1983 No. 266

LANDLORD AND TENANT

The Rent (Forms etc.) Regulations (Northern Ireland) 1983

Made . . . . . *6th September 1983*

Coming into operation . . . *28th September 1983*

The Department of the Environment, in exercise of the powers conferred on it by Article 74(1) of the Rent (Northern Ireland) Order 1978(a) and of all other powers enabling it in that behalf hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Rent (Forms etc.) Regulations (Northern Ireland) 1983 and shall come into operation on 28th September 1983.

Interpretation

2. In these regulations:—

"the Order" means the Rent (Northern Ireland) Order 1978;

"register" means the register of rents referred to in Article 25(1) of the Order.

Revocation

3. The Rent (Forms) Regulations (Northern Ireland) 1978(b) are hereby revoked.

Forms to be used

4. The forms set out in Schedule 2 (of which a list is set out in Schedule 1) shall be the forms to be used in the exercise of functions under the Order.

Particulars to be contained in register of rents

5. The register shall contain the particulars with regard to a regulated tenancy or a restricted tenancy which are set out in Schedule 3.

Fee for certified copy of entry in register of rents

6. The fee to be paid under Article 25(8) of the Order for a certified copy of an entry in the register shall be 50p.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 6th September 1983.

(L.S.) *E. A. Simpson*
Assistant Secretary

(a) S.I. 1978/1050 (N.I. 20) as amended by S.I. 1983/1118 (N.I. 15)
(b) S.R. 1978 No. 260

SCHEDULE 1

List of Forms

Form No.

1. Notice of application to a district council to ascertain whether a dwelling-house meets the regulated tenancy standards.
2. Notice of application to a district council to ascertain whether a dwelling-house owned by an unregistered housing association meets the regulated tenancy standards.
3. Regulated rent certificate.
4. Restricted rent certificate in respect of a dwelling-house owned by an unregistered housing association.
5. Notice of refusal of application for regulated rent certificate.
6. Application for registration of rent of a regulated tenancy.
7. Application for registration of rent of a restricted tenancy.
8. Notification of registration of rent of a regulated tenancy.
9. Notification of registration of rent of a restricted tenancy.
10. Notice of increase in rent of a regulated tenancy.
11. Certificate of Disrepair.
12. Notice by rent assessment committee requiring information.

SCHEDULE 2

FORM NO. 1 Article 10(2)

(i) ..... Council

(ii) .....

Notice of application to a District Council to ascertain whether a dwelling-house meets the regulated tenancy standards under the Rent (Northern Ireland) Order 1978.

To (iii).....

1. Take notice that (i)..... Council has received an application to ascertain whether the dwelling-house at (iv) ..... meets the regulated tenancy standards (see Notes (3) to (6)).

2. A copy of the application is enclosed.

3. You may, within 28 days from the service of this notice, make representations to the Council as to whether or not the dwelling-house meets the regulated tenancy standards.

4. You should read the notes below which explain the regulated tenancy standards and the effect they have on your rent.

Dated this day of 19

.....
For and on behalf of the Council

(i) Insert name of Council

(ii) Insert address of Council

(iii) Insert name and address of landlord (or agent) or tenant as appropriate

(iv) Insert address of dwelling-house.

NOTES

(1) Article 9(1) of the Rent (Northern Ireland) Order 1978 provides that a district council shall if an application is made to it in that behalf at any time by the landlord under a restricted tenancy, cause the dwelling-house in which the tenancy subsists to be inspected with a view to ascertaining whether it meets the regulated tenancy standards.

(2) Article 9(2) provides that where on such an application the Council is satisfied that a dwelling-house meets the regulated tenancy standards it shall issue a certificate to that effect.

(3) The Council will issue a regulated rent certificate if it is satisfied that the dwelling-house meets the regulated tenancy standards in Schedule 3 to the Rent (Northern Ireland) Order 1978, as amended by paragraph 7 of Schedule 9 Part II to the Housing (Northern Ireland) Order 1983. A dwelling-house satisfies the regulated tenancy standards if:—

(*a*) it is structurally stable;

(*b*) it is substantially free from damp;

(*c*) it has satisfactory provision for natural lighting and for ventilation;

(*d*) it has an adequate piped supply of wholesome water available within the dwelling-house;

(*e*) it has a water closet available for the exclusive use of the occupants of the dwelling-house;

(*f*) it has an effective system for the drainage and disposal of foul and surface water;

(*g*) it has satisfactory facilities for the storage and preparation of food within the dwelling-house;

(*h*) its internal arrangement is satisfactory;

(*i*) it has a hot water supply at a sink within the dwelling-house;

(*j*) it is in such a state of repair as to render it reasonably suitable for occupation

(4) A dwelling-house shall be deemed to satisfy the standards set out in sub-paragraphs (*g*) and (*h*) of paragraph 3 insofar as it is not so defective in those respects as to be rendered unfit under Article 46 of the Housing (Northern Ireland) Order 1981.

(5) For the purposes of determining whether a dwelling-house which receives (or is capable of receiving) a supply of electricity or gas, meets the standard set out in paragraph (3)(*j*) (but without prejudice to the generality of that sub-paragraph) the condition of any installations for the supply of electricity or gas shall be taken into account. "Installations" includes any pipes, fittings and meters installed for the purposes of or in connection with the supply of electricity or gas, but does not include any apparatus or appliances designed for making use of such supply.

(6) If the Council issues a regulated rent certificate in respect of the dwelling-house the landlord or the tenant may apply to the Department of the Environment to register a new rent.

(7) The registered annual rent would be 2½ times the net annual value of the dwelling-house, subject to a maximum of £8 per week plus the statutory increases introduced by the Department of the Environment under Article 33 of the Rent (Northern Ireland) Order 1978. If the landlord or tenant considers that this is not an appropriate rent he may apply to a rent assessment committee. A full explanation of the appeal procedure is included in the notice of registration issued by the Department.

(8) If the Council is not satisfied that the dwelling-house meets the regulated tenancy standards it will give the landlord notice of its refusal of his application. This notice will state the reasons for refusal, and will also indicate the works which in the opinion of the Council will be necessary for the dwelling-house to meet the regulated tenancy standards.

(9) If the Council is not satisfied that the dwelling-house meets the regulated tenancy standards, the rent will be restricted to what was legally chargeable before 1st October 1978. The tenant or the landlord may apply to have this rent registered by the Department of the Environment.

FORM NO. 2 Article 10(2)

(i) ..... Council

(ii) .....

Notice of application to a District Council to ascertain whether a dwelling-house owned by an unregistered housing association meets the regulated tenancy standards

To (iii).....

1. Take notice that (i)..... Council has received an application to ascertain whether the dwelling-house at (iv) ..... meets the regulated tenancy standards.

2. A copy of the application is enclosed.

3. You may, within 28 days of the service of this notice, make representations to the Council as to whether or not the dwelling-house meets the regulated tenancy standards.

4. You should read the notes below which explain how the issue of a restricted rent certificate will affect the rent of the dwelling-house.

Dated this day of 19 .

.....
For and on behalf of the Council

(i) Insert name of Council

(ii) Insert address of Council

(iii) Insert name and address of landlord (or agent) or tenant as appropriate

(iv) Insert address of dwelling-house.

NOTES

(1) Article 8 of the Rent (Northern Ireland) Order 1978, as amended by Article 96(4) of the Housing (Northern Ireland) Order 1983, provides that a district council shall, if an application in that behalf is made to it not later than 27th September 1984 by a landlord or a tenant of a dwelling-house owned by an unregistered housing association and deemed to be subject to a regulated tenancy, cause that dwelling-house to be inspected with a view to determining whether it should in fact be subject to a restricted tenancy, insofar as it falls short of the regulated tenancy standards in Schedule 3 to the Rent (Northern Ireland) Order 1978, as amended by paragraph 7 of Schedule 9 Part II to the Housing (Northern Ireland) Order 1983.

(2) The Council will issue a restricted rent certificate if it is satisfied that the dwelling-house does not meet the regulated tenancy standards.

(3) If a restricted rent certificate is issued in respect of the dwelling-house the rent will be restricted to what was legally chargeable before 28th September 1983. The landlord or the tenant may apply to have this rent registered by the Department of the Environment.

(4) A dwelling-house will satisfy the regulated tenancy standards if:—

(*a*) it is structurally stable;

(*b*) it is substantially free from damp;

(*c*) it has satisfactory provision for natural lighting and for ventilation;

(*d*) it has an adequate piped supply of wholesome water available within the dwelling-house;

(*e*) it has a water closet available for the exclusive use of the occupants of the dwelling-house;