

1980 No. 1700

LANDLORD AND TENANT

The Rent Assessment Committees (England and Wales) (Rent Tribunal) Regulations 1980

<i>Made</i> - - - - -	30th October 1980
<i>Laid before Parliament</i>	7th November 1980
<i>Coming into Operation</i>	28th November 1980

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of their powers under section 74 of the Rent Act 1977(a), and of all other powers enabling them in that behalf, and after consultation with the Council on Tribunals, hereby make the following regulations:—

Citation and Commencement

1. These regulations may be cited as the Rent Assessment Committees (England and Wales) (Rent Tribunal) Regulations 1980 and shall come into operation on 28th November 1980.

Interpretation

2. In these regulations, unless the context otherwise requires, “the Act” means the Rent Act 1977 and “Chairman” means the person acting as chairman of the rent tribunal.

Proceedings before rent tribunals

3. Reference to a rent tribunal shall be by written notice. The notice shall specify the address of the house or part of a house to which the restricted contract relates, the names of the lessor and lessee, and the address of the lessor. The notice may be delivered at an office of the rent assessment panel, in which case it shall be deemed to have reached the rent tribunal on the day when it is so delivered, or may be posted to the rent assessment panel, in which case it shall be deemed to have reached the rent tribunal on the day when it would be delivered in the ordinary course of post.

4. Where any reference is made to a rent tribunal, the rent tribunal shall give notice in writing to each party to the restricted contract informing him that he may within such time as the rent tribunal may allow (not being less than fourteen days from the date of the notice) give notice to the rent tribunal that he desires to be heard by them, or may send to the rent tribunal representations in writing:

(a) 1977 c. 42,

Provided that the rent tribunal may extend the time stated in the notice.

5.—(1) If any party to the restricted contract informs the rent tribunal that he desires to be heard, the rent tribunal shall give to each party not less than fourteen clear days' notice in writing of the time and place at which the parties will be heard.

(2) If the house to which the reference relates is one the general management whereof is vested in and exercisable by the local authority as housing authority, the said local authority shall be given an opportunity of being heard, or if they so desire, of submitting representations in writing.

6. At any hearing before a rent tribunal a party to the restricted contract may appear in person or by counsel or a solicitor or by any other representative or may be accompanied by any person whom he may wish to assist him thereat.

7.—(1) Subject to the provisions of these regulations the procedure at a hearing shall be such as the rent tribunal may determine, and the rent tribunal may if they think fit, and at the request of either party shall, unless for some special reason they consider it undesirable, allow the hearing to be held in public; but nothing in these regulations shall prevent a member of the Council on Tribunals in that capacity from attending any hearing.

(2) The rent tribunal may postpone or adjourn the hearing from time to time as they think fit.

8.—(1) The decision of the majority of a rent tribunal shall be the decision of the tribunal. The decision shall be in writing, signed by the chairman, and shall be sent as soon as may be to the parties to the restricted contract, and to the local authority in cases where the restricted contract was referred to the rent tribunal by the authority.

(2) The chairman shall have power, by certificate under his hand, to correct any clerical or accidental error or omission in the said decision.

9. Where any notice is required or authorised by the Act or by these regulations to be given by the rent tribunal it shall be sufficient compliance with the Act or the regulations if the notice is sent by post in a pre-paid letter addressed to the party for whom it is intended at his usual or last known address.

Signed by authority of
the Secretary of State.
28th October 1980.

John Stanley,
Minister for Housing and Construction,
Department of the Environment.

30th October 1980.

Nicholas Edwards,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the regulations.)

These regulations replace paragraphs 4 to 10 of the Furnished Houses (Rent Control) Regulations 1946 (S.R. 80 1946/781), following the repeal by section 152 of, and Schedule 26 to, the Housing Act 1980 (c.51) of section 84 (b) of the Rent Act 1977, which enabled the Secretary of State to make regulations with regard to proceedings before rent tribunals. These regulations deal with the procedure to be followed by rent assessment committees when carrying out the functions formerly conferred on rent tribunals and now carried out by them under section 72 of the Housing Act 1980.

SI 1980/1700
ISBN 0-11-007700-8



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