
STATUTORY INSTRUMENTS

1993 No. 655

**LANDLORD AND TENANT,
ENGLAND AND WALES**

The Rent Act 1977 (Forms etc.) (Amendment) Regulations 1993

Made - - - - *11th March 1993*
Laid before Parliament *11th March 1993*
Coming into force - - *1st April 1993*

The Secretary of State for the Environment, as respects England and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by sections 49(2), 60, 66(2), 67, 67A(6), 74(1), 79(2) and 84 of the Rent Act 1977(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Rent Act 1977 (Forms etc.) (Amendment) Regulations 1993 and shall come into force on 1st April 1993.

Amendments

2. The Rent Act 1977 (Forms etc.) Regulations 1980(2) are amended as follows—

(a) in regulation 3—

(i) after paragraph (2)(b) insert—

“(bb) in the case of an application under section 67A for an interim registration of rent, form No. 9A;”;

(ii) at the beginning of paragraph (3) insert “Subject to paragraph (3A) below;”;

(iii) after paragraph (3) insert—

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- (1) 1977 c. 42; section 67(2) was substituted by the Housing Act 1980 (c. 51), section 59(2); section 67A was inserted by paragraph 3 of Schedule 2 to the Local Government Finance (Housing) (Consequential Amendments) Order 1993 (S.I.1993/651) and has effect in transitional cases; section 74(1) was amended by the Housing Act 1988 (c. 50), section 41(1) and by the Local Government and Housing Act 1989 (c. 42), Schedule 11, paragraph 51; and See the definition of “prescribed” in sections 61(1) and 75 of the 1977 Act. Sections 67, 67A and 74(1) of the 1977 Act are applied by section 13 of the Rent (Agriculture) Act 1976 (c. 80) to statutory tenancies under the 1976 Act; section 13 was amended by the Rent Act 1977, Schedule 23, paragraph 75, the Housing Act 1980, section 61(2) and Schedule 25, paragraph 33, the Housing Act 1988, Schedule 18 and paragraphs 1 and 2 of Schedule 2 to the Local Government Finance (Housing) (Consequential Amendments) Order 1993.
- (2) S.I. 1980/1697; relevant amending instruments are S.I. 1987/266 and S.I. 1988/2195.

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“(3A) The form of notice to be served by a rent officer under paragraph 3(1) of Schedule 11 to the 1977 Act in the case of an application made under section 67A of that Act shall be form No. 12A.”;

(b) in Schedule 1, in the list of contents,—

(i) after the entry for form No. 9 insert—

“9A. Application for an interim increase of rent on account of council tax.”;
and

(ii) after the entry for form No. 12 insert—

“12A. Notification of application for an interim increase of rent on account of council tax.”;

(c) in Schedule 1, at the end of paragraph 1 of forms No. 1 and No. 2 add “[This includes council tax]”;

(d) in Schedule 1, at the end of paragraph 7 of forms No. 5, 6 and 7 add—

**Include council tax if
this is payable under the tenancy by
the tenant to the landlord**

**7A Is the tenant liable to
pay council tax to the landlord?**

Yes No

If “Yes”, give details

**7B Does the landlord or superior
landlord pay council tax in
respect of the property?**

Yes No

If “Yes”, give details

“A landlord may be liable for council tax if the property is in a house in multiple occupation, unless the property is an exempt dwelling. The main exemption is where the residents of such a dwelling are students or recent school or college leavers.”;

(e) in Schedule 1, at the end of paragraph 12 of form No. 5 add—

“Include council tax if this is payable under the tenancy by the tenant to the landlord”;

(f) in Schedule 1, at the end of the note at the end of the form No. 5 add—

- “an application for registration of an interim rent to take into account the tenant’s liability to make payments to his landlord in respect of council tax (use Form 9A)”;

(g) in Schedule 1, after forms No. 9 and 12 insert forms No. 9A and 12A respectively as set out in the Schedule to this Order;

(h) in Schedule 2, after paragraph 8 insert—

“8A. Liability for payment of council tax for the accommodation let to the tenant.”;

(i) in Schedule 3, in paragraph 7 after the word “rates” insert the words “and the council tax”;

(j) in Schedule 4, after paragraph 5 insert—

“5A. Liability for payment of council tax for the accommodation occupied by the lessee.”.

11th March 1993

Michael Howard
Secretary of State for the Environment

11th March 1993

David Hunt
Secretary of State for Wales

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SCHEDULE

Regulation 2(g)

FORM No. 9 **RENT ACT 1977**, section 67A and **RENT (AGRICULTURE) ACT 1976**, section 13 **APPLICATION FOR AN INTERIM REGISTRATION OF FAIR RENT IN THE CASE OF INCREASE ON ACCOUNT OF COUNCIL TAX.**

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Please read all the notes carefully

To the Rent Officer

1. Address of Premises	"Premises" means the property, for example the house, flat or room(s) for which you want a rent registered		
2. Name of Tenant Also give the address of the tenant if it is different from the above			
3. Name and Address of Landlord If a registered housing association or housing trust, or the Housing Corporation, tick here	<input type="checkbox"/>		
4. Details of Premises Say what type of property it is, for example, a house, flat or room(s). If it is a 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 a garage, or other separate building or land?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Tick one box
If "yes", give details			
6. Does the tenant share any accommodation			
• with the landlord?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Tick one box
If "Yes", give details			
• with another tenant?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Tick one box
If "Yes", give details			
7. Has the rent officer previously registered or confirmed a fair rent for the premises?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Tick one box
If "Yes", when did it come into effect?			
8. What is the rent now?	£ per (e.g. week, month, quarter etc)		
9. Is the tenant liable to pay council tax to the landlord?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Tick one box
If "Yes", Please give details of the band into which the property falls for the purposes of council tax.			
If "No", you should not use this form, please see note 2.			
10. Does the landlord pay council tax in respect of the property?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Tick one box
If "no" give details and please see note 2			
11. What rent do you want the rent officer to register as a fair rent including council tax?	£ per (e.g. week, month, quarter etc)		

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12. I/We apply for an interim registration of a rent on account of council tax.

Signed Signed
Say whether you are the landlord or agent Say whether you are the tenant or agent

Date Date

If signed by agent, name and address of agent
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NOTES

1. This form may be used in cases where the tenant is a protected or statutory tenant under the Rent Act 1977 and where the tenant is a statutory tenant under the Rent (Agriculture) Act 1976.

2. This form should only be used to apply to the rent officer for an interim registration of rent to take into account the tenant's liability to make payments to the landlord in respect of council tax. It cannot be used after 31st March 1994 or if it has already been used or if council tax is not payable because the property is an exempt dwelling. It also cannot be used if an application for a registration of a fair rent in other circumstances could be made.

3. 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.

FORM No. 12A

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THIS LETTER IS IMPORTANT. PLEASE READ IT CAREFULLY AND KEEP IT.

Dear Sir/Madam

RENT ACT 1977, as amended

NOTIFICATION OF APPLICATION FOR AN INTERIM INCREASE OF REGISTERED RENT ON ACCOUNT OF COUNCIL TAX

1. I have been asked to register a fair rent to include council tax for:

2. If you are not the applicant, I enclose a copy of the application. **Please keep it.** The rent the applicant has asked for is shown at question 11 on the form. **I do not have to register this amount as the fair rent; I may register a higher or lower figure.**

3. You have the right to a meeting with me to discuss what rent I should register. This is known as a consultation. If you wish to have a consultation, or if you have any other comments, you must write to me within 7 days of the date of this letter. I would ask both parties to the consultation.

4. A consultation will be held if either you or the other party asks for one, or if I decide that there should be one. I shall tell you if a consultation is to be held. If there is no consultation, I will go ahead and register a rent.

5. It may be necessary for me to inspect the premises, but this will not affect your right to a consultation. You have the right to object to a Rent Assessment Committee if you disagree with the rent I register.

6. If you would like more information please contact my office.

Yours faithfully

for Rent Officer

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Rent Act 1977 (Forms etc.) Regulations 1980 and are consequential on the introduction of the council tax under the Local Government Finance Act 1992 (c. 14). They prescribe the form to be used where there is an application for an interim increase of rent on account of council tax under sections 67A of the Rent Act 1977 and for the rent officer to notify the other party that such an application has been made. They make other minor, consequential amendments to the 1980 Regulations.