
STATUTORY INSTRUMENTS

1978 No. 16

RENTS AND RENTCHARGES

The Rentcharges Regulations 1978

<i>Made</i>	- - - -	<i>9th January 1978</i>
<i>Laid before Parliament</i>		<i>11th January 1978</i>
<i>Coming into Operation</i>		<i>1st February 1978</i>

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 sections 4(5), 8(2), 9(3), 12 and 15(2) and (3) of the Rentcharges Act 1977 and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Rentcharges Regulations 1978 and shall come into operation on 1st February 1978.

Interpretation

2.—(1) The Interpretation Act 1889 shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(2) In these regulations—

“the Act” means the Rentcharges Act 1977;

“the 1927 Act” means the Landlord and Tenant Act 1927;

“Form” means one of the numbered forms set out in the Schedule to these regulations.

Applications for apportionment orders

3.—(1) Any application under section 4(1) of the Act for an order apportioning a rentcharge, to which that subsection applies, between the land owned by the applicant and the remaining land affected by the rentcharge shall be made in Form 1.

(2) Any application under section 4(2) of the Act for an order apportioning a rentcharge, to which that subsection applies, between two or more parts of the land owned by the applicant shall be made in Form 2.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more***

Applications for redemption certificates

4.—(1) Any application under section 8(1) of the Act for a redemption certificate in respect of a rentcharge shall be made in Form 3.

(2) Any application under section 8(1) of the Act, as applied by section 20 of the 1927 Act, for a redemption certificate in respect of an apportioned part of a rent to which the proviso to subsection (1) of the said section 20 applies, shall be made in Form 4.

Notification of ownership

5. Any notification required to be given for the purposes of section 9(2) of the Act as to ownership in relation to a rentcharge, or, as the case may be, a rent to which section 20 of the 1927 Act applies, shall be given in Form 5.

Expenses

6.—(1) Where, in exercise of any of his powers under sections 4(6) and 8(3), the Secretary of State requires the applicant to deliver to him any additional document or to furnish him with any additional information, and the additional document is delivered, or the additional information is furnished, by some person other than the applicant, the reasonable expenses incurred by that other person in delivering the document or furnishing the information shall be borne by the applicant.

(2) Where, in exercise of any of his powers under sections 4(7) and 8(6) the Secretary of State requests the delivery to him of any of the applicant's documents of title which are in the custody of a mortgagee, the reasonable expense of the mortgagee in complying with that request shall be borne by the applicant.

9th January 1978

Peter Shore
Secretary of State for the Environment

Signed by authority of the Secretary of State for Wales.

5th January 1978

T. Alec Jones
Parliamentary Under Secretary of State
Welsh Office

SCHEDULE

Form 1 APPLICATION FOR THE APPORTIONMENT OF A RENTCHARGE—LAND IN DIFFERENT OWNERSHIP

Regulation 3(1)

Form 1 APPLICATION FOR THE APPORTIONMENT OF A RENTCHARGE—LAND IN DIFFERENT OWNERSHIP

Form 2 APPLICATION FOR THE APPORTIONMENT OF A RENTCHARGE—LAND IN UNDIVIDED OWNERSHIP

Regulation 3(2)

Form 2 APPLICATION FOR THE APPORTIONMENT OF A RENTCHARGE—LAND IN UNDIVIDED OWNERSHIP

Form 3 APPLICATION FOR A REDEMPTION CERTIFICATE (RENTCHARGE)

Regulation 4(1)

Form 4 APPLICATION FOR A REDEMPTION CERTIFICATE (GROUNDRENT)

Regulation 4(2)

Form 5 NOTIFICATION OF OWNERSHIP OF A RENT

Regulation 5

EXPLANATORY NOTE

These Regulations prescribe for the purposes of the Rentcharges Act 1977 the forms of application for the apportionment of rentcharges and the redemption of rentcharges and other rents. They also prescribe the form of the statement as to ownership required for the purposes of such redemption of rentcharges and other rents.

Provision is further made by these Regulations for the responsibility of the applicant for certain expenses incurred by other persons on his behalf incidentally to his application.