123 of this Act, and
- (c) any such advance payment of rent as is mentioned in section 126 of this Act.]

(5) ..... <sup>F38</sup>

#### Textual Amendments

- F33** Word repealed by [Housing and Planning Act 1986 \(c. 63, SIF 61, 75:3, 81:1, 123:1\), ss. 17\(2\), 24\(3\), Sch. 12 Pt. 1](#)
- F34** “, and” and s. 70(1)(c) inserted by [Housing and Planning Act 1986 \(c. 63, SIF 75:3\), s. 17\(2\)\(4\)](#)
- F35** S. 70(3)(c)(d) repealed by [Housing Act 1980 \(c. 51, SIF 61\), Sch. 26](#)
- F36** S. 70(3A)(3B) inserted (1.4.1993) by S.I. 1993/651, art. 2(1), [Sch. 1 para. 6](#)
- F37** S. 70(4A) inserted by [Housing and Planning Act 1986 \(c. 63, SIF 75:3\), s. 17\(3\)\(4\)](#)
- F38** S. 70(5) repealed by [Housing Act 1980 \(c. 51, SIF 61\), Sch. 26](#)

#### [<sup>F39</sup>70A Interim determination of fair rent on application under section 67A

(1) Where an application is made under section 67A of this Act—

- (a) the rent officer shall determine the amount by which, having regard to the provisions of section 70(3A) of this Act, the existing registered rent might reasonably be increased to take account of the tenant’s liability to make payments to the landlord in respect of council tax; and
- (b) the amount to be registered as the rent of the dwelling-house shall be the existing registered rent plus the amount referred to in paragraph (a) above.

(2) Where in a case falling within section 67A(3) of this Act a rent officer has before him at the same time an application under section 67 and an application under section 67A of this Act and the rent officer proposes to entertain the two applications together, the rent officer shall make a determination in relation to the application under section 67 before making his determination in relation to the application under section 67A; and the reference in subsection (1)(a) above to the existing registered rent shall have effect as a reference to the rent determined on the application under section 67.]

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#### Textual Amendments

**F39** S. 70A inserted (1.4.1993) by S.I. 1993/651, art. 2(2), Sch. 2 para.4

### 71 Amount to be registered as rent.

- (1) The amount to be registered as the rent of any dwelling-house shall include any sums payable by the tenant to the landlord [<sup>F40</sup>in respect of council tax or]for the use of furniture or for services, whether or not those sums are separate from the sums payable for the occupation of the dwelling-house or are payable under separate agreements.
- (2) Where any rates in respect of a dwelling-house are borne by the landlord or a superior landlord, the amount to be registered under this Part of this Act as the rent of the dwelling-house shall be the same as if the rates were not so borne; but the fact that they are so borne shall be noted on the register.
- (3) Where subsection (2) above applies, the amount of the rates for any rental period, ascertained in accordance with Schedule 5 to this Act—
  - (a) shall, subject to paragraphs 1(4) and 4(3) of Schedule 9 to this Act, be added to the limit imposed by section 44(1) of this Act . . . <sup>F41</sup>; and
  - (b) if the rental period is a statutory period, as defined in section 61 of this Act, shall be recoverable, without service of any notice of increase, in addition to the sums recoverable from the tenant apart from this subsection.
- (4) Where, under a regulated tenancy, the sums payable by the tenant to the landlord include any sums varying according to the cost from time to time of—
  - (a) any services provided by the landlord or a superior landlord, or
  - (b) any works of maintenance or repair carried out by the landlord or a superior landlord,

the amount to be registered under this Part of this Act as rent may, if the rent officer is satisfied or, as the case may be, the rent assessment committee are satisfied, that the terms as to the variation are reasonable, be entered as an amount variable in accordance with those terms.

#### Textual Amendments

**F40** Words in s. 71(1) inserted (1.4.1993) by S.I. 1993/651, art. 2(1), Sch. 1 para. 7

**F41** Words repealed by S.I. 1987/264, arts. 2(3), 3, Sch. 1 para. 4, Sch. 2

### [<sup>F42</sup>72 Effect of registration of rent.

- (1) The registration of a rent for a dwelling-house takes effect—
  - (a) if the rent is determined by the rent officer, from the date when it is registered, and
  - (b) if the rent is determined by a rent assessment committee, from the date when the committee make their decision.
- (2) If the rent for the time being registered is confirmed, the confirmation takes effect—
  - (a) if it is made by the rent officer, from the date when it is noted in the register, and

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- (b) if it is made by a rent assessment committee, from the date when the committee make their decision.
- (3) If (by virtue of section 67(4) of this Act) an application for registration of a rent is made before the expiry of the period mentioned in section 67(3) and the resulting registration of a rent for the dwelling-house, or confirmation of the rent for the time being registered, would, but for this subsection, take effect before the expiry of that period it shall take effect on the expiry of that period.
- (4) The date from which the registration or confirmation of a rent takes effect shall be entered in the register.
- (5) As from the date on which the registration of a rent takes effect any previous registration of a rent for the dwelling-house ceases to have effect.
- (6) Where a valid notice of increase under any provision of Part III of this Act has been served on a tenant and, in consequence of the registration of a rent, part but not the whole of the increase specified in the notice becomes irrecoverable from the tenant, the registration shall not invalidate the notice, but the notice shall, as from the date from which the registration takes effect, have effect as if it specified such part only of the increase as has not become irrecoverable.]

#### Textual Amendments

**F42** S. 72 substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. **61(1)(8)**

#### [<sup>F43</sup>72A Amounts attributable to services.

In order to assist authorities to give effect to the housing benefit scheme under Part VII of the Social Security Contributions and Benefits Act 1992, where a rent is registered, there shall be noted on the register the amount (if any) of the registered rent which, in the opinion of the rent officer or rent assessment committee, is fairly attributable to the provision of services, except any amount which is negligible in the opinion of the officer or, as the case may be, the committee.]

#### Textual Amendments

**F43** S. 72A inserted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 4, 7(2), [Sch. 2 para.47](#)

#### 73 Cancellation of registration of rent.

- (1) An application may be made in accordance with this section for the cancellation of the registration of a rent for a dwelling-house where—
  - (a) a rent agreement as respects the dwelling-house takes effect, or is to take effect, after the expiration of a period of [<sup>F44</sup>3 years] beginning with the relevant date (as defined in section 67(5) of this Act), and
  - (b) the period for which the tenancy has effect cannot end, or be brought to an end by the landlord (except for non-payment of rent or a breach of the terms of the tenancy), earlier than 12 months after the date of the application, and
  - (c) the application is made jointly by the landlord and the tenant under the agreement.

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- [<sup>F45</sup>(1A) Such an application may also be made where—
- (a) not less than two years have elapsed since the relevant date (as defined in section 67(5) of this Act); and
  - (b) the dwelling-house is not for the time being subject to a regulated tenancy; and
  - (c) the application is made by the person who would be the landlord if the dwelling-house were let on such a tenancy.]
- (2) The rent agreement may be one providing that the agreement does not take effect unless the application for cancellation of registration is granted.
- [<sup>F46</sup>(3) An application under this section must—
- (a) be in the form prescribed for the application concerned and contain the prescribed particulars; and
  - (b) be accompanied, in the case of an application under subsection (1) above, by a copy of the rent agreement.]
- (4) If [<sup>F47</sup>the application is made under subsection (1) above and] the rent officer is satisfied that the rent, or the highest rent, payable under the rent agreement does not exceed a fair rent for the dwelling-house, he shall cancel the registration [<sup>F48</sup>and he shall also cancel the registration if the application is made under subsection (1A) above].
- (5) Where [<sup>F49</sup>the application is made under subsection (1) above and] under the terms of the rent agreement the sums payable by the tenant to the landlord include any sums varying according to the cost from time to time of any services provided by the landlord or a superior landlord, or of any works of maintenance or repair carried out by the landlord or a superior landlord, the rent officer shall not cancel the registration unless he is satisfied that those terms are reasonable.
- (6) [<sup>F50</sup>A cancellation made in pursuance of an application under subsection (1) above] shall not take effect until the date when the agreement takes effect; and if the cancellation is registered before that date, the date on which it is to take effect shall be noted on the register.
- (7) The cancellation of the registration shall be without prejudice to a further registration of a rent at any time after cancellation.
- (8) The rent officer shall notify the applicants of his decision to grant, or to refuse, any application under this section.
- (9) In this section “rent agreement” means—
- (a) an agreement increasing the rent payable under a protected tenancy which is a regulated tenancy, or
  - (b) where a regulated tenancy is terminated, and a new regulated tenancy is granted at a rent exceeding the rent under the previous tenancy, the grant of the new tenancy.

#### Textual Amendments

- F44** Words “2 years” were substituted for the words “3 years” except in any case where, on the determination or confirmation of a rent by the rent officer, the rent determined by him is registered, or his confirmation is noted in the register, before 28.11.1980 by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 40](#)

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- F45** S. 73(1A) inserted by Housing Act 1980 (c. 51, SIF 61), s. 62(2)  
**F46** S. 73(3) substituted by Housing Act 1980 (c. 51, SIF 61), s. 62(3)  
**F47** Words inserted by Housing Act 1980 (c. 51, SIF 61), s. 62(4)(a)  
**F48** Words inserted by Housing Act 1980 (c. 51, SIF 61), s. 62(4)(b)  
**F49** Words inserted by Housing Act 1980 (c. 51, SIF 61), s. 62(5)  
**F50** Words substituted by Housing Act 1980 (c. 51, SIF 61), s. 62(6)

## 74 Regulations.

- (1) The Secretary of State may make regulations—
- (a) prescribing the form of any notice, application, register or other document to be given, made or used in pursuance of this Part of this Act;
  - (b) regulating the procedure to be followed
    - <sup>F51</sup>(i) by rent officers under this Act; and
    - (ii) by rent assessment committees whether under this Act or otherwise; and]
  - (c) prescribing anything required or authorised to be prescribed by this Part of this Act.
- (2) Regulations under subsection (1)(b) above may contain provisions modifying the following provisions of this Act:—
- (a) Section 67, . . . <sup>F52</sup> or 72;
  - (b) Part I . . . <sup>F52</sup> of Schedule 11;
  - (c) . . . . . <sup>F53</sup>
- but no regulations containing such provisions shall have effect unless approved by a resolution of each House of Parliament.
- (3) Regulations made under this section shall be made by statutory instrument which, except in a case falling within subsection (2) above, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### Textual Amendments

- F51** Words in s. 74(1)(b) substituted (2.9.1993) by 1993 c. 28, s. 187(1), **Sch. 21 para. 7**; S.I. 1993/2134, **arts. 2, 3**  
**F52** Words repealed by Housing Act 1988 (c. 50, SIF 61, 75:1), s. 140(2), **Sch. 18**  
**F53** S. 74(2)(c) repealed by Housing Act 1988 (c. 50, SIF 61, 75:1), s. 140(2), **Sch. 18**

### Modifications etc. (not altering text)

- C2** S. 74(1)(b) extended (2.9.1993) by 1993 c. 28, s. 91(5)(a); S.I. 1993/2134, **arts. 2,3**  
 S. 74(1)(b) extended by 1985 c. 70 s. 31A (as inserted (23.8.1996 for specified purposes and 1.9.1997 to the extent not already in force (subject to Sch. para. 1 of S.I. 1997/1851 for specified purposes) and otherwise 11.8.1998) by 1996 c. 52, s. 83(3); S.I. 1996/2212, **art. 2(1)**; S.I. 1997/1851, **art. 2(a)**; S.I. 1998/1768, **art. 2** (with art. 3))  
 S. 74(1)(b) extended by 1987 c. 31, s. 24A (as inserted (23.8.1996 for specified purposes and to the extent not already in force and 1.9.1997 subject to Sch. para. 2 of S.I. 1997/1851) by 1996 c. 52, s. 86(5); S.I. 1996/2212, **art. 2(1)**; S.I. 1997/1851, **art. 2(b)**)  
 S. 74(1)(b) extended (23.8.1996 for specified purposes and otherwise *prosp.*) by 1996 c. 52, s. 119(2); S.I. 1996/2212, **art. 2(1)**

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## **75 Interpretation of Part IV.**

- (1) In this Part of this Act, except where the context otherwise requires—
  - “improvement” includes structural alteration, extension or addition and the provision of additional fixtures or fittings, but does not include anything done by way of decoration or repair;
  - “prescribed” means prescribed by regulations under section 74 of this Act, and references to a prescribed form include references to a form substantially to the same effect as the prescribed form.
- (2) References in this Part of this Act to rates, in respect of a dwelling-house, include references to such proportion of any rates in respect of a hereditament of which the dwelling-house forms part as may be agreed in writing between the landlord and the tenant or determined by the county court.

**Status:**

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**Changes to legislation:**

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