STATUTORY INSTRUMENTS

1981 No. 271

LANDLORD AND TENANT

The Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) Regulations 1981

Made - - - -	*24th February* 1981
Laid before Parliament	*6th March* 1981
Coming into Operation	*31st March* 1981

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of their powers under section 74 of the Rent Act 1977(**a**) and under section 21(4A) of the Leasehold Reform Act 1967(**b**) and of all other powers enabling them in that behalf, and after consultation with the Council on Tribunals, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) Regulations 1981 and shall come into operation on 31st March 1981.

Interpretation

2. In these regulations, unless the context otherwise requires—

"application" means an application to a leasehold valuation tribunal under section 21(1) of the Leasehold Reform Act 1967, and

"tribunal" means a leasehold valuation tribunal.

Applications

3. The form of application prescribed under section 21 (4A) of the Leasehold Reform Act 1967 is as follows:—

(*a*) in the case of an application under section 21(1)(*a*) of the 1967 Act, form number 1 in the Schedule hereto,

(*b*) in the case of an application under section 21(1)(*b*) of the 1967 Act, form number 2 in the Schedule hereto, and

(*c*) in the case of an application under section 21(1)(*c*) of the 1967 Act, form number 3 in the Schedule hereto,

or, in each case, a form substantially to the like effect.

4. On receipt of an application, the tribunal shall send a copy of the application and of each of the documents which accompanied it to each person named in it as a respondent.

(**a**) 1977 c.42.
(**b**) 1967 c.88; section 21(4A) was inserted by paragraph 8 of Schedule 22 to the Housing Act 1980 (c.51).

Hearings

5.—(1) A hearing shall be on such date, and at such time and place as the tribunal shall appoint.

(2) Notice of such date, time and place shall be given by the tribunal to the parties to the proceedings not less than 14 days before the said date, and a copy of the notice shall be sent to any other person who is not already a party to the proceedings and gives notice to the tribunal of his intention to appear at the hearing.

(3) The notice referred to in paragraph (2) above shall contain a statement to the effect that an appeal to the Lands Tribunal from a decision of a tribunal may only be made by a person who appeared before the tribunal in proceedings to which he was a party.

(4) The tribunal may, where they consider it appropriate, arrange that a hearing in respect of one application shall be held together with the hearings in respect of one or more other applications.

(5) A hearing shall be in public unless, for special reasons, the tribunal decide otherwise, but nothing in these regulations shall prevent a member of the Council on Tribunals in that capacity from attending any hearing.

6. At a hearing—

(*a*) the parties shall be heard in such order and, subject to the provisions of these regulations, the procedure shall be such as the tribunal shall determine;

(*b*) a party may call witnesses, give evidence on his own behalf and cross-examine any witnesses called by any other party; and

(*c*) a party may appear either in person or by a person authorised by him in that behalf whether or not that person is of counsel or a solicitor.

Non-appearance

7. If a party does not appear at a hearing, the tribunal, on being satisfied that the requirements of these regulations regarding the giving of notice of a hearing have been duly complied with, may proceed to deal with the application.

Adjournment

8.—(1) The tribunal at their discretion may of their own motion, or at the request of the parties, or one of them, at any time and from time to time, postpone or adjourn a hearing, but they shall not do so at the request of one party only unless, having regard to the grounds on which and the time at which such request is made and to the convenience of the parties, they deem it reasonable to do so.

(2) The tribunal shall give to the parties such notice of any postponed or adjourned hearing as is reasonable in the circumstances.

Documents

9.—(1) Before the date of a hearing, the tribunal shall take all reasonable steps to ensure that there is supplied to each of the parties—

(*a*) a copy of, or sufficient extracts from or particulars of, any document relevant to the application which has been received from a party (other than a document which is in the possession of such a party or of which he has previously been supplied with a copy); and

(*b*) a copy of any document which embodies the results of any enquiries made by or for the tribunal for the purposes of the application.

(2) Where at a hearing—

(i) any document relevant to the application is not in the possession of a party present at that hearing; and

(ii) that party has not been supplied with a copy of, or sufficient extracts from or particulars of, that document;

then unless—

(*a*) that party consents to the continuation of the hearing; or

(*b*) the tribunal consider that that party has a sufficient opportunity to deal with that document without an adjournment of the hearing;

the tribunal shall adjourn the hearing for a period which they consider will afford that party a sufficient opportunity for dealing with that document.

Inspections

10.—(1) The tribunal may, and shall at the request of any of the parties (subject in either case to any necessary consent being obtained), inspect the house and premises which are the subject of the application.

(2) An inspection may be made before, during or after the close of a hearing, as the tribunal may decide, and the tribunal shall give to the parties and their representatives an opportunity to attend.

(3) Notice of an inspection shall be given as though it were notice of a hearing, but the requirements for such notice may be dispensed with or relaxed in so far as the tribunal are satisfied that the parties have received sufficient notice.

(4) The provisions of this regulation shall apply, so far as is reasonable and practicable, to any comparable house or premises to which the attention of the tribunal is directed as they apply to the house and premises which are the subject of the application.

(5) Where an inspection is made after the close of a hearing, the tribunal shall, if they consider it expedient to do so on account of any matter arising from the inspection, reopen the hearing; and if the hearing is to be reopened paragraph (2) of regulation 5 of these regulations shall apply as it applied to the original hearing, save in so far as its requirements may be dispensed with or relaxed with the consent of the parties.

Decisions

11.—(1) The decision of a tribunal shall be recorded in a document signed by the chairman of the tribunal (or in the event of his absence or incapacity, by another member of the tribunal) which shall contain the reasons for the decision but shall contain no reference to the decision being by a majority (if that be the case) or to any opinion of a minority.

(2) The chairman (or in the event of his absence or incapacity, another member of the tribunal) shall have power, by certificate under his hand, to correct any clerical mistakes in the said document or any errors arising in it from an accidental slip or omission.

(3) A copy of the said document and of any such correction shall be sent by the tribunal to each party.

Provision of information

12. Where, under paragraph 7 of Schedule 22 to the Housing Act 1980 a tribunal by notice in writing require the giving of such information as the tribunal may reasonably require, the notice shall contain a statement to the effect that any person who fails without reasonable cause to comply with the notice is liable on summary conviction to a fine not exceeding £200.

Giving of notice

13. Where any notice or other written matter is required under the provisions of these regulations to be given or supplied by the tribunal it shall be sufficient compliance with these regulations if such notice or other matter is sent by post in pre-paid letter and addressed to the party for whom it is intended at his usual or last known address, or if that party has appointed an agent to act on his behalf, to that agent at the address of the agent supplied to the tribunal.

SCHEDULE

FORM NO. 1

LEASEHOLD REFORM ACT 1967

APPLICATION FOR DETERMINATION BY LEASEHOLD VALUATION TRIBUNAL ON ACQUISITION OF FREEHOLD

I/We apply for the determination by a Leasehold Valuation Tribunal of the price payable under section 9 of the Leasehold Reform Act 1967 for the house and premises named in paragraph 1 below and submit the following particulars. The respondents to this application are the persons (other than myself/ourselves) named in paragraphs 2 to 5 of those particulars.

*[I/We also apply to the Leasehold Valuation Tribunal for the determination under section 21(2) of the 1967 Act of the matters described in paragraph 12 below relating to the house and premises.]

* Cross out this paragraph if it does not apply.

THE PARTICULARS

1. Address of house and premises .....

2. Name and address of landlord to whom rent is payable by the tenant .....

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

4. Is the landlord mentioned in (2) above the freehold owner of the premises? Yes ☐ No ☐
   If NO, give the names and addresses of
   (*a*) the freeholder .....
   (*b*) any additional, intermediate landlords standing between the landlord mentioned in paragraph 2 and the freeholder .....

5. Is anyone, to the applicant's knowledge, entitled to the benefit of a charge on the freeholder's, or any other landlord's interest in the house and premises, such as a mortgagee (eg a building society)? Yes ☐ No ☐
   If YES, give names and addresses, if known .....

6. State the date on which notice was given by the tenant of his desire to acquire the freehold .....
   and enclose a copy of the notice.

7. Has the landlord given notice stating whether or not he admits the tenant's right to have the freehold? Yes ☐ No ☐
   If YES, give the date of the notice ..... and enclose a copy of it.

8. Has the landlord informed the tenant of the price he is asking? Yes ☐ No ☐
   If YES, enclose a copy of the letter or notice from the landlord giving details of it.

9. Have any other formal notices been given following the notice by the tenant of his desire to have the freehold? Yes ☐ No ☐
   If YES, enclose copies of all the notices.

10. State the price which the applicant considers to be appropriate £ .....

11. Have the terms of the conveyance (other than the price) been agreed? Yes ☐ No ☐
   If YES, enclose details or a copy of a draft conveyance.

12. Is this also an application under section 21(2) of the Leasehold Reform Act 1967:—
(*a*) to determine what provisions ought to be contained in the conveyance? Yes ☐ No ☐
If YES, give details on a separate sheet and enclose a copy of the existing lease.
(*b*) to apportion between the house and premises (or part of them) and other property, the rent payable under any tenancy? Yes ☐ No ☐
If YES, give details on a separate sheet.

13. (*a*) Has any application been made to a Court to determine any question relating to this matter? Yes ☐ No ☐
(*b*) If YES, has the Court made an Order? Yes ☐ No ☐
If YES, enclose a copy of the Order.

14. Is the applicant
(*a*) the owner of the freehold? Yes ☐ No ☐
(*b*) a landlord? Yes ☐ No ☐
(*c*) the tenant? Yes ☐ No ☐

Signed .....
[On behalf of .....]
If signed by an agent, give name and address of agent .....
.....
Date .....

FORM NO. 2

LEASEHOLD REFORM ACT 1967

APPLICATION FOR DETERMINATION BY LEASEHOLD VALUATION TRIBUNAL OF THE RENT TO BE PAYABLE

I/We apply for the determination by a Leasehold Valuation Tribunal of the amount of the rent to be payable under section 15(2) of the Leasehold Reform Act 1967 for the house and premises named in paragraph 1 below and submit the following particulars. The respondents to this application are the persons (other than myself/ourselves) named in paragraphs 2 to 5 of those particulars.

*[I/We also apply to the Leasehold Valuation Tribunal for the determination under section 21(2) of the 1967 Act of the matters described in paragraph 11 below relating to the house and premises.]

*Cross out this paragraph if it does not apply.

THE PARTICULARS

1. Address of house and premises .....

2. Name and address of landlord to whom rent is payable by the tenant .....

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

4. Has a new tenancy, expiring 50 years after the original tenancy, already been granted for the house and premises? Yes ☐ No ☐

If YES, give the names and addresses of—

(*a*) the landlord named in the new lease .....

(*b*) any additional, intermediate landlords standing between the landlord named in the new lease and the tenant .....

Enclose a copy of the new lease and then GO TO QUESTION 10.

5. If a new tenancy has *not* yet been granted give the name and address of—

(*a*) the person who will grant the new lease .....

(*b*) any additional, intermediate landlords standing between that person and the tenant .....

and enclose a copy of the existing lease.

6. Have the terms (other than rent) for the new tenancy been agreed? Yes ☐ No ☐

If YES, enclose a copy.

7. Give the date of the notice by the tenant of his desire to have an extended lease .....

and enclose a copy of the notice.

8. Has the landlord given notice stating whether or not he admits the tenant's right to have an extended lease? Yes ☐ No ☐

If YES, give the date of the notice ..... and enclose a copy of it.

9. Have any other formal notices been given following the notice by the tenant of his desire to have an extended lease? Yes ☐ No ☐

If YES, enclose copies of all the notices.

10. State the amount of rent the applicant considers appropriate—£ .....

11. Is this also an application under section 21(2) of the Leasehold Reform Act 1967:—
(*a*) to determine what provisions ought to be contained in the lease granting the new tenancy? Yes ☐ No ☐
If YES, give details on a separate sheet.
(*b*) to apportion between the house and premises (or part of them) and other property, the rent payable under any tenancy? Yes ☐ No ☐
If YES, give details on a separate sheet.

12. (*a*) Has any application been made to a Court to determine any question relating to this matter? Yes ☐ No ☐
(*b*) If YES, has the Court made an Order? Yes ☐ No ☐
If YES, enclose a copy of the Order.

13. Is the applicant—
(*a*) the owner of the freehold? Yes ☐ No ☐
(*b*) a landlord? Yes ☐ No ☐
(*c*) the tenant? Yes ☐ No ☐

Signed .....
[On behalf of .....]
If signed by an agent, give name and address of agent .....
.....
Date .....

FORM NO. 3

LEASEHOLD REFORM ACT 1967

APPLICATION FOR DETERMINATION BY LEASEHOLD VALUATION TRIBUNAL OF COMPENSATION PAYABLE TO A TENANT

I/We apply for the determination by a Leasehold Valuation Tribunal of the amount of the compensation payable under section 17 or 18 of the Leasehold Reform Act 1967 for the loss of the house and premises named in paragraph 1 below and submit the following particulars. The respondents to this application are the persons (other than myself/ourselves) named in paragraphs 2 to 4 of those particulars.

*[I/We also apply to the Leasehold Valuation Tribunal for the determination under section 21(2) of the 1967 Act of the amount of a sub-tenant's share under Schedule 2 to the Act of the compensation payable to the tenant.]

*Cross out this paragraph if it does not apply.

THE PARTICULARS

1. Address of house and premises .....

2. Name and address of landiord by whom compensation is payable .....

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

4. Is this also an application under section 21(2) of the Leasehold Reform Act 1967 to determine the amount of a sub-tenant's share under Schedule 2 to the Act of the compensation payable to the tenant. Yes ☐ No ☐

If YES, give the name and address of the sub-tenant .....

5. Give full details on a separate sheet of the circumstances under which the claim for compensation arises and enclose copies of—

(*a*) the lease and of any agreements for sub-tenancies, and

(*b*) all other relevant documents, applications to the Court and Court Orders, or notices.

6. State the amount of compensation which the applicant considers appropriate

£ .....

7. Is the applicant—

(*a*) the landlord? Yes ☐ No ☐

(*b*) the tenant? Yes ☐ No ☐

Signed .....

[On behalf of .....]

If signed by an agent, give name and address of agent .....

.....

Date .....

Signed by authority of
the Secretary of State
23rd February 1981.

John Stanley,
Minister for Housing and Construction
Department for the Environment.

Signed by authority of
the Secretary of State for Wales
24th February 1981.

Wyn Roberts,
Parliamentary Under Secretary of
State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

By virtue of section 142 of the Housing Act 1980 any matter under the Leasehold Reform Act 1967 which previously was determined by the Lands Tribunal is henceforth to be determined by a Rent Assessment Committee constituted under Schedule 10 to the Rent Act 1977. When constituted to make such determinations, a Rent Assessment Committee is to be known as a Leasehold Valuation Tribunal.

These Regulations prescribe the procedure to be followed by Rent Assessment Committees when constituted as Leasehold Valuation Tribunals and prescribe the forms of application to be made to such tribunals.

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