STATUTORY INSTRUMENTS

1969 No. 1750 (L.30)

LANDLORD AND TENANT

The Housing (Qualification Certificate and Rights of Entry Proceedings) Rules 1969

Made - - - - 4*th December* 1969

Coming into Operation 22*nd December* 1969

The Lord Chancellor, in exercise of the powers conferred on him by section 106 of the Rent Act 1968(a) and section 56(2) of the Housing Act 1969(b), hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Housing (Qualification Certificate and Rights of Entry Proceedings) Rules 1969 and shall come into operation on 22nd December 1969.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

2. Subject to the provisions of these Rules the Rent Restrictions Rules 1957(d) shall apply to appeals and applications to the county court under section 49 or 54 of the Housing Act 1969 as they apply to applications to the county court under the provisions specified in section 106(3) of the Rent Act 1968.

3. Unless the court otherwise directs, the local authority concerned and the tenant of the premises to which the certificate relates shall be made respondents to an application under subsection (1) of section 49 of the Housing Act 1969, and the local authority concerned and the landlord of the premises shall be made respondents to an application under subsection (2) of that section.

4. The forms in the Appendix to these Rules or forms substantially to the same effect shall be used for the purposes of applications under section 49 or 54 of the Housing Act 1969.

Dated 4th December 1969.

Gardiner, C.

(a) 1968 c. 23.
(b) 1969 c. 33.
(c) 1889 c. 63.
(d) S.I. 1957/1137 (1957 I, p. 1310).

APPENDIX

FORM 1

Housing Act 1969 s. 49 (1), (2)

APPLICATION FOR ORDER TO LOCAL AUTHORITY TO ISSUE QUALIFICATION CERTIFICATE, OR FOR CANCELLATION OF QUALIFICATION CERTIFICATE

In the County Court
No. of Application

In the Matter of the Housing Act 1969

Between A.B. Applicant
and
C.D. Respondent

I, [*name of applicant*]
of [*address and occupation of applicant*]
hereby apply to the Court for an order [directing the Council [*name of local authority*] to issue a qualification certificate in respect of the premises known as of which I am the landlord and [*name of tenant*] is the tenant. Notice of refusal of my application for a certificate was served on me by the Council on the day of .]
[*or* quashing a qualification certificate issued by the Council [*name of local authority*] on the day of , in respect of the premises known as of which I am the tenant and [*name and address of landlord*] is the landlord. A copy of the certificate was served on me on the day of .]

The grounds for this application are: [*state the grounds of the application*].

The names and addresses of the persons on whom it is intended to serve this application are: [*state names and addresses of persons intended to be served*].

My address for service is [*state applicant's address for service*].

Dated this day of

Signed

Applicant.

To the Respondent

If you wish to oppose this application or dispute any allegation contained in it, you must, within 6 days of its being served on you, inclusive of the day of service, deliver at the court office an answer together with a copy for the applicant. The documents may be sent by post so as to arrive at the court office within the time allowed.

In your answer you must state the grounds on which you oppose the application and specify any allegation which you dispute.

If you do not deliver an answer, or if you deliver your answer out of time, you may be ordered to pay any costs incurred in consequence of your failure or delay.

You should attend the hearing even if you have delivered an answer.

FORM 2

ORDER ON APPLICATION FOR ORDER TO LOCAL AUTHORITY TO ISSUE QUALIFICATION CERTIFICATE, OR FOR CANCELLATION OF QUALIFICATION CERTIFICATE

Housing Act 1969 s. 49 (1), (2)

In the County Court

No. of Application

In the Matter of the Housing Act 1969

Between A.B. Applicant

and

C.D. Respondent

(Seal)

Upon hearing

It is hereby ordered [that the Council do issue a certificate in respect of the premises known as , of which the applicant is the landlord certifying that the premises satisfy the qualifying conditions under section 43(1) of the Housing Act 1969].

[*or* that the qualification certificate dated the day of and issued by the Council under section 45 of the Housing Act 1969 in respect of the premises known as , of which the applicant is the tenant shall be quashed and deemed never to have had effect.]

[*Add, if appropriate, order as to costs*]

Dated this day of

Registrar

To the Applicant and the Respondent.

FORM 3

Housing Act 1969 s. 54

APPLICATION FOR ORDER EMPOWERING LANDLORD TO ENTER PREMISES AND CARRY OUT WORKS

In the County Court

No. of Application

In the Matter of the Housing Act 1969

Between A.B. Applicant

and

C.D. Respondent

I, [*name of applicant*]

of [*address and occupation of applicant*]

hereby apply to the Court for an order authorising me to enter the premises known as , of which I am the landlord and [*name of tenant*], is the tenant, in order to carry out works covered by a certificate of fair rent relating to those premises dated , being works required to satisfy the conditions laid down in section 43 of the Housing Act 1969.

And for an order for the costs of this application.

The grounds for this application are: [*state the grounds of the application*].

The names and addresses of the persons on whom it is intended to serve this application are: [*state names and address of persons intended to be served*].

My address for service is [*state applicant's address for service*].

Dated this day of

Signed

Applicant.

To the Respondent

If you wish to oppose this application or to dispute any allegation contained in it, you must, within 6 days of its being served on you, inclusive of the day of service, deliver at the court office an answer, together with a copy for the applicant. The documents may be sent by post so as to arrive at the court office within the time allowed.

In your answer you must state the grounds on which you oppose the application and specify any allegation which you dispute.

If you do not deliver an answer, or if you deliver your answer out of time, you may be ordered to pay any costs incurred in consequence of your failure or delay.

You should attend the hearing even if you have delivered an answer.

FORM 4

ORDER EMPOWERING LANDLORD TO ENTER PREMISES AND CARRY OUT WORKS

Housing Act 1969 s. 54

In the County Court

No. of Application

In the Matter of the Housing Act 1969

Between A.B. Applicant

and

C.D. Respondent

(Seal)

Upon hearing

It is ordered that the applicant, being the landlord of the premises known as of which the respondent is the tenant, or the applicant's duly authorised agent, be entitled to enter the said premises in order to carry out [the works] [*or* the following works, namely] which are covered by the certificate of fair rent relating to the said premises dated , being works required to satisfy the conditions laid down in section 43 of the Housing Act 1969.

[*Add, if appropriate, order as to costs*]

Dated this day of

Registrar

To the Applicant and the Respondent.

EXPLANATORY NOTE

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

These Rules apply the Rent Restriction Rules 1957 with minor adjustments to proceedings in the county court under sections 49 and 54 of the Housing Act 1969 (which relate to the issue or refusal of qualification certificates and to rights of entry to do works in premises occupied by tenants) and prescribe the forms to be used in the proceedings.