WELSH STATUTORY INSTRUMENTS

2003 No. 307 (W.46)

LANDLORD AND TENANT, WALES

The Assured Tenancies and Agricultural Occupancies (Forms) (Amendment) (Wales) Regulations 2003

Made - - - - 17th February 2003

Coming into force in accordance with Regulation 1(2)

The National Assembly for Wales in exercise of the powers conferred upon the Secretary of State by sections 13(2) and 45(5) of the Housing Act 1988(**1**), which are now vested in the National Assembly for Wales so far as exercisable in Wales (**2**), hereby makes the following Regulations :

Name, commencement and application

1.—(1) These Regulations are called the Assured Tenancies and Agricultural Occupancies (Forms) (Amendment) (Wales) Regulations 2003.

(2) These Regulations come into force as follows —

(a) Regulations 1 and 2 on 18th February 2003; and

(b) Regulation 3 on 18th April 2003.

(3) These Regulations apply only in relation to premises situated in Wales.

Amendment of Prescribed Forms

2.—(1) The Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997(**3**) ("the 1997 Regulations") are amended as follows.

(2) After regulation 3(da) of the 1997 Regulations insert the following two new sub-paragraphs —

"(db) for a notice under section 13(2) proposing a new rent for an assured tenancy of premises situated in Wales, Form No. 4D;

(dc) for a notice under section 13(2) proposing a new rent or licence fee for an assured agricultural occupancy of premises situated in Wales, Form No. 4E;"

(**1**) 1988 c. 50. Section 13 of the Housing Act 1988 ("the 1988 Act") has been amended by The Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003 (S.I. 2003/259). For the definition of "prescribed", *see* section 45(1) of the 1988 Act. For provision regarding agricultural occupancies, *see* section 24 of the 1988 Act.

(**2**) The functions of the Secretary of State under s.13 are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), to which there are amendments not relevant to these Regulations.

(**3**) S.I. 1997/194.

(3) In the Schedule to the 1997 Regulations, after Form No. 4C insert the forms in the Schedule to these Regulations.

Revocation and saving

3.—(1) Form No. 4 set out in the Schedule to the 1997 Regulations is hereby revoked.

(2) Nothing in paragraph (1) above affects the validity of a notice under section 13(2) of the Housing Act 1988 (notice proposing a new rent) served before the coming into force of this regulation if, at the date of service of the notice, the notice was in Form No. 4 or in a form substantially to the same effect.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**4**)

D.Elis-Thomas
17th February 2003 The Presiding Officer of the National Assembly

(**4**) 1998 c. 38.

SCHEDULE

Regulation 2(3)

FORMS PRESCRIBED FOR THE PURPOSES OF SECTION 13(2) OF THE HOUSING ACT 1988

FORM No.4DHousing Act 1988 Section 13(2) as amended by the Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003Landlord's Notice proposing a new rent under an Assured Periodic Tenancy of premises situated in Wales.

NOTE : This notice is to be in the language of the original tenancy agreement unless both the landlord and the tenant agree to the use of a different language.

The notes over the page give guidance to both landlords and tenants about this notice.

To: .....[Tenant(s)]

of: .....[Address of the

.....premises subject

....to the tenancy]

.....

.....

.....

From: .....|Landlord(s)|

[Landlord's Agent.]*

**delete as appropriate*

.....[Address for

..... correspondence|

.....

.....

.....|Contact telephone number]

1. **This notice affects the amount of rent you pay.** Please read it carefully.

2. The landlord is proposing a new rent of £..... per |week| |month| |year|*, in place of the existing one of **£..... per [week] [month] [year]***.

** delete as appropriate*

3. **The first rent increase date after 18th April 2003 is** ..... (see note 10 over the page).

4. The starting date for the new rent will be..... (see notes 13-17 over the page).

5. Certain charges may be included and separately identified in your rent (see note 11 over the page). The amounts of the charges (if any) are:

Charges	**Amount included and separately identified (enter "nil" if appropriate)**	
	In the existing rent	In the proposed new rent
Council tax	£	£
Water charges	£	£
Fixed service charges	£	£

6. If you accept the proposed new rent, you should make arrangements to pay it. If you do not accept it, there are steps you should take before the starting date in paragraph 4 above. **Please see the notes over the page for what to do next.**

Signed:.....|Landlord(s)|

[Landlord's Agent]*

** delete as appropriate*

(see note 12 over the page)

Date : .....

. Please read these notes carefully.

GUIDANCE NOTES FOR TENANTS

What you must do now

1. This notice proposes that you should pay a new rent from the date specified in paragraph 4 of the notice. **If you are in any doubt or need advice about any aspect of this notice, you should immediately either discuss it with your landlord or take it to a citizens' advice bureau, a housing advice centre, a law centre or a solicitor.**

2. If you accept the proposed new rent, please make arrangements to pay it. If you pay by standing order through your bank, you should inform them that the amount has changed. You should also notify your Housing Benefit office, if you are claiming benefit. If you are worried that you might not be able to pay your rent, you should seek advice from a citizens' advice bureau or housing advice centre.

3. If you do **not** accept the proposed new rent, and do not wish to discuss it with your landlord, you can refer this notice to your local rent assessment committee. **You must do this before the starting date of the proposed new rent in paragraph 4 of the notice.** You should notify your landlord that you are doing so, otherwise he or she may assume that you have agreed to pay the proposed new rent.

4. To refer this notice to the local rent assessment committee, you must use the form *Application referring a notice proposing a new rent under an Assured Periodic Tenancy or Agricultural Occupancy to a Rent Assessment Committee.* You can obtain this from a rent assessment panel, housing advice centre or legal stationer (details can be found in the telephone directory).

5. The rent assessment committee will consider your application and decide what the maximum rent for your home should be. In setting a rent, the committee must decide what rent the landlord could reasonably expect for the property if it were let on the open market under a new tenancy on the same terms. The committee may therefore set a rent that is higher, lower or the same as the proposed new rent.

GUIDANCE NOTES FOR LANDLORDS ON HOW TO COMPLETE THE NOTICE

6. You can complete this notice in ink or arrange for it to be printed.

7. This notice should be used when proposing a new rent under **an assured periodic tenancy (including an assured shorthold periodic tenancy) of premises situated in Wales.** There is a different notice (Form 4E — *Landlord's or Licensor's Notice proposing a new rent or licence fee under an Assured Agricultural Occupancy of premises situated in Wales*) for proposing a new rent or licence fee for an assured agricultural occupancy of premises situated in Wales.

8. Do not use this notice if the tenancy agreement contains a term allowing rent increases, or there is some other basis such as a separate agreement with the tenant for raising the rent. Any provision you rely on needs to be binding on the tenant. Legal advice should be sought if there is any doubt on this score.

9. You need to use a different form to propose a rent increase for a statutory periodic tenancy (the first exception mentioned in note 16) if you are seeking to adjust rent solely because of a proposed change of terms under section 6(2) of the Housing Act 1988. Seek legal advice if you think this may apply to you. You can obtain the form headed *Notice proposing different terms for a Statutory Periodic Tenancy* from a rent assessment panel or a legal stationer.

10. Unless the tenancy is a new one, or one of the exceptions mentioned in note 16 applies, you must insert in paragraph 3 of the notice the first date after 18th April 2003 on which rent was increased under this statutory notice procedure. That date determines the date that you can specify in paragraph 4 of the notice. See also note 15.