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STATUTORY INSTRUMENTS

1993 No. 647 (S.93)

LANDLORD AND TENANT RENT CONTROL, ETC (SCOTLAND)

The Rent Regulation (Forms and Information etc.) (Scotland) Amendment Regulations 1993

<i>Made</i>	- - - -	<i>11th March 1993</i>
<i>Laid before Parliament</i>		<i>11th March 1993</i>
<i>Coming into force</i>	- -	<i>1st April 1993</i>

The Secretary of State, in exercise of the powers conferred on him by sections 41(1), 42(1), 45(2) (a) as applied by section 56(2), 51(3), 53(1), 53(1) as applied by section 56(2), 54(1), 80(1) and section 115(1) of, and paragraph 8 of Schedule 5 and paragraph 1 of Schedule 6 to, the Rent (Scotland) Act 1984((1)), and of all other powers enabling him in that behalf, hereby makes the following Regulations:-

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Rent Regulation (Forms and Information etc.) (Scotland) Amendment Regulations 1993 and shall come into force on 1st April 1993.

(2) In these Regulations “the principal Regulations” mean the Rent Regulation (Forms and Information etc) (Scotland) Regulations 1991((2)).

Amendment of principal Regulations

2. The principal Regulations are hereby amended as specified in the Schedule hereto.

(1) 1984 c. 58; section 53(1) was amended by the Housing (Scotland) Act 1988 (c. 43), section 48(1); section 56(2) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73), Schedule 2, paragraph 28 and by the Housing (Scotland) Act 1988 (c. 43), Schedule 10; sections 42(1), 54(1) and 115(1) contain a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

(2) S.I. 1991/1521.

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St Andrew's House,
Edinburgh
11th March 1993

James Douglas-Hamilton
Parliamentary Under Secretary of State Scottish
Office

SCHEDULE

Regulation 2

AMENDMENT OF PRINCIPAL REGULATIONS

1. In Schedule 1 to the principal Regulations (particulars with regard to tenancy which register of rents required to contain), at the end of paragraph 6 there shall be inserted the following paragraph:—

“6A. Whether any amount is payable by the tenant in respect of council tax.”.

2. In Schedule 3 to the principal Regulations (form of notice to be inserted in every rent book etc.)—

(a) at the end of paragraph 3(a) there shall be added the following paragraph:—

“(iii) where the landlord is responsible for payment of the council tax and a payment in respect of the council tax is included in the rent, the amount which is apportioned to it under the tenancy agreement is £ per .*”;

(b) in paragraph 3(b)(i) after the words “furniture and services” there shall be inserted the words “and council tax of £ per .*”; and

(c) (i) after sub paragraph(b)(iii) of paragraph 5 there shall be added the following paragraph:—

“(iv) where an increase is sought in the period commencing on 1st April 1993 and ending on 31st March 1994 in respect of the council tax.”.

3. In Schedule 4 to the principal Regulations (form etc of rent book)—

(a) at the end of paragraph 3(a) there shall be inserted the following paragraph:—

“(iii) where the landlord is responsible for payment of the council tax and a payment in respect of the council tax is included in the rent, the amount which is apportioned to it under the tenancy agreement is £ per .*”; and

(b) at the end of paragraph 4(c) there shall be added the words “or where an increase is sought during the period commencing on 1st April 1993 and ending on 31st March 1994 in respect of the council tax.”.

4. In Schedule 5 to the principal Regulations (forms)—

(a) for the heading to the third column in the List of Forms there shall be substituted the words “Relevant provisions of the Act”;

(b) at the end of the List of Forms there shall be added the following entry:—

“7	Application for an increase of rent in respect of the council tax.	Section 49A”;
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(c) in the notes to Form No. 1—

(i) after note 2 there shall be inserted the following note:—

“2A. Where a landlord is responsible for payment of the council tax and the tenant is required to include in his rent a payment in respect of the council tax, such a payment will be included as part of any registered rent.”; and

(ii) after note 3 there shall be inserted the following note:—

“3A. Where a landlord is responsible for payment of the council tax and he seeks increase in respect of the council tax paragraph 3(c) to (d) above does not apply but an application can not be made after 31st March 1994.”;

(d) In paragraph 4 of Form No. 2 there shall be inserted the following entry:—

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4A Who is liable for the council tax on the property?	The landlord	The tenant
	<input type="checkbox"/>	<input type="checkbox"/>

(e) In paragraph 5 of Form No. 3 there shall be inserted the following entry:-

5A Who is liable for the council tax on the property?	The landlord	The tenant
	<input type="checkbox"/>	<input type="checkbox"/>

(f) at the end there shall be added the following form:-
FORM NO 7RENT (SCOTLAND) ACT 1984: SECTION 49A((3))APPLICATION FOR AN INCREASE OF RENT IN RESPECT OF COUNCIL TAX

(3) Section 49A was inserted by the Local Government Finance (Housing) (Consequential Amendments) (Scotland) Order 1993 (S.I. 1993/658).

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USE THIS FORM WHEN THE LANDLORD IS RESPONSIBLE FOR PAYMENT OF COUNCIL TAX AND YOU WISH TO APPLY TO THE RENT OFFICER FOR A REGISTRATION OF RENT WHICH INCLUDES A CONTRIBUTION TOWARDS THE COUNCIL TAX

All sections **MUST** be completed. Insert "NOT KNOWN" where the information requested is not available.

Where boxes are shown please tick the correct one.

Please send the form to the Rent Registration Service Office for the area in which the dwellinghouse is situated.

Who is liable for council tax?

Landlord

Tenant

If Landlord then complete this form.

To the rent officer

1. Address of dwellinghouse.

2. a. Name, address and telephone number of landlord and of agent (if any).

b. Is landlord a registered housing association?

Yes

No

3. Name and telephone number of tenant and of agent (if any) (and agent's address)

4. Details of dwellinghouse. State what type of dwellinghouse it is, for example, a house, flat or room(s). If it is flat or room(s), say what floor or floors it is on.

Give number and type of rooms.

5. Does the tenancy include any other property? Such as garage, or other separate building or land? If "Yes", give details.

Yes

No

6. Does the tenant share any accommodation

Yes

No

a. with the landlord?

If "Yes", give details.

b. with another tenant?

Yes

No

If "Yes", give details.

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7. Has the rent officer previously registered a fair rent for the dwellinghouse	Yes	No	
	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes,			
when did it come into effect?			
<hr/>			
8. What is the rent now?	£		per (e.g. week, month, quarter etc.)
<hr/>			
9. What is the amount of council tax payable for the property?	£		per annum.
<hr/>			
Please give details of banding.			
<hr/>			
10. What rent do you want the rent officer to register as a fair rent?	£		per (e.g. week, month, quarter etc.).
<hr/>			
11. I/We apply for a registration of a rent.			

Signed

Say whether you are the landlord or the landlord's agent.

Date

If signed by agent, name and address of agent.

Signed

Say whether you are the tenant or the tenant's agent.

Date

If the application is being made jointly by landlord and tenant, both should sign. If this is a joint application, the rent officer may register the rent asked for at question 11 without further consultation. If he does so, there is no right of objection to a rent assessment committee. In an application by joint tenants or joint landlords, they should each sign, unless one signs as agent for the rest with their agreement. In such a case he should state that he is acting as agent.

Note

The registration will not have any effect on the existing rent registration period or the time of the next review.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Rent Regulation (Forms and Information etc) (Scotland) Regulations 1991 (the "principal Regulations") and are consequential on the introduction of the council tax. The Schedule to these Regulations—

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(1) amends where appropriate the forms prescribed by the principal Regulations to make reference to the council tax (paragraphs 2, 3 and 4(c), (d) and (e)).

(2) prescribes the form to be used for application for an increase of rent on account of council tax, as provided for by section 49A of the Rent (Scotland) Act 1984. The form is for use by landlords of all persons who hold tenancies under the Rent (Scotland) Act 1984, or their tenants (paragraph 4(b) and (f)); and

(3) makes other consequential amendments and drafting changes to the principal -Regulations (paragraphs 1 and 4(a)).