



Rent Act 1977

1977 CHAPTER 42

PART V

RENTS UNDER RESTRICTED CONTRACTS

76 ^{F1}

Textual Amendments

F1 Ss. 15(6), 17, 18(3)(4), 24(1)(2), 27–43, 50, 53, 67(6), 70(5), 76, 79(4), 86(5), 91, 92(6)(7), 108–113, 115, 117, 130, 133–135, 141(2), 155(1), Sch. 1 para. 8, Schs. 3, 4, 6, Sch. 7 para. 4, Sch. 10 para. 10, Sch. 11 paras. 13, 14, 15–25, Sch. 13, Sch. 14 para. 6, Sch. 17 paras. 10, 11, Sch. 19, Sch. 20 paras. 1(6)(7), 4, Schs. 21, 22, Sch. 23 paras. 1, 4(g)–(i), 37, 38 repealed by Housing Act 1980 (c. 51), **Sch. 26**

Control of rents

77 **Reference of contracts to rent tribunals and obtaining by them of information.**

- (1) Either the lessor or the lessee under a restricted contract . . . ^{F2} may refer the contract to the rent tribunal . . . ^{F3}.
- (2) Where a restricted contract is referred to a rent tribunal under subsection (1) above they may, by notice in writing served on the lessor, require him to give to them, within such period (not less than 7 days from the date of the service of the notice) as may be specified in the notice, such information as they may reasonably require regarding such of the prescribed particulars relating to the contract as are specified in the notice.
- (3) If, within the period specified in a notice under subsection (2) above, the lessor fails without reasonable cause to comply with the provisions of the notice he shall be

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liable on a first conviction to a fine not exceeding £50 and on a second or subsequent conviction to a fine not exceeding £100.

- (4) Proceedings for an offence under this section shall not be instituted otherwise than by the local authority.

Textual Amendments

- F2** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140, Sch. 17 para. 23, **Sch. 18**
F3 Words repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**

Modifications etc. (not altering text)

- C1** [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

78 Powers of rent tribunals on reference of contracts.

- (1) Where a restricted contract is referred to a rent tribunal and the reference is not, before the tribunal have entered upon consideration of it, withdrawn by the party or authority who made it, the tribunal shall consider it.
- (2) After making such inquiry as they think fit and giving to—
- (a) each party to the contract, and
 - (b) if the general management of the dwelling is vested in and exercisable by a housing authority, that authority,
- an opportunity of being heard or, at his or their option, of submitting representations in writing, the tribunal, subject to subsections (3) and (4) below,—
- (i) shall approve the rent payable under the contract, or
 - (ii) shall reduce or increase the rent to such sum as they may, in all the circumstances, think reasonable, or
 - (iii) may, if they think fit in all the circumstances, dismiss the reference,
- and shall notify the parties . . . ^{F4} of their decision.

[^{F5}(2A) In any case where under Part I of the Local Government Finance Act 1992 the lessor, or any person having any title superior to that of the lessor, is liable to pay council tax in respect of a hereditament (“the relevant hereditament”) of which the dwelling forms part, the tribunal shall have regard to the amount of council tax which, as at the date on which the reference to the tribunal was made, was set by the billing authority—

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

(2B) In subsection (2A) 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.]

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- (3) On the reference of a restricted contract relating to a dwelling for which a rent is registered under Part IV of this Act, the rent tribunal may not reduce the rent payable under the contract below the amount which would be recoverable from the tenant under a regulated tenancy of the dwelling.
- (4) An approval, reduction or increase under this section may be limited to rent payable in respect of a particular period.
- (5) In [^{F6}subsection (2)] above “housing authority” [^{F7}means a local housing authority within the meaning of the Housing Act 1985].

Textual Amendments

- F4** Words repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 26](#)
- F5** [S. 78\(2A\)\(2B\)](#) inserted (1.4.1993) by S.I. 1993/651, art. 2(1), [Sch. 1 para.8](#)
- F6** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. 1 para. 42](#)
- F7** Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, [Sch. 2 para. 35\(4\)](#)

79 Register of rents under restricted contracts.

- (1) The [^{F8}president of every rent assessment panel] 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 the Secretary of State may direct.
 - (2) The register shall be so prepared and kept up to date as to contain, with regard to any contract relating to a dwelling situated in the area of the [^{F9}rent assessment panel] and under which a rent is payable which has been approved, reduced or increased under section 78 of this Act, entries of—
 - (a) the prescribed particulars with regard to the contract;
 - (b) a specification of the dwelling to which the contract relates; and
 - (c) the rent as approved, reduced or increased by the rent tribunal, and, in a case in which the approval, reduction or increase is limited to rent payable in respect of a particular period, a specification of that period.
 - (3) Where any rates in respect of a dwelling are borne by the lessor or any person having any title superior to that of the lessor, the amount to be entered in the register under this section as the rent payable for the dwelling shall be the same as if the rates were not so borne; but the fact that they are so borne shall be noted in the register.
- [^{F10}(3A) The amount to be entered in the register under this section as the rent payable for a dwelling shall include any sums payable by the lessee to the lessor in respect of council tax, whether or not those sums are separate from the sums payable for the occupation of the dwelling or are payable under separate agreements.]
- (4) ^{F11}
 - (5) A copy of an entry in the register certified under the hand of an officer duly authorised in that behalf by the [^{F12}president of the rent assessment panel concerned] shall be receivable in evidence in any court and in any proceedings.

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- (6) A person requiring such a certified copy shall be entitled to obtain it on payment of the prescribed fee.
- [^{F13}(6A) Every local authority shall, before the expiry of the period of three months beginning of the commencement of paragraph 44 of Schedule 25 to the Housing Act 1980, send to the president of the appropriate rent assessment panel the register previously kept by the authority under this section.]

Textual Amendments

- F8** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 25 Pt. I para. 43(a)**
- F9** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 25 Pt. I para. 43(b)**
- F10** [S. 79\(3A\)](#) inserted (1.4.1993) by [S.I. 1993/651](#), art. 2(1), **Sch. 1 para. 9**
- F11** [S. 79\(4\)](#) repealed by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 26**
- F12** Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 25 Pt. I para. 43(d)**
- F13** [S. 79\(6A\)](#) inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), **Sch. 25 Pt. I para. 44**

80 Reconsideration of rent after registration.

- (1) Where the rent payable for any dwelling has been entered in the register under section 79 of this Act the lessor or the lessee . . . ^{F14} may refer the case to the rent tribunal for reconsideration of the rent so entered.
- (2) Where the rent under a restricted contract has been registered under section 79 of this Act, a rent tribunal shall not be required to entertain a reference, made otherwise than by the lessor and the lessee jointly, for the registration of a different rent for the dwelling concerned before the expiry of the period of [^{F15}2 years] beginning on the date on which the rent was last considered by the tribunal, except on the ground that, since that date, there has been such a change in—
- (a) the condition of the dwelling,
 - (b) the furniture or services provided,
 - (c) the terms of the contract, or
 - (d) any other circumstances taken into consideration when the rent was last considered,
- as to make the registered rent no longer a reasonable rent.
- [^{F16}(3) If the dwelling forms part of a hereditament in respect of which the lessor, or any person having any title superior to that of the lessor, is liable under Part I of the Local Government Finance Act 1992 to pay council tax or was so liable on the date on which the rent was last considered by the tribunal, then, in determining for the purposes of subsection (2) above whether since that date there has been such a change falling within paragraph (d) of that subsection as to make the registered rent no longer a reasonable 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.

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- (4) In subsection (3) 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 (3) and in Part I of that Act (other than “dwelling”) have the same meaning in that subsection as in that Part.]

Textual Amendments

- F14** Words repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(2), **Sch. 18**
F15 Words substituted with saving by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. 70
F16 [S. 80\(3\)\(4\)](#) added (1.4.1993) by [S.I. 1993/651](#), art. 2(1), **Sch. 1 para.10**

[^{F17}80A Reference before 1st April 1994 for interim increase of rent in certain cases where lessor liable for council tax

- (1) In any case where—
- under Part I of the Local Government Finance Act 1992 the lessor under a restricted contract or any person having any title superior to that of the lessor is liable to pay council tax in respect of a hereditament which includes the dwelling to which the restricted contract relates,
 - under the terms of the restricted contract (or an agreement collateral to the contract) the lessee is liable to make payments to the lessor in respect of council tax,
 - the case falls within subsection (2) or subsection (3) below, and
 - no previous reference under this section in relation to the dwelling has been made to the rent tribunal,
- the lessor or the lessee may, subject to subsection (4) below, refer the contract to the rent tribunal under this section for consideration of an increased rent.
- (2) The case falls within this subsection if—
- a rent has been entered in the register under section 79 of this Act before 1st April 1993,
 - the period of two years beginning on the date on which the rent was last considered by the tribunal has not yet expired, and
 - since that date there has been no such change in circumstances of a kind mentioned in paragraphs (a) to (d) of section 80 of this Act (other than circumstances relating to council tax) as to make the registered rent no longer a reasonable rent.
- (3) The case falls within this subsection if a reference under section 77 or 80 of this Act has been made before 1st April 1993 but has not been disposed of before that date.
- (4) No reference may be made under this section after 31st March 1994.
- (5) Where a reference is made under this section—
- the rent tribunal shall (after making such inquiry as they think fit and giving to each party to the contract an opportunity of being heard or of submitting representations in writing) increase the amount of the existing registered rent by such amount as is reasonable, having regard to the provisions of section 78(2A) of this Act, to take account of the lessee’s liability to make payments to the lessor in respect of council tax, and

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- (b) the amount to be registered under section 79 of this Act as the rent of the dwelling shall be the existing registered rent plus the amount referred to in paragraph (a) above.
- (6) Where in a case to which subsection (3) above applies a rent tribunal have before them at the same time a reference under section 77 or 80 of this Act and a reference under this section and the rent tribunal propose to entertain the two references together, the tribunal shall approve, reduce or increase the rent under the reference under section 77 or 80 before making their increase in relation to the reference under this section; and the reference in subsection 5(a) above to the existing registered rent shall have effect as a reference to the rent determined on the reference under section 77 or 80.
- (7) In this section “hereditament” means a dwelling within the meaning of Part I of the Local Government Finance Act 1992.]

Textual Amendments

F17 S. 80A inserted (1.4.1993) by S.I. 1993/651, art. 2(2), Sch. 2 para. 5

81 Effect of registration of rent.

- (1) Where the rent payable for any dwelling is entered in the register under section 79 of this Act, it shall not be lawful to require or receive on account of rent for that dwelling under a restricted contract payment of any amount in excess of the rent so registered—
- (a) in respect of any period subsequent to the date of the entry, or
 - (b) where a particular period is specified in the register, in respect of that period.
- (2) Where subsection (3) of section 79 applies, the amount entered in the register under that section shall be treated for the purposes of this section as increased for any rental period by the amount of the rates for that period, ascertained in accordance with Schedule 5 to this Act.
- (3) Where any payment has been made or received in contravention of this section, the amount of the excess shall be recoverable by the person by whom it was paid.
- (4) Any person who requires or receives any payment in contravention of this section shall be liable to a fine not exceeding [^{F18}level 3 on the standard scale] or to imprisonment for a term not exceeding 6 months or both, and, without prejudice to any other method of recovery, the court by which a person is found guilty of an offence under this subsection may order the amount paid in excess to be repaid to the person by whom the payment was made.
- (5) Proceedings for an offence under this section shall not be instituted otherwise than by the local authority.

Textual Amendments

F18 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46

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[^{F19}81A Cancellation of registration of rent.

- (1) Where the rent payable for any dwelling is entered in the register under section 79 of this Act, the rent tribunal shall cancel the registration of entry, on an application made under this section, if—
 - (a) ^{F20}
 - (b) the dwelling is not for the time being subject to a restricted contract; and
 - (c) the application is made by the person who would be the lessor if the dwelling were subject to a restricted contract.
- (2) An application under this section must be in the prescribed form, and contain the prescribed particulars.
- (3) Cancellation of the registration shall be without prejudice to a further registration of a rent at any time after the cancellation.
- (4) The rent tribunal shall notify the applicant of their decision to grant, or to refuse, any application under this section.]

Textual Amendments

F19 S. 81A inserted by [Housing Act 1980 \(c. 51, SIF 61\)](#), s. **71(1)**

F20 S. 81A(1)(a) repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), ss. 36(4), 140(2), [Sch. 18](#)

Miscellaneous and general

82 Jurisdiction of rent tribunals.

Where a restricted contract is referred to a rent tribunal under this Part, or Part VII, of this Act and—

- (a) the contract relates to a dwelling consisting of or comprising part only of a hereditament, and
- (b) no apportionment of the rateable value of the hereditament has been made under section 25 of this Act,

then, unless the lessor in the course of the proceedings requires that such an apportionment shall be made and, within 2 weeks of making the requirement, brings proceedings in the county court for the making of the apportionment, the rent tribunal shall have jurisdiction to deal with the reference if it appears to them that, had the apportionment been made, they would have had jurisdiction.

83 Local authorities for Part V.

- (1) For the purposes of this Part of this Act, the local authority shall be—

- ^{F21}(a) in a London borough or district, the council of the London borough or district in question or, where the district is in a county in England and does not have a district council, the council of the county in question,]
- ^{F22}(aa) in a Welsh county or county borough, the council of the county or county borough in question,]

and

- (b) in the City of London, the Common Council.

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- (2) The local authority shall have power to publish information regarding the provisions of this Part, and sections 103 to 106, of this Act.

Textual Amendments

- F21** S. 83(1)(a) substituted (13.10.1995) by S.I. 1995/2451, **reg. 5**
F22 S. 83(1)(aa) inserted (1.4.1996) by 1994 c. 19, s. 22(2), **Sch. 8 para. 3(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

84 Regulations.

The Secretary of State may by statutory instrument make regulations—

- (a)^{F23}
(c) for prescribing anything which is required by this Part of this Act to be prescribed; and
(d) generally for carrying into effect the provisions of this Part, and sections 103 to 106, of this Act.

Textual Amendments

- F23** S. 84(a)(b) repealed by **Housing Act 1980 (c. 51, SIF 61)**, **Sch. 26**

85 Interpretation of Part V.

- (1) In this Part of this Act, except where the context otherwise requires,—
“dwelling” means a house or part of a house;
“lessee” means the person to whom is granted, under a restricted contract, the right to occupy the dwelling in question as a residence and any person directly or indirectly deriving title from the grantee;
“lessor” means the person who, under a restricted contract, grants to another the right to occupy the dwelling in question as a residence and any person directly or indirectly deriving title from the grantor;
“register” means the register kept by [^{F24}president of the rent assessment panel concerned] in pursuance of section 79 of this Act;
“rent tribunal” [^{F25}shall be construed in accordance with section 72 of the Housing Act 1980]
“services” includes attendance, the provision of heating or lighting, the supply of hot water and any other privilege or facility connected with the occupancy of a dwelling, other than a privilege or facility requisite for the purposes of access, cold water supply or sanitary accommodation.
- (2) References in this Part of this Act to a party to a contract include references to any person directly or indirectly deriving title from such a party.
- (3) Where separate sums are payable by the lessee of any dwelling to the lessor for any two or more of the following:—
(a) occupation of the dwelling,
(b) use of furniture, and
(c) services,

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any reference in this Part of this Act to “rent” in relation to that dwelling is a reference to the aggregate of those sums and, where those sums are payable under separate contracts, those contracts shall be deemed to be one contract.

- (4) The references in sections 79(3) and 81(2) of this Act to rates, in respect of a dwelling, include references to such proportion of any rates in respect of a hereditament of which the dwelling forms part as may be agreed in writing between the lessor and the lessee or determined by the county court.

Textual Amendments

F24 Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 45\(a\)](#)

F25 Words substituted by [Housing Act 1980 \(c. 51, SIF 61\)](#), [Sch. 25 Pt. I para. 45\(b\)](#)

Status:

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Changes to legislation:

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