STATUTORY INSTRUMENTS

1972 No. 1987

LANDLORD AND TENANT

The Rent Regulation (Cancellation of Registration of Rent) Regulations 1972

Made - - -	18*th December* 1972
Laid before Parliament	20*th December* 1972
Coming into Operation	29*th December* 1972

The Secretary of State for the Environment, in exercise of powers conferred by section 50(1) (as extended by section 48A(4)(**a**) and as read with section 114(1)) of the Rent Act 1968(**b**) and now vested in him(**c**), and in exercise of all other powers enabling him in that behalf, hereby makes the following regulations 1, 2, 4, 5, 6 and 7 and, except in relation to Wales and Monmouthshire, the following regulation 3, and the Secretary of State for Wales, in exercise of his powers under the said section 50(1) (as extended by the said section 48A(4) and as read with the said section 114(1)), and of all other powers enabling him in that behalf, hereby makes, in relation to Wales and Monmouthshire, the following regulations 1, 2 and 3:—

Citation and commencement

1. These regulations may be cited as the Rent Regulation (Cancellation of Registration of Rent) Regulations 1972 and shall come into operation on 29th December 1972.

Interpretation

2.—(1) In these regulations "the Act" means the Rent Act 1968, "application" means an application under section 48A of the Act, and "relevant rent agreement" means the rent agreement, within the meaning of section 48A(10) of the Act, as the result of which an application is made.

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

Application and particulars

3. The form contained in the Schedule to these regulations, or a form substantially to the same effect, shall be the form of application to be used for the purpose of section 48A(3) of the Act (cancellation of registration of rent).

(**a**) Inserted by section 41 of the Housing Finance Act 1972 (1972 c. 47).
(**b**) 1968 c. 23.
(**c**) S.I. 1970/1681 (1970 III, p. 5551).
(**d**) 1889 c. 63.

4. The particulars to be supplied to the rent officer when an application is made to him pursuant to the said section 48A(3) shall be those specified in the form contained in the said Schedule.

Procedures on application to rent officer

5.—(1) On receiving any application for the cancellation of the registration of a rent, the rent officer may, by notice in writing served on the landlord or the tenant require him to give to the rent officer, within such period of not less than seven days from the service of the notice as may be specified in the notice, such information as he may reasonably require regarding such of the particulars contained in the application as may be specified in the notice.

(2) If it appears to the rent officer, after making such inquiry, if any, as he thinks fit and considering any information supplied to him in pursuance of paragraph (1) above, that the rent, or the highest rent, payable under the relevant rent agreement may exceed a fair rent, he shall serve a notice under regulation 6 below.

Consultation

6.—(1) A notice under this regulation shall be served on the landlord and on the tenant informing them that the rent officer proposes, at a time (which shall not be earlier than seven days after the service of the notice) and place specified in the notice to consider in consultation with the landlord and the tenant, or such of them as may appear at that time and place, whether the registration of the rent for the dwelling-house should be cancelled pursuant to section 48A(5) of the Act.

(2) At any such consultation the landlord and the tenant may each be represented by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

(3) Where the rent officer is to consider, in accordance with paragraph (2) above, whether the registration of the rent for the dwelling-house should be cancelled, he shall not reach his decision until after such consideration.

Notices

7. Any notices required to be served under regulation 6 above, and any notifications to be given under section 48A(7) of the Act (notification of rent officer's decision) may be sent by post in a prepaid letter or delivered—

(*a*) to the landlord and to the tenant at their respective addresses given in the application; or

(*b*) where the application is made on behalf of the landlord or of the tenant by an agent acting on his behalf, to that agent at the address of the agent given by him in the application.

SCHEDULE

Rent Act 1968, section 48A

RENT ACT 1968

APPLICATION FOR CANCELLATION OF REGISTRATION OF RENT

To the Rent Officer

We jointly hereby apply for the cancellation of the rent registered for the premises named in paragraph 1 below.

A copy of the rent agreement is attached. This agreement—

(i) increases the rent payable under the existing protected tenancy which is a regulated tenancy, OR

(ii) grants a new regulated tenancy at a rent exceeding the rent under the previous tenancy.

*Strike out words which do not apply.

Signed.....
*(Landlord/Landlord's Agent).
.....
*(Tenant/Tenant's Agent).

If signed by agent(s), name and address of agent(s)
(For landlord) .....
.....
(For Tenant) .....
.....

THE PARTICULARS

1. Address of premises:

2. Rateable value of premises on 23rd March 1965 (or on the date such a value was first shown in the Valuation List if this date is after 23rd March 1965)
£.....

3. Name of tenant and address (if different from 1):

4. Name and address of landlord:

5. Existing registered rent:
(i) Amount £..... per.....
(ii) Effective from .....

6. Description of premises (including the number of rooms and, if part only of a building, on which floor or floors):

7. Note of any accommodation of which tenant will have shared use (state whether sharing will be with landlord or another tenant):

8. Details of any services to be provided by the landlord or a superior landlord:

9. Any change in the state of the premises which it is claimed by the applicants has occurred during the present tenancy by reason of:—

(*a*) failure by the tenant (including a former tenant under the present tenancy) to comply with the terms of the tenancy

(*b*) improvements, including replacements of any fixtures or fittings, carried out by the tenant (including a former tenant under the present tenancy) other than under the terms of the tenancy.

A separate sheet may be attached if necessary to supplement any entries on this form.

18th December 1972.

Geoffrey Rippon,
Secretary of State for the Environment.

15th December 1972.

Peter Thomas,
Secretary of State for Wales.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations prescribe the form of application to be made by a landlord and a tenant to the rent officer, under section 48A of the Rent Act 1968, for the cancellation of the registration of a rent, and the particulars which such application shall contain.

The regulations also prescribe the procedure to be followed when such an application is made. In particular the regulations provide that if, after making such inquiries as he thinks fit, it appears to the rent officer that the rent, or the highest rent, payable under the rent agreement may exceed a fair rent, then before reaching his decision he is to hold a consultation, which the landlord and tenant may attend, and at which they may each be represented.

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