

Changes to legislation: There are currently no known outstanding effects for the Rent (Scotland) Act 1984, SCHEDULE 6. (See end of Document for details)

SCHEDULES

SCHEDULE 6

CERTIFICATES OF FAIR RENT

- 1 An application for a certificate of fair rent—
 - (a) must be in the prescribed form;
 - (b) must state the rent to be specified in the certificate;
 - (c) in the case mentioned in paragraph (a) of section 47(1) above, must be accompanied by plans and specifications of the works to be carried out and, if the works to be carried out are works of improvement, must state whether the dwelling-house is for the time being subject to a regulated tenancy; 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.
- 2 (1) If it appears to the rent officer that the information supplied to him is insufficient to enable him to issue a certificate of fair rent he shall serve on the applicant a notice stating that he will not entertain the application and that, if a request in writing to that effect is made by the applicant within 14 days from the service of the notice or such longer period as a rent officer or ^{F1}the First-tier Tribunal may allow, the rent officer will refer the application to ^{F1}the First-tier Tribunal.
 - (2) If such a request is made, then—
 - (a) if it is made within the period of 14 days referred to in sub-paragraph (1) above or ^{F2}the First-tier Tribunal so directs], the rent officer shall refer the application to ^{F3}the First-tier Tribunal];
 - (b) if it is made after the expiry of that period, the rent officer may either refer the application to ^{F3}the First-tier Tribunal] or seek the directions of ^{F3}the First-tier Tribunal] whether so to refer it.

Textual Amendments

- F1** Words in Sch. 6 para. 2(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(29\)\(a\)\(i\)](#) (with sch. 1)
- F2** Words in Sch. 6 para. 2(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(29\)\(a\)\(ii\)\(aa\)](#) (with sch. 1)
- F3** Words in Sch. 6 para. 2(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(29\)\(a\)\(ii\)\(bb\)](#) (with sch. 1)

- 3 If it appears to the rent officer that the information supplied to him is sufficient and that the rent stated in the application would be a fair rent he may, unless the

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dwelling-house is subject to a regulated tenancy, issue a certificate specifying that rent and the other terms referred to in section 47(2) above.

- 4 (1) If it appears to the rent officer that the information is sufficient but either—
- (a) he is not satisfied that the rent stated in the application would be a fair rent, or
 - (b) the dwelling-house is subject to a regulated tenancy,
- he shall serve on the applicant a notice stating that he proposes, at a time (which shall not be earlier than seven days after the service of the notice) and place specified in the notice, to consider in consultation with the applicant, if present at that time and place, what rent ought to be specified in the certificate.
- (2) At any such consultation the applicant may be represented by a person authorised by him in that behalf, whether or not that person is an advocate or a solicitor.
- 5 After considering in accordance with paragraph 4 above what rent ought to be specified in the certificate, the rent officer shall determine a fair rent and shall serve on the applicant a notice stating that he proposes to issue a certificate specifying that rent, unless within 14 days from the service of the notice, or such longer period as the rent officer or [^{F4}the First-tier Tribunal] may allow, the applicant requests in writing that the application should be referred to [^{F4}the First-tier Tribunal].

Textual Amendments

- F4** Words in Sch. 6 para. 5 substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(29\)\(b\)](#) (with sch. 1)

- 6 (1) If such a request as is referred to in paragraph 5 above is made, then—
- (a) if it is made within the period of 14 days referred to in that paragraph or [^{F5}the First-tier Tribunal so directs], the rent officer shall refer the application to [^{F6}the First-tier Tribunal];
 - (b) if it is made after the expiry of that period, the rent officer may either refer the application to [^{F6}the First-tier Tribunal] or seek the directions of [^{F6}the First-tier Tribunal] whether so to refer it.
- (2) If no such request is made or if such a request is made but the application is not referred to [^{F7}the First-tier Tribunal], the rent officer shall issue the certificate.

Textual Amendments

- F5** Words in Sch. 6 para. 6(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(29\)\(c\)\(i\)\(aa\)](#) (with sch. 1)
- F6** Words in Sch. 6 para. 6(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(29\)\(c\)\(i\)\(bb\)](#) (with sch. 1)
- F7** Words in Sch. 6 para. 6(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(29\)\(c\)\(ii\)](#) (with sch. 1)

- 7 (1) Where an application is referred to [^{F8}the First-tier Tribunal], then if the reference is under paragraph 2 above and it appears to the [^{F9}First-tier Tribunal] that the

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information supplied by the applicant to the rent officer is insufficient to enable a certificate of fair rent to be issued [F10]it] shall notify the applicant accordingly.

- (2) In any other case where an application is referred to [F11]the First-tier Tribunal, it] shall serve on the applicant 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 [F12]First-tier Tribunal].
- (3) Where, within the period specified under sub-paragraph (2) above or such further period as the [F13]First-tier Tribunal] may allow, the applicant requests to make oral representations, the [F13]First-tier Tribunal] 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 an advocate or a solicitor.

Textual Amendments

- F8** Words in Sch. 6 para. 7(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(29\)\(d\)\(i\)\(aa\)](#) (with sch. 1)
- F9** Words in Sch. 6 para. 7(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(29\)\(d\)\(i\)\(bb\)](#) (with sch. 1)
- F10** Word in Sch. 6 para. 7(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(29\)\(d\)\(i\)\(cc\)](#) (with sch. 1)
- F11** Words in Sch. 6 para. 7(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(29\)\(d\)\(ii\)\(aa\)](#) (with sch. 1)
- F12** Words in Sch. 6 para. 7(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(29\)\(d\)\(ii\)\(bb\)](#) (with sch. 1)
- F13** Words in Sch. 6 para. 7(3) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(29\)\(d\)\(iii\)](#) (with sch. 1)

- 8 (1) After considering any representation made to them in pursuance of paragraph 7 above, the [F14]First-tier Tribunal] shall determine a fair rent for the dwelling-house and shall notify the applicant and the rent officer accordingly.
- (2) On receiving the notification the rent officer shall issue to the applicant a certificate of fair rent specifying the rent determined by the [F14]First-tier Tribunal].

Textual Amendments

- F14** Words in Sch. 6 para. 8 substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(29\)\(e\)](#) (with sch. 1)

- 9 Where an application under this Schedule is made with respect to a dwelling-house which it is intended to improve and the dwelling-house is subject to a regulated tenancy—

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- (a) a notice under paragraph 4, 5, 7(2) or 8 above shall be served on the tenant as well as on the applicant and any notice served under paragraph 4, 5 or 7(2) above shall refer to consultation with, or, as the case may be, a request or representations by, the tenant as well as the applicant;
- (b) the tenant may make representations, request reference to a rent assessment committee and be present or represented in like manner as the applicant, and references in this Schedule to the applicant shall be construed accordingly; and
- (c) a copy of any certificate of fair rent issued in pursuance of the application shall be sent to the tenant.

10 Where the rent specified in a certificate of fair rent includes any amount which, if the rent specified in the certificate had been registered, would require to be noted on the register in pursuance of section 49(2) above, that amount shall be noted on the certificate; and there shall be included among the matters with respect to which representations may be made or consultations are to be held or notices to be given under this Schedule, any amount to be noted on the certificate in pursuance of this paragraph.

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