# 1987 No. 2178

# LANDLORD AND TENANT

## The Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) (Amendment) Regulations 1987

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| *Made - - - -* | *16th December 1987* |
| *Laid before Parliament* | *11th January 1988* |
| *Coming into force* | *1st February 1988* |

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by section 74(1) of the Rent Act 1977(**a**) and by section 13(2) of the Landlord and Tenant Act 1987(**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) (Amendment) Regulations 1987 and shall come into force on 1st February 1988.

**Interpretation**

**2.** In these Regulations:—

"the 1971 Regulations" means the Rent Assessment Committees (England and Wales) Regulations 1971(**c**); and

"the 1981 Regulations" means the Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) Regulations 1981(**d**).

**The 1971 Regulations**

**3.** The 1971 Regulations are amended by the addition in regulation 2(2), in the definition of "committee", after the words "Housing Act 1980" of the words "or by section 13 (determination by rent assessment committees of questions relating to purchase notices) of the Landlord and Tenant Act 1987".

**The 1981 Regulations**

**4.** The 1981 Regulations are amended as follows:—

(1) In regulation 2, after the words "Leasehold Reform Act 1967", insert the words "or under section 13 of the Landlord and Tenant Act 1987".

(2) For regulation 3, substitute the following,

"3. The form of application and the particulars prescribed under the following sections of the Leasehold Reform Act 1967 or, as the case may be, the Landlord and Tenant Act 1987 are the following forms and the particulars contained therein:—

(a) in the case of an application under section 21(1)(a) of the 1967 Act, Form No. 1 in the Schedule hereto,

(**a**) 1977 c.42. (**b**) 1987 c.31.
(**c**) S.I. 1971/1065; the relevant amending instrument is S.I. 1980/1699. (**d**) S.I. 1981/271.

(b) in the case of an application under section 21(1)(b) of the 1967 Act, Form No. 2 in the Schedule hereto,

(c) in the case of an application under section 21(1)(c) of the 1967 Act, Form No. 3 in the Schedule hereto, and

(d) in the case of an application under section 13 of the Landlord and Tenant Act 1987, Form No. 4 in the Schedule hereto,

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

(3) In regulation 5(2), for the words "not less than 14 days before the said date" substitute the words "not less than 21 days before the said date (or such shorter period as the parties to the proceedings may agree)".

(4) In regulation 10—

(a) in paragraph 1, after the words "inspect the" omit the words "house and"; and

(b) in paragraph 4, after the words "any comparable" omit the words "house or" and after the words "apply to" omit the words "house and".

(5) In the Schedule, after Form No. 3, add, as Form No. 4, the form set out in the Schedule to these Regulations.

*Nicholas Ridley*
14th December 1987 — Secretary of State for the Environment

*Peter Walker*
16th December 1987 — Secretary of State for Wales

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## SCHEDULE — Article 4(5)

## FORM TO BE ADDED TO THE SCHEDULE TO THE 1981 REGULATIONS

### FORM No. 4

LANDLORD AND TENANT ACT 1987

SECTION 13

*Application and Particulars*

When this form has been filled in, please send it to the rent assessment committee

Please write in BLOCK CAPITALS
ticking boxes where necessary

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1. Address of premises which are the subject of the application.

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2. What is the name and address of the current landlord?

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3. What is the name and address of the nominated person within the meaning of section 13 of the Act?

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4. What interest does the current landlord have in the premises?
Freehold ☐ or Leasehold ☐

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5. Do you know of anyone entitled to the benefit of a charge on the landlord's interest in the premises, such as a mortgagee? Yes/No.
If you answered Yes, please give names and addresses if you know them.

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6. Please give the date on which the current landlord acquired the premises and give brief details of the terms of the acquisition (including the sum paid).

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7. Please give the date on which the purchase notice under section 12 of the Act was served and enclose a copy.

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8. Do the premises which are the subject of the purchase notice now form a part of larger premises owned by the current landlord? Yes/No.

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9. Is this an application to settle the price payable under section 12? Yes/No.
If you answered No, then go to question 12.

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10. What price do you consider to be payable under section 12 of the Act? £

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11. What price does the landlord or (if the landlord is the applicant) the nominated person consider to be payable under section 12 of the Act? £

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12. Have any of the terms of the conveyance (other than the price) been agreed? Yes/No.
If you answered Yes, enclose details of those agreed or a copy of a draft conveyance.

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13. Is this an application to settle the terms of the conveyance (other than the price)? Yes/No.
If you answered Yes, then please give details on a separate sheet.

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14. Has the Court been asked to decide any question relating to this application? Yes/No.
If you answered Yes, has the Court made an order? Yes/No.
If Yes, then please enclose a copy of the order.

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15. Is the applicant (*a*) the landlord? Yes/No
or
(*b*) the nominated person on behalf of the qualifying tenants Yes/No

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I/We apply for a determination under section 13 of the Act.

Signed.....
(on behalf of )
Date.....

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Part I of the Landlord and Tenant Act 1987 confers a right of first refusal in certain circumstances on tenants of blocks of flats, when their landlord is disposing of his interest. If the landlord fails to comply with his obligations under Part I, a person nominated by the tenants may be entitled to acquire an interest in the block, on their behalf, from the person who bought it from the landlord. Section 13 provides for a rent assessment committee, acting as a Leasehold Valuation Tribunal, to determine disputes as to the extent of the interest to be acquired in such a case, the price to be paid and other related matters.

These Regulations amend the Regulations prescribing the procedure to be followed by rent assessment committees, when constituted as Leasehold Valuation Tribunals, to enable them to deal with matters arising under section 13. They also prescribe the form of application to be used in such cases.

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