

1969 No. 1846 (S.162)

**LANDLORD AND TENANT
RENT CONTROL, ETC (SCOTLAND)**

**The Rent Regulation (Forms etc.) (Scotland)
(Amendment) Regulations 1969**

<i>Made</i>	- - -	18th December 1969
<i>Laid before Parliament</i>		31st December 1969
<i>Coming into Operation</i>		1st January 1970

In exercise of the powers conferred upon me by section 46 of the Rent Act 1965(a), section 6(4) of the Rent (Control of Increases) Act 1969(b), and of all other powers enabling me in that behalf, I hereby make the following regulations :—

1. These regulations may be cited as the Rent Regulation (Forms etc) (Scotland) (Amendment) Regulations 1969 and shall come into operation on 1st January 1970.

2. The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

3. Schedule 2 to the Rent Regulations (Forms etc) (Scotland) Regulations 1969(d) shall be amended as follows :—

- (a) in the List of Forms there shall be added at the end of the title of Form No. 3 the words “or under the Rent (Control of Increases) Act 1969” ;
- (b) in the List of Forms there shall be added the title of Form No. 4A as set out in Schedule 1 hereto ;
- (c) in the heading to Form No. 3 there shall be inserted after the words “Act 1969” the words “or under the Rent (Control of Increases) Act 1969” ;
- (d) after Form No. 4 there shall be inserted Form No. 4A as set out in Schedule 2 hereto, as the form prescribed for a notice of increase served consequent upon the registration of a rent under Part II of the Rent Act 1965 where there is a period of delay under section 5 of the Rent (Control of Increases) Act 1969.

William Ross,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.
18th December 1969.

(a) 1965 c. 75.
(c) 1889 c. 63.

(b) 1969 c. 62.
(d) S.I. 1969/1419 (1969 III, p. 4478).

SCHEDULE 1

<i>Form Number</i>	<i>Purpose</i>	<i>Reference to sections or schedules</i>
4A	Form of notice of increase of rent under section 7(b) of the Rent Act 1965 where a rent has been registered and there are restrictions on rent increases under the Rent (Control of Increases) Act 1969.	7(b)1

SCHEDULE 2

FORM NO. 4A

RENT ACT 1965

RENT (CONTROL OF INCREASES) ACT 1969

Form of Notice of Increase of Rent under section 7(b) of the Rent Act 1965 where a rent has been registered and there are restrictions on rent increases under the Rent (Control of Increases) Act 1969 (Note 1).

Date.....

To.....tenant of.....

1. A rent of £ per was registered on as the fair rent for the above mentioned dwelling (Note 2) [of which £ per was noted in the Register as the amount apportioned to services provided by the landlord (Note 3)].

Strike out words in square brackets if they do not apply.

2. Where a rent for a dwelling which is subject to a regulated tenancy is registered in 1970 or 1971 there is, by virtue of section 5 of the Rent (Control of Increases) Act 1969, a period of delay determined in accordance with the Schedule to that Act and the rent payable for any statutory period of the tenancy (Note 4) may only be increased in such stages as are permitted in that Schedule (Note 5).

3. [It is noted in the register that the rates for the above mentioned premises are paid by the landlord. These are currently £ per year and the landlord is entitled to add this amount to the rent he is otherwise permitted to obtain (Note 6)].

4. I hereby give you notice that your rent will be increased from your present rent of £ per by an increase of £ per to the new rent of £ per and the date from which such increase is to take effect is (Note 7).

5. The rental period for which the rent is being increased by this notice begins in the first [first] [second] year of the period of delay (Note 5) and the following information is relevant to the calculation of the increase.

- a. The amount of the previous limit (Note 8) £ per
- b. The amount apportioned to services (Note 3) £ per
- c. The appropriate proportion of the difference between the registered rent and the sum of a. and b. (Note 9) £

6. [The new rent includes the sum of £ per in respect of rates paid by the landlord].

Signature of [landlord] [agent authorised to serve this notice]

.....
[Name of landlord if notice served by agent.....]

.....]
Address of landlord.....

.....
[Address of agent

.....]

NOTES

1. This Notice of Increase is needed where a dwelling house is let on a tenancy
 - (a) which is regulated under the Rent Act 1965; and
 - (b) which either has become a statutory tenancy or will become one under section 9(3) of that Act (Note 3); and
 - (c) for which a fair rent is registered under that Act in the year 1970 or 1971 other than:

(i) a rent to which the restrictions on rent increases under the Housing (Scotland) Act 1969 apply; or

(ii) a rent registered in accordance with a certificate of fair rent (except in the case of a rent so registered which is in substitution for a rent with respect to which there is a period of delay under the Rent (Control of Increases) Act 1969).

2. The Rent Register may be inspected at the office of the Rent Officer.

3. The amount apportioned to services is that part of the increase in rent which is regarded as representing an increase in the cost of any services provided by the landlord and the amount so noted is excluded from the restrictions on increases in rent (Note 9).

4. If there is still a contract of tenancy between the landlord and tenant the registration of a fair rent which is higher than the rent payable under that contract does not allow the landlord to increase the rent unless there is a provision to that effect in the contract. In a case where there is a period of delay under the Rent (Control of Increases) Act 1969 the limits under that Act continue to apply notwithstanding any agreement purporting to entitle the landlord to charge a higher rent.

If however a contractual tenancy has come to an end and the tenant is holding over as a statutory tenant under the Rent Acts, the landlord may increase the rent by the service of notice(s) of increase to the extent permitted by the Rent (Control of Increases) Act 1969.

If this Notice is served while the regulated tenancy is still a contractual one and the landlord, by serving a notice to quit at the same time as this Notice could bring the tenancy to an end before the date specified in this Notice for the increase in rent to take effect, this Notice will operate, by virtue of section 9(3) of the Rent Act 1965, to convert the tenancy into a statutory tenancy as from that date.

5. The Schedule to the 1969 Act provides for a two year or one year period of delay with respect to the rent registered beginning with the date of registration, according as to whether it was registered in 1970 or 1971.

For rents registered in 1970 one-third of the net increase (or 7s 6d per week if one-third is less than this) can be added from the commencement of the first rental period following registration, one-third (or 7s 6d per week if one-third is less than this) on the corresponding date in 1971 and one-third (or the balance) on the corresponding date in 1972.

For rents registered in 1971, one-third (or 7s 6d per week if one-third is less than this) can be added from the first rental period following registration, and the balance on the corresponding date in 1972.

6. The phasing restrictions do not apply to any changes in rent resulting from changes in rates borne by the landlord.

7. This date must be a date which is not earlier than:

- (i) the date of registration or
- (ii) four weeks before the service of this Notice, or
- (iii) the commencement of the first rental period beginning during the first or second year of the period of delay as the case may be.

If this Notice is served while the regulated tenancy is still contractual then the date must be one later than the date on which the tenancy could be brought to an end by a notice to quit served at the same time as this notice (Note 4).

8. The previous limit of rent is the amount which the landlord could have charged immediately before the registration in question, on the assumption that he had served all permissible notices of increase.

9. The amount of increase permitted is the appropriate proportion, calculated according to the year of the period of delay (Note 5), of the difference between the registered rent and sum of

- (a) the amount of the previous limit (Note 8) and
- (b) the amount apportioned to services (Note 3).

The appropriate proportion by which the rent for any rental period may be increased is

- (a) one-third (or 7s 6d per week if one-third is less than this) if the rental period begins in the first year in the period of delay and
- (b) (in a case where the period of delay is two years) two-thirds (or 15s 0d per week if two-thirds is less than this) if the rental period begins in the second year of the period of delay.

EXPLANATORY NOTE

(This Order is not part of the Regulations.)

These Regulations prescribe a new form of notice of increase of rent to be served in cases where a rent is registered under Part II of the Rent Act 1965 and there is a period of delay under the Rent (Control of Increases) Act 1969. They also amend the heading of Form No. 3 in Schedule 2 to the Rent Regulation (Forms etc.) (Scotland) Regulations 1969.