



# Housing Act 1988

## 1988 CHAPTER 50

### PART I

#### RENTED ACCOMMODATION

### CHAPTER II

#### ASSURED SHORTHOLD TENANCIES

## **22 Reference of excessive rents to rent assessment committee**

- (1) Subject to section 23 and subsection (2) below, the tenant under an assured shorthold tenancy in respect of which a notice was served as mentioned in section 20(2) above may make an application in the prescribed form to a rent assessment committee for a determination of the rent which, in the committee's opinion, the landlord might reasonably be expected to obtain under the assured shorthold tenancy.
- (2) No application may be made under this section if—
  - (a) the rent payable under the tenancy is a rent previously determined under this section; or
  - (b) the tenancy is an assured shorthold tenancy falling within subsection (4) of section 20 above (and, accordingly, is one in respect of which notice need not have been served as mentioned in subsection (2) of that section).
- (3) Where an application is made to a rent assessment committee under subsection (1) above with respect to the rent under an assured shorthold tenancy, the committee shall not make such a determination as is referred to in that subsection unless they consider—
  - (a) that there is a sufficient number of similar dwelling-houses in the locality let on assured tenancies (whether shorthold or not); and
  - (b) that the rent payable under the assured shorthold tenancy in question is significantly higher than the rent which the landlord might reasonably be

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*Status: This is the original version (as it was originally enacted).*

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expected to be able to obtain under the tenancy, having regard to the level of rents payable under the tenancies referred to in paragraph (a) above.

- (4) Where, on an application under this section, a rent assessment committee make a determination of a rent for an assured shorthold tenancy—
- (a) the determination shall have effect from such date as the committee may direct, not being earlier than the date of the application;
  - (b) if, at any time on or after the determination takes effect, the rent which, apart from this paragraph, would be payable under the tenancy exceeds the rent so determined, the excess shall be irrecoverable from the tenant; and
  - (c) no notice may be served under section 13(2) above with respect to a tenancy of the dwelling-house in question until after the first anniversary of the date on which the determination takes effect.
- (5) Subsections (4), (5) and (8) of section 14 above apply in relation to a determination of rent under this section as they apply in relation to a determination under that section and, accordingly, where subsection (5) of that section applies, any reference in subsection (4)(b) above to rent is a reference to rent exclusive of the amount attributable to rates.