

L.N. 57 of 1966

RENT CONTROL (TRIBUNALS AND RELATED MATTERS)
REGULATIONS 1966

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RENT CONTROL DECREE 1966
**The Rent Control (Tribunals and Related Matters) Regulations
 1966**

Commencement : 29th June 1966

In exercise of the powers conferred by section 4 of the Rent Control Decree 1966 the Executive Council hereby makes the following regulations :—

1.—(1) These regulations may be cited as the Rent Control (Tribunals and Related Matters) Regulations 1966. Citation, etc.

(2) In these regulations, "appropriate authority" means any authority so designated in that behalf by the Executive Council. Membership of tribunals.

Tribunals

2.—(1) A tribunal shall consist of a chairman and not more than two other members who shall in every case be appointed,—

(a) as to the capital territory by the Head of the National Military Government ;

(b) as to any group of provinces by the Military Governor thereof (to whom the power shall for all purposes be construed as duly delegated) ;

and where a tribunal sits with assessors, not more than two assessors selected from the panel hereafter mentioned, shall sit with the tribunal.

(2) For the purposes of this regulation, a panel of fit persons shall be prepared and kept up to date by such ministries in Nigeria as the Executive Council may, from time to time, direct.

(3) The chairman and members shall hold office during the pleasure of the appointing authority ; but assessors shall be called by a tribunal from the panel, and sit only as required.

(4) A chairman and any member may resign his appointment by sending a letter of resignation to the appropriate Attorney-General.

(5) The Executive Council may from time to time approve scales of salaries and allowances to be paid to chairmen and members (including assessors) and when approved they shall be paid out of such vote as the Council aforesaid may direct, and they shall be a charge on the appropriate Consolidated Revenue Fund accordingly.

3. Every tribunal constituted under the Decree shall, by such means as the chairman may direct, give public notice of the place of intended sittings and of its office, and notices under these regulations shall be delivered or posted, as the case may be, to its office.

Tribunals to give notice of place of intended sittings.

Proceedings

4.—(1) Matters for reference to a tribunal shall be included in a written notice in the form 1 in Schedule 1 specifying the address of premises or part of premises to which the notice relates, and if the notice is given by a tenant it shall state the names of the landlord and tenant and the address of the landlord.

Applications to tribunals to be in writing.

(2) Subject to paragraph (3) below, if the notice is given by a landlord he shall complete the form to the extent necessary to disclose the following additional particulars—

- (a) the total accommodation in the premises,
- (b) the accommodation occupied or used by the tenant, exclusively or in common with other persons,
- (c) furniture provided by the landlord for the use of the tenant,
- (d) services provided by the landlord for the use of the tenant,
- (e) (*applicable only where the landlord is the owner*) the manner in which the landlord became the owner giving the date and, if he bought the house the price paid, and the amount of interest on any capital loan relating to the premises,
- (f) (*applicable only where the landlord is not the owner*) the rent payable by the landlord to his superior landlord in respect of the premises, or that part of the premises which is rented by him from the superior landlord,
- (g) rates payable by the landlord in respect of the premises, and, (if separately assessed for rates) the accommodation occupied by the tenant,
- (h) payments contracted to be made by the tenant to the landlord, and if separate payments are made in respect of occupation, furniture and services, the separate payments in respect of each class.

(3) Where a landlord is illiterate or subject to any physical disability and thereby unable to write, the particulars prescribed by paragraph (2) above shall be completed by the clerk or other officer working with the tribunal, at a time to be prescribed by the chairman, and no fee or payment of any kind shall be exacted, or demanded from, or be paid by the landlord for services rendered in completing the form.

(4) If the person required by a landlord to complete the form fails or refuses without reasonable excuse to do so, or if any such fee is paid or payment is made contrary to paragraph (3) above, and complaint is made by any person to the chairman, the chairman shall report the case to the appropriate Attorney-General for such further action as the case may seem to require.

(5) Any such notice may be delivered to the tribunal, or it may be posted to its office. If it is delivered it shall be deemed to have reached the tribunal on the day when it was so delivered, and if posted it shall be deemed to have reached the tribunal on the day when it would be delivered in the ordinary course of post.

Notice of
sittings.

5. Subject to the provisions of the Decree and of this regulation, where notice in form 1 in Schedule 1 is given to a tribunal, the tribunal shall by notice in form 2 of the said Schedule inform each party that he may, within such time as the tribunal may allow (not being less than 7 days from the date of the notice), give notice to the clerk of the tribunal that he desires to be heard, or send to the clerk of the tribunal representations in writing if he does not desire to be heard by the tribunal.

Power to
postpone etc.
hearings.

6. A tribunal may postpone or adjourn the hearing of an application from time to time as the tribunal thinks fit.

Decision of
tribunals.

7. A tribunal shall take into consideration the recommendation of assessors (if any) but the tribunal shall, for the purposes of its decision, be deemed to have sat without assessors and its decision shall be that of the majority. Every decision shall be in writing signed by the chairman and when signed it shall be communicated to the parties and a copy shall be sent to the appropriate authority where the premises are, and be recorded in the office of that authority as hereinafter provided.

8.—(1) The rent to be fixed as the standard rent shall be such as will allow for the recovery over a reasonable period of time, not less than 10 years, of an investment by a landlord, with profits agreed by the tribunal and after taking into consideration recurrent costs such as insurance, repairs, management expenses and rates, and the age, character, or locality of a dwelling-house or its state of repair; and a tribunal hearing an application shall, by order, prescribe the standard rent accordingly.

Fixing of
standard
rent.

(2) The Executive Council may cause a manual to be prepared for the purposes of this regulation; and when prepared the manual shall be used by all tribunals for purposes of and incidental to the calculation of the standard rent of premises.

(3) Any order made by a tribunal shall be in form 3 in Schedule 1 with such modifications as the case may require.

Records

9.—(1) The clerk to a tribunal shall forward to the appropriate authority a copy of every order made; and that authority shall keep records in the form No. 4 in Schedule 1 and the particulars to be entered in the records shall include:—

Rent records
to be kept by
appropriate
authority.

(a) specification of the premises to which the tenancy referred to the tribunal relates, setting out whether the tenancy relates to part only of premises and indicating,—

(i) accommodation of which the tenant is entitled to exclusive occupation, and

(ii) accommodation of which the tenant is entitled to the use in common with any other person;

(b) names and addresses of parties to the tenancy affected by the order of the tribunal;

(c) whether furniture is provided by the landlord for the use of the tenant, and if so, whether the premises are furnished by the landlord fully or in part, or to a slight extent;

(d) services provided by the landlord;

(e) rent as approved, or reduced or increased by the tribunal;

(f) where the rent is approved, reduced or increased with respect to a limited period, a statement of that period; and

(g) the date on which an entry is made in the record with regard to paragraph (e) and, in cases to which it applies, to paragraph (f).

(2) The landlord and every tenant of the premises may at all reasonable times and without payment of any fee inspect the records in so far as they relate to matters affecting their respective interests.

Rent Books.

10. Every landlord shall, in respect of premises affected by the order of a rent tribunal keep a rent book for inspection by his tenants; and the rent book shall contain the particulars in Form 5 in Schedule 1.

Fees

Fees.

11.—(1) The fees set out in Schedule 2 are the fees prescribed in respect of applications for hearings, or as the case may be, orders made by a tribunal; and they shall be payable before the hearing of an application.

(2) The fee payable on any order may, if the chairman thinks fit, in any proper case be remitted or refunded as the case may require.

SCHEDULES

SCHEDULE 1 Regulations 4, 5, 8, 9, and 10

FORM 1

APPLICATION TO FIX STANDARD RENT OF PREMISES
(under the Rent Tribunal Decree 1966)

To the.....Rent Tribunal

Application is hereby made to determine the standard rent in respect of the *(part of) premises situate at.....
(here specify the address)

whereof A B of.....is the landlord
(here specify address)

and C D of.....is the tenant, the rent
(here specify address)

presently payable being.....payable to the landlord at
(amount)

.....
(address of landlord or his agent)

in each and every week/month.

**AND I being the landlord applicant further state :—

- (a) total accommodation in premises.....
- (b) accommodation occupied or used by the tenant exclusively.....
- (c) accommodation occupied or used by the tenant in common with other persons
- (d) furniture provided by landlord for use of tenant.....
- (e) services (other than those voluntarily rendered) provided by landlord for the use of the tenant.....
- (f) rates payable by landlord in respect of the premises or (if separately assessed) of the accommodation occupied by tenant.....
- (g) payments contracted to be made by the tenant to the landlord in respect of occupation, furniture and services (if a lump sum it is to be so stated but otherwise each item is to be shown separately)

*(If the landlord is the owner) state—

(a) the manner in which acquired.....

(b) date acquired.....

(c) price paid.....

(d) amount of interest on any capital loan relating to the premises
.....

*(If the landlord is not the owner) state the rent payable to any superior landlord in respect of—

*(a) the premises.....

*(b) that part of the premises rented by him from the superior landlord
.....

* I the tenant/landlord desire to give evidence at the hearing/intend to send to you representations in writing before the date fixed for the hearing.

DATED at this day of 19 .

(Signature).....
Tenant/Landlord

* Delete word or words not applicable.

** This part of the form is to be completed only if the landlord is the applicant.

FORM 2

NOTICE OF HEARING

In the matter of an application to determine the standard rent of.....

(here describe the premises) whereof A B is landlord and C D the tenant (or as the case may be)

To.....
(name and address of landlord/tenant)

TAKE NOTICE that an application to fix the standard rent in respect of

(here insert the premises and address)

is set down for hearing before the..... Rent
(insert name)

Tribunal sitting at..... on
(sufficient address to be inserted)

*the..... day of..... 19.....

..... at o'clock in the forenoon or so soon thereafter as may be practicable :

AND further take notice that if you fail to attend, or having sent representations in writing you thereafter fail to attend if so directed or required by the tribunal, the case may be heard and determined in your absence and the standard rent fixed accordingly.

DATED at.....this.....day of.....19.....

(Signature).....

Clerk to the.....Rent Tribunal
(insert name)

* Insert here a date not earlier than 7 days from the date of this notice of hearing.

ORDER

Form 3

In the matter of an application to determine the standard rent of.....
(here describe the premises)
whereof AB is landlord and CD the tenant (or as the case may be)

.....day the.....day of.....19.....
UPON READING the application of XY to determine the standard rent of.....
AND upon hearing the
(here describe the premises)
parties (or as the case may be) and after considering the evidence then before it this Tribunal HEREBY ORDERS as follows:

*that the rent of the accommodation presently payable is confirmed as the standard rent

*that the standard rent for the premises is increased/reduced to.....

(here set out the amount)

with effect from.....
(insert date)

*that the standard rent of the accommodation in respect of that part of the premises known as.....
(here describe it)

is fixed at.....and the agreed rent shall be reduced/increased
(insert the amount)

and be the standard rent in respect of.....

(here set out premises affected and in what way the rent is reduced/increased according to the facts)

*that the application be dismissed

(Signature).....

Chairman of the.....Rent Tribunal
(name)

*This form of order may be adapted or modified according to circumstances.

(Form 4)

STANDARD RENT OF PREMISES RECORD

(To be kept by appropriate authority under the Rent Control Decree 1966)

The date when entries are made is to be set out and where corrections are made they are to be shown as corrections with the date when made

1. Address of premises :
2. Name and address of landlord :
3. Name and address of agent (if any) :
4. Specification of premises :
(State with sufficient detail to identify the accommodation and facilities available)
5. Number of tenancies let/available for letting :
6. Accommodation to which tenant is entitled :
(a) exclusively.....
(b) in common.....
7. Furniture (if any) provided by landlord :
8. State if premises furnished and distinguish those fully furnished from those partly furnished :
9. State if services provided by landlord :
10. State the standard rent for premises (and where separately let show each accommodation)
11. If rent is increased/reduced for a limited period indicate the period and accommodation affected :
12. Entries/Corrections made :

FORM 5

FORM OF NOTICE TO BE PRINTED OR INSERTED IN RENT BOOKS

Information for Tenant

(This information is prescribed by regulations made for the purpose of the Rent Tribunal Decree 1966 and, where necessary, may be checked with the local authority records without charge where a tribunal has fixed the standard rent).

1. Address of premises :
2. Name and address of landlord :
3. Name and address of agent (if any) :

4. Rent : £ : s d a month.
5. Description of premises occupied by tenant :
6. Particulars of accommodation which the tenant has a right to share with other persons :
7. Other terms and conditions (if any) :
- *8. A rent of £ : s d a month for the premises was approved by the Rent Tribunal on.....
- *9. The rent for the premises was reduced by the Rent Tribunal to £ : s d a month on.....
10. The landlord is wholly responsible for repairs if the tenant is under no express liability to carry out any repairs and the tenant should not pay any increase in the rent if demanded without further check.

* To be completed according to circumstances.

SCHEDULE 2

Regulation 13

Fees Payable

1. On every application for determination of standard rent—

	s	d
(a) where the rent demanded does not exceed £120 per annum	2	6
(b) where the rent demanded exceeds £120 per annum	5	0
 - *2. On every order of a tribunal fixing standard rent 5 0
- * This amount may be remitted or refunded if the chairman of the tribunal thinks fit.

MADE at Lagos this 29th day of June 1966.

S. O. WILLIAMS,
Permanent Secretary,
Ministry of Works and Housing