STATUTORY INSTRUMENTS

1970 No. 1851 (L.34)

LANDLORD AND TENANT

RENT CONTROL, ETC., (ENGLAND AND WALES)

The Rent (County Court Proceedings) Rules 1970

Made - - - 8*th December* 1970
Coming into Operation 1*st February* 1971

The Lord Chancellor, in exercise of the powers conferred on him by section 106 of the Rent Act 1968(**a**) (as amended by section 47 of the Administration of Justice Act 1970(**b**)) and section 56(2) of the Housing Act 1969(**c**), hereby makes the following Rules :—

Citation, commencement, interpretation and application

1.—(1) These Rules may be cited as the Rent (County Court Proceedings) Rules 1970 and shall come into operation on 1st February 1971.

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

(3) In these Rules—

"the Act of 1968" means the Rent Act 1968 ;

"the Act of 1969" means Part III of the Housing Act 1969 ;

an Order and Rule referred to by number means the Order and Rule so numbered in the County Court Rules 1936(**e**), as amended (**f**).

Application of county court rules

2. Proceedings in a county court under the Act of 1968 or the Act of 1969 shall, subject to the provisions of these Rules, be instituted and prosecuted in accordance with the County Court Rules and any powers exercisable by the court in relation to proceedings to which those Rules apply shall be exercisable in relation to proceedings to which these Rules apply.

Applications to the county court

3.—(1) An application to the county court under the Act of 1968 and an appeal or application to the county court under the Act of 1969 shall be made by way of originating application to the court for the district in which the premises concerned are situate :

Provided that, where in proceedings in any county court a question arises which might be made the subject of an originating application under this Rule, that court may determine the question in the course of those proceedings and without a separate application being made.

(**a**) 1968 c. 23. (**b**) 1970 c. 31.
(**c**) 1969 c. 33. (**d**) 1889 c. 63.
(**e**) S.R. & O. 1936/626 (1936 I, p. 282).
(**f**) S.R. & O. 1936/1312, 1938/18, S.I. 1950/1231, 1993, 1956/1851, 1965/2147 (1936 I, p. 655; 1938 I, p. 977; 1950 I, pp. 400, 450; 1956 I, p. 545; 1965 III, p. 6292).

(2) Where the proceedings are brought under section 49 of the Act of 1969 the applicant shall file with his originating application a copy of the notice of refusal given by the local authority under section 45(2) of that Act.

(3) The documents required by Order 6, Rule 4(2)(*c*)(ii), to be served on each respondent shall be served not less than 10 or, in the case of an application for leave to distrain, not less than 4 clear days before the day fixed for hearing.

(4) Service may be effected in accordance with the provisions of Order 8, Rule 39, by any person authorised by Order 8, Rule 2, to effect personal service of a document and by any officer of the court where service is to be effected by post. Service of an application for leave to distrain may also be effected by any person regularly authorised by or on behalf of the applicant to collect the rent of the premises in question.

(5) (*a*) Except where the application is for leave to distrain, a respondent who wishes to oppose the application or to dispute any allegation contained therein shall, within 8 days of the service upon him of a copy thereof inclusive of the day of service, deliver at the court office an answer, together with as many copies thereof as there are applicants, stating the grounds of his opposition and specifying the allegations which he disputes.

(*b*) On receipt of the answer and copies the registrar shall send a copy to each applicant.

(*c*) If the respondent fails to deliver an answer within the time limited by sub-paragraph (*a*) of this paragraph, he may nevertheless deliver an answer at any time before the day fixed for hearing, and if time permits the procedure prescribed by sub-paragraph (*b*) of this paragraph shall be followed, or the respondent may, without delivering an answer, appear on the day fixed for hearing and oppose the application or dispute any allegation made therein, but the court may order him to pay any costs properly incurred in consequence of his delay or failure.

(6) The application may be heard by the registrar who may, and shall if so required by any party at any time before he has given his decision, refer it to the judge :

Provided that an application under paragraph 3 or paragraph 7 of Schedule 1 to the Act of 1968 shall be heard in the first place by the judge, who may dispose of it himself or refer it to the registrar.

(7) The judge or registrar may hear the application or any part thereof in private or in open court as he may think desirable.

(8) Where the court makes an order for the payment of any costs of the application, such costs shall be taxed on Scale 1 in Appendix B to the County Court Rules unless the court otherwise directs :

Provided that the court may, in lieu of ordering the costs to be taxed, fix the amount to be paid.

(9) Unless the court otherwise directs, the local authority concerned shall not be made a respondent to an application under sub-paragraph (5), (6) or (7) of paragraph 4, or sub-paragraph (4) of paragraph 6, or paragraph 18 of Schedule 9 to the Act of 1968.

(10) 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 Act of 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.

(11) The registrar shall serve a copy of the order made on the application on every party thereto and, where the order relates to a certificate of repair or disrepair, on the local authority concerned.

(12) The forms in the Appendix to these Rules or forms substantially to the same effect shall be used where appropriate with such modifications as the circumstances may require.

Proceedings for compensation under s. 19 of the Act of 1968

4. Proceedings in a county court for compensation under section 19 of the Act of 1968 shall be commenced by plaint and, if the judgment complained of was obtained in a county court, the action shall be brought in that court.

Repeals

5. The Rent Restriction Rules 1957(**a**), the Rent Restriction (Amendment) Rules 1958(**b**) and the Housing (Qualification Certificate and Rights of Entry Proceedings) Rules 1969(**c**) are hereby revoked, but without prejudice to anything done thereunder.

Dated 8th December 1970.

Hailsham of St. Marylebone, C.

APPENDIX

FORM 1

GENERAL FORM OF TITLE OF PROCEEDINGS

In the County Court
No. of Application

In the Matter of the Rent Act 1968 [*or* the Housing Act 1969]

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

FORM 2

GENERAL FORM OF CONCLUSION OF ORIGINATING 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.

(*Add, except in the case of an application for leave to distrain*)

(**a**) S.I. 1957/1137 (1957 I, p. 1310). (**b**) S.I. 1958/1350 (1958 I, p. 1341).
(**c**) S.I. 1969/1750 (1969 III, p. 5479).

To the Respondent

If you wish to oppose this application or to dispute any allegation contained in it, you must, within 8 days of its being served on you inclusive of the day of service, deliver at the court office an answer, together with as many copies as there are applicants. 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 costs incurred in consequence of your failure or delay.

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

FORM 3

GENERAL FORM OF CONCLUSION OF ORDER ON ORIGINATING APPLICATION

[*Add, if so ordered*]

And it is ordered that the applicant [respondent] do recover against the respondent [applicant] his costs of the application, which are hereby allowed at £ [*or* to be taxed on Scale].

And it is ordered that the respondent [applicant] do pay the said sum of £ [*or* the amount of the said costs when taxed] to the Registrar of this Court on or before the day of , or (*where the costs are to be taxed*), if the costs have not been taxed before the expiration of that day, within 3 days after taxation [*or* by instalments of £ for every calendar month, the first instalment to be paid on the day of].

Dated this day of .

Registrar.

FORM 4

Rent Act 1968, s. 6(2), s. 7(1) and Schedule 2 Part I, s. 7(3) and Schedule 2, Part II, s. 38(2), s. 51(2), s. 52 and Schedule 8, s. 67(4)

APPLICATION FOR APPORTIONMENT OF RATEABLE VALUE OR RATES OR 1956 GROSS VALUE

(*General Title—Form* 1.)

I, (*name of applicant*)
of (*address and occupation of applicant*)
hereby apply to the Court for the apportionment of
[the rateable value on the day of] [*or* the gross value on the 7th day of November 1956]
[*or* the rates payable in respect]
of certain property known as ,
and comprising certain premises known as ,
for the purpose of determining the rateable value [*or* the 1956 gross value] [*or* the rates payable in respect] of the said premises for the purposes of the above mentioned Act:

And for an order providing for the costs of this application.

(*General Conclusion—Form* 2)

FORM 5

ORDER ON APPLICATION FOR APPORTIONMENT OF RATEABLE VALUE OR RATES OR 1956 GROSS VALUE

Rent Act 1968, s. 6(2), s. 7(1) and Schedule 2 Part I, s. 7(3) and Schedule 2, Part II, s. 38(2), s. 51(2), s. 52 and Schedule 8, s. 67(4)

(*General Title—Form* 1)

Seal

Upon hearing

It is hereby determined that
[the rateable value on the day of] [*or* the gross value on the 7th day of November 1956] (*or as the case may be*)
[*or* the rates payable in respect]
of certain property known as ,
and comprising certain premises known as ,
shall be apportioned between the said premises and the rest of the said property as follows:—

£ to the said premises
and
£ to the remainder of the said property.

(*General Conclusion—Form* 3)

FORM 6

APPLICATION FOR LEAVE TO DISTRAIN

Rent Act 1968, s. 111

(*General Title—Form* 1)

I, (*name of applicant*)
of (*address and occupation of applicant*)
hereby apply to the Court for an order under section 111 of the Rent Act 1968 giving me leave to levy a distress for rent amounting to £ on premises known as ; And for an order providing for the costs of this application.

The grounds of my application are that the said premises are let by me to the respondent on a [weekly] tenancy at £ per [week] and that rent amounting to £ was, by the day of , and is still in arrear.

(*General Conclusion—Form* 2)

FORM 7

Rent Act 1968, s. 111

ORDER ON APPLICATION FOR LEAVE TO DISTRAIN

(*General Title—Form* 1)

Seal

Upon hearing

It is hereby ordered, under section 111 of the Rent Act 1968, that the applicant be at liberty to levy a distress for rent amounting to £ due to him from the respondent in respect of premises known as

(*Add, if so ordered—in lieu of General Conclusion*)

And it is ordered that the applicant [respondent] do recover against the respondent [applicant] his costs of the application, which are hereby allowed at £ [*or* to be taxed on Scale].

And it is ordered that the respondent [applicant] do pay the said sum of £ [*or* the amount of the said costs when taxed] to the Registrar of this Court on or before the day of , or (*where the costs are to be taxed*), if the costs have not been taxed before the expiration of that day, within 3 days after taxation [*or* by instalments of £ for every calendar month, the first instalment to be paid on the day of].

[*Or* (*where the order giving leave to distrain and for costs is suspended on payment of the current rent and instalments of the arrears and costs*)

And it is further ordered that the operation of this order shall be suspended so long as the respondent punctually pays to the applicant or his agent the said arrears and costs by instalments of £ per week in addition to the current rent.]

Dated this day of ,

Registrar.

FORM 8

Rent Act 1968, s. 21(7), s.24(2), s.55(3), s. 60(4)

APPLICATION TO DETERMINE AN ADJUSTMENT OF RECOVERABLE RENT OR RENT LIMIT WITH RESPECT TO REPAIRS, SERVICES OR FURNITURE

(*General Title—Form* 1)

I, (*name of applicant*)
of (*address and occupation of applicant*)
hereby apply to the Court for an order determining that the recoverable rent [*or* the rent limit] [*or* the contractual rent limit] of the premises known as , of which I am the landlord [tenant] and the respondent is the tenant [landlord], shall be increased [decreased] by the amount of £ per , or such other sum as the Court may determine, by reason of a difference with respect to the responsibility for any repairs [*or* the provision of services] [*or* the use of furniture] or any circumstances relating thereto in comparison with the terms of the previous tenancy [*or* the previous terms] [*or* the last contractual period] [*or* the basic rental period],

And for an order that the determination of the Court shall relate to the following statutory periods [*or* rental periods]:

(*state the periods*)

And for an order providing for the costs of this application.

The grounds of this application are: (*state the grounds of application, specifying the terms of the tenancy, the nature and extent of the premises, particulars of the services provided, or the furniture in question, and the difference which is alleged*).

(*General Conclusion—Form* 2)

FORM 9

ORDER ON APPLICATION TO DETERMINE AN ADJUSTMENT OF RECOVERABLE RENT OR RENT LIMIT WITH RESPECT TO SERVICES OR FURNITURE

Rent Act 1965 s.21(7) s. 24(2), s. 55(3), s. 60(4).

(*General Title—Form* 1)

Seal

Upon hearing

It is hereby ordered that by reason of a difference with respect to the responsibility for repairs of [*or* the services provided for] [*or* the use of furniture by] the respondent [applicant] or the circumstances relating thereto in comparison with the terms of the previous tenancy [*or* the previous terms] [*or* the last contractual period] [*or* the basic rental period] in respect of premises known as , the recoverable rent [*or* the rent limit] [*or* the contractual rent limit] of the said premises be increased [decreased] by £ per .

And it is ordered that the determination do relate to the following statutory periods [*or* rental periods]:

(*state the periods*)

(*General Conclusion—Form* 3)

FORM 10

TENANT'S APPLICATION TO CANCEL OR REDUCE INCREASE OF RENT FOR IMPROVEMENT

Rent Act 1965 s. 25(3), s. 59(1)

(*General Title—Form* 1)

I, (*name of applicant*)
of (*address and occupation of applicant*)
hereby apply to the Court for an order cancelling [*or* reducing by £ per or such other sum as the court may determine] an increase of rent specified in a notice dated the day of and served on me by the respondent in respect of an improvement in certain premises known as , of which I am the tenant and the respondent is the landlord;

And for an order providing for the costs of this application

The grounds of this application are:—

The said improvement was unnecessary [and [*or*] a greater amount was spent on the said improvement than was reasonable] because (*here state why the improvement was unnecessary or the amount spent on it was unreasonable, as the case may be*).

(*General Conclusion—Form* 2)

FORM 11

Rent Act 1968, s. 25(3), s. 59(1)

ORDER ON TENANT'S APPLICATION TO CANCEL OR REDUCE INCREASE OF RENT FOR IMPROVEMENT

(*General Title—Form* 1)

Seal

Upon hearing

It is ordered that the increase of rent specified in a notice dated the day of and served on the applicant by the respondent in respect of an improvement in premises known as be cancelled [*or* reduced to £ per] as from the day of 19 .

(*General Conclusion—Form* 3)

FORM 12

Rent Act 1968, s. 52(1) (c)

APPLICATION TO DETERMINE A REASONABLE CHARGE FOR SERVICES OR THE USE OF FURNITURE

(*General Title—Form* 1)

I, (*name of applicant*)
of (*address and occupation of applicant*)
hereby apply to the Court for an order determining that a reasonable charge for services provided by me [the respondent (*or as the case may be*) [for] *or* for the use of furniture by] the respondent [me] during the basic rental period in respect of premises known as (of which I am the landlord [tenant] and the respondent is the tenant [landlord]), is £ per annum, or such other sum as the Court may determine;

And for an order providing for the costs of this application.

The grounds of this application are: (*state grounds of application, specifying the terms of the tenancy, the nature and extent of the premises and particulars of the services provided* (*or, as the case may be, the furniture in question*)).

(*General Conclusion—Form* 2)

FORM 13

ORDER ON APPLICATION TO DETERMINE A REASONABLE CHARGE FOR SERVICES OR THE USE OF FURNITURE

Rent Act 1968, s. 52(1) (c)

(*General Title—Form* 1)

Seal

Upon hearing

It is hereby determined that a reasonable charge for the undermentioned services provided for [*or* the use of the undermentioned furniture by] the respondent [applicant] during the basic rental period in respect of premises known as
is £ per :

(*Particulars of the services or furniture in question, described by reference to the application or otherwise*).

(*General Conclusion—Form* 3)

FORM 14

APPLICATION TO DETERMINE THE APPROPRIATE FACTOR BY WHICH GROSS VALUE IS TO BE MULTIPLIED ON ACCOUNT OF THE TENANT'S RESPONSIBILITY FOR REPAIRS

Rent Act 1968, s. 52(2), Schedule 9, para. 1(3)

(*General Title—Form* 1)

I (*name of applicant*)
of (*address and occupation of applicant*)
hereby apply to the Court for an order determining the appropriate factor by which the gross value of premises known as of which I am the landlord [tenant] and the respondent is the tenant [landlord], is to be multiplied for the purpose of ascertaining the rent limit applicable thereto:

And for an order providing for the costs of this application.

The grounds of this application are: (*state grounds of application, specifying the terms of the tenancy, the nature and extent of the premises and the repairs for which the landlord and tenant are respectively responsible*).

(*General Conclusion—Form* 2)

FORM 15

ORDER ON APPLICATION TO DETERMINE THE APPROPRIATE FACTOR BY WHICH GROSS VALUE IS TO BE MULTIPLIED ON ACCOUNT OF THE TENANT'S RESPONSIBILITY FOR REPAIRS

Rent Act 1968, s. 52(2), Schedule 9, para. 1(3)

(*General Title—Form* 1)

Seal

Upon hearing

It is hereby ordered and declared that the appropriate factor by which the gross value of certain premises known as of which the applicant is the landlord [tenant] and the respondent is the tenant [landlord], is to be multiplied for the purpose of ascertaining the rent limit applicable thereto is

(*General Conclusion—Form* 3)

FORM 16

Rent Act 1968, s. 52(3), Schedule 9, para. 4(5), 6(4)

TENANT'S APPLICATION FOR DIRECTION THAT CERTIFICATE OF DISREPAIR SHOULD HAVE BEEN ISSUED OR HAVE SPECIFIED FURTHER DEFECTS, OR FOR REVERSAL OF CANCELLATION OF CERTIFICATE

(*General Title—Form* 1)

I, (*name of applicant*)
of (*address and occupation of applicant*)
hereby apply to the Court for an order directing the Council to proceed on the footing that they are satisfied that premises known as , of which I am the tenant and the respondent is the landlord, are in disrepair by reason of the undermentioned defects and that, having regard to the age, character and locality of the said premises, those defects [*or* such of those defects as are specified herein] ought reasonably to be remedied: [*or* that the undermentioned defects shall be deemed to be specified in a certificate of disrepair issued by the Council on the day of and relating to premises known as , of which I am the tenant and the respondent is the landlord:]

(*give particulars of defects in question*)

[*or* that a certificate of disrepair relating to premises known as (of which I am the tenant and the respondent is the landlord), issued by the Council on the day of and cancelled by the said Council, shall be deemed not to have been cancelled;]

And for an order providing for the costs of this application.

The grounds of this application are: (*state the grounds of the application*).

(*General Conclusion—Form* 2)

FORM 17

Rent Act 1968, s. 52(3), Schedule 9, para. 4(5), 6(4)

ORDER ON TENANT'S APPLICATION FOR DIRECTION THAT CERTIFICATE OF DISREPAIR SHOULD HAVE BEEN ISSUED OR HAVE SPECIFIED FURTHER DEFECTS, OR FOR REVERSAL OF CANCELLATION OF CERTIFICATE

(*General Title—Form* 1)

Seal

Upon hearing

It is hereby ordered and directed that the Council do proceed on the footing that they are satisfied that premises known as are in disrepair by reason of the undermentioned defects and that, having regard to the age, character and locality of the said premises, those defects [*or* such of those defects as are specified herein] ought reasonably to be remedied: [*or* the undermentioned defects shall be deemed to be specified in the certificate of disrepair issued by the Council on the day of and relating to premises known as :]

(*particulars of defects in question*).

[*or* the certificate of disrepair relating to premises known as issued by the Council on the day of and cancelled by the said Council, shall be deemed not to have been cancelled].

(*General Conclusion—Form* 3)

FORM 18

APPLICATION BY LANDLORD FOR CANCELLATION, IN WHOLE OR IN PART, OF A CERTIFICATE OF DISREPAIR

Rent Act 1968, s. 52(3), Schedule 9, para. 4(6), (7), 6(3)

(*General Title—Form* 1)

I, (*name of applicant*)
of (*address and occupation of applicant*)
hereby apply to the Court for an order cancelling [in respect of the following defects, namely ,] a certificate of disrepair dated the day of and issued by the Council in respect of premises known as , of which I am the landlord and the respondent is the tenant;

[And for an order that the said certificate shall cease to have effect as from the day of ;]

And for an order providing for the costs of this application.

The grounds of this application are: (*state grounds of application, e.g. that the defects specified in the certificate are the responsibility of the tenant, or ought not, for some other reason, to have been specified; or that the local authority should have cancelled the certificate on the ground that the defects have been remedied*).

(*General Conclusion—Form* 2)

FORM 19

ORDER ON APPLICATION BY LANDLORD FOR CANCELLATION, IN WHOLE OR IN PART, OF A CERTIFICATE OF DISREPAIR

Rent Act 1968, s. 52(3), Schedule 9, para. 4(6), (7), 6(3)

(*General Title—Form* 1)

Seal

Upon hearing

It is ordered that the certificate of disrepair, dated the day of and issued by the Council in respect of premises known as , of which the applicant is the landlord and the respondent is the tenant, shall be cancelled [in respect of the following defects:].

[And it is ordered that the said certificate shall cease to have effect as from the day of [*or* the date of this order]].

(*General Conclusion—Form* 3)

FORM 20

Rent Act 1968, s. 95(2) (3)

APPLICATION BY MORTGAGOR TO VARY THE TERMS OF A REGULATED MORTGAGE OR LIMIT THE EXERCISE OF A RIGHT OR REMEDY IN RESPECT THEREOF ON GROUNDS OF FINANCIAL HARDSHIP

(*General Title—Form* 1)

I, (*name of applicant*)
of (*address and occupation of applicant*)
hereby apply to the Court for an order varying the terms of, or imposing a limitation or condition on the exercise of a right or remedy in respect of, a regulated mortgage dated the day of 19 , in respect of which I am the mortgagor and the respondent is the mortgagee relating to the property known as

And for an order providing for the costs of this application.

The grounds of this application are that by reason of (*state which of the events referred to in section* 95(1) *of the Rent Act* 1968 *has occurred*).

I would suffer severe financial hardship unless the relief applied for were given.

The relief applied for is (*state what relief is applied for*) or such other relief as the Court thinks appropriate.

(*General Conclusion—Form* 2)

FORM 21

Rent Act 1968, s. 95(2) (3)

ORDER ON APPLICATION BY MORTGAGOR TO VARY THE TERMS OF A REGULATED MORTGAGE OR LIMIT THE EXERCISE OF A RIGHT OR REMEDY IN RESPECT THEREOF ON GROUNDS OF FINANCIAL HARDSHIP

(*General Title—Form* 1)

Seal

Upon hearing

and the Court being satisfied that the applicant would suffer severe financial hardship unless relief were given in the terms of this order

It is hereby ordered that the rate of interest payable in respect of the undermentioned mortgage be limited to £ per centum per annum (*or as the case may be according to the relief awarded*):

(*Particulars of mortgage to which the relief applies, including, where appropriate, an apportionment of the money secured by the mortgage between the dwelling-house*[*s*] *subject to a regulated tenancy and other land comprised in the mortgage*)

(*General Conclusion—Form* 3)

FORM 22

APPLICATION TO VARY OR REVOKE AN ORDER UNDER SECTION 95(2) RENT ACT 1968 Rent Act 1968, s. 95(5)

(*General Title—Form* 1)

I (*name of applicant*)
of (*address and occupation of applicant*)
being the mortgagor [mortgagee] in relation to the undermentioned mortgage in respect of which the Court made an order under section 95(2) of the Rent Act 1968 on the day of 19 hereby apply to the Court for an order varying the said order in the manner set out below [*or* revoking the said order].

And for an order providing for the costs of this application.

The particulars of the said mortgage are as follows:
(*state particulars of mortgage*)

The variation applied for is that (*state the variation*) or such other variation as the Court thinks appropriate.

The grounds of this application are: (*state the grounds*).

(*General Conclusion—Form* 2)

FORM 23

ORDER ON APPLICATION TO VARY OR REVOKE AN ORDER UNDER SECTION 95(2) RENT ACT 1968 Rent Act 1968, s. 95(5)

(*General Title—Form* 1)

Seal

Upon hearing

It is hereby ordered that the order made by this Court on the day of 19 in respect of the undermentioned mortgage be varied by substituting £ per centum per annum as the rate of interest payable under the said mortgage (*or as the case may be*) [*or* be revoked].

(*Particulars of the mortgage referred to in the order*).

(*General Conclusion—Form* 3)

FORM 24

APPLICATION TO DETERMINE A QUESTION RELATING TO A TENANCY OR MORTGAGE OR ANY MATTER MATERIAL THERETO Rent Act 1968, s. 105

(*General Title—Form* 1)

I, (*name of applicant*)
of (*address and occupation of applicant*)
hereby apply to the Court for an order determining whether the tenancy of the premises known as under which I am the tenant [landlord] and the respondent is the landlord [tenant] is a protected tenancy [*or* whether is a statutory tenant of the dwelling house known as]
[*or* whether the mortgage made between and relating the premises known as is a controlled mortgage within

the meaning of Part VIII of the Rent Act 1968] [*or* what is the rent limit [*or* the rent actually recoverable from the tenant] in respect of the premises known as of which I am the landlord [tenant] and the respondent is the tenant [landlord]] [*or* whether Part VI of the Rent Act 1968 applies to a contract made on the day of between and relating to the occupation of the dwelling known as] (*or as the case may be*).

And for an order providing for the costs of this application.

The grounds of this application are: (*state the grounds*).

(*General Conclusion—Form* 3)

FORM 25

Rent Act 1968, s. 105

ORDER ON AN APPLICATION TO DETERMINE A QUESTION RELATING TO A TENANCY OR MORTGAGE OR ANY MATTER MATERIAL THERETO

(*General Title—Form* 1)

Seal

Upon hearing

It is hereby ordered and declared that the tenancy of the premises known as under which the applicant is the tenant [landlord] and the respondent is the landlord [tenant] is [is not] a protected tenancy [*or* that is [is not] a statutory tenant of the dwelling house known as] [*or* that the mortgage made between and on the day of in respect of premises known as is [is not] a controlled mortgage within the meaning of Part VIII of the Rent Act 1968] [*or* that the rent limit [*or* the rent actually recoverable from the tenant] in respect of the premises known as is £ per] [*or* that Part VI of the Rent Act 1968 applies [does not apply] to a contract made on the day of 19 between and relating to the occupation of premises known as]. (*or as the case may be*)

(*General Conclusion—Form* 3)

FORM 26

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

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

(*General Title—Form* 1)

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*).

(*General Conclusion—Form* 2)

FORM 27

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)

(*General Title—Form* 1)

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.]

(*General Conclusion—Form* 3)

FORM 28

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

Housing Act 1969, s. 54

(*General Title—Form* 1)

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*).

(*General Conclusion—Form* 2)

FORM 29

Housing Act 1969, s. 54

ORDER EMPOWERING LANDLORD TO ENTER PREMISES AND CARRY OUT WORKS

(*General Title—Form* 1)

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.

(*General Conclusion—Form* 3)

EXPLANATORY NOTE

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

These Rules, which replace the Rent Restrictions Rules 1957 and 1958 and The Housing (Qualification Certificate and Rights of Entry Proceedings) Rules 1969, govern the procedure in county courts in proceedings under the Rent Act 1968 and under Part III of the Housing Act 1969. Where the procedure is not specifically covered by these Rules, the current County Court Rules will apply by virtue of Rule 2.

Under Rule 3(1), proceedings will, in most cases, be instituted by originating application. Under Rule 3(3) the minimum period between service and hearing of the application will be 10 days except in a case of an application for leave to distrain, when it will be 4 days. The time for delivering an answer, where that is necessary, will be 8 days from the date of service.

Under Rule 4, a claim to compensation, where judgment for possession has been obtained by misrepresentation, will take the form of an action. No express provision is made for appeals from the registrar to the judge in such cases, so the County Court Rules will apply. Rule 5 revokes all the existing Rules without prejudice to anything previously done under them.

The Schedule contains prescribed forms for use on most of the applications and orders which can be made under the relevant Acts. Forms 24 and 25 may be used for the purposes of the court's general jurisdiction under section 105 of the 1968 Act.

SI 1970/1851
ISBN 0-11-001851-6

