

1978 No. 16

RENTS AND RENTCHARGES**The Rentcharges Regulations 1978**

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

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(a) 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(b) 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(c);

“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.

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.

(a) 1977 c. 30.

(b) 1889 c. 63.

(c) 1927 c. 36.

(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.

SCHEDULE

Regulation 3(1)

Form 1

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

(Section 4 (1) of the Rentcharges Act 1977)

Complete this form in BLOCK CAPITALS please

1a. Give the address of your property subject to the rentcharge:

.....
.....
.....

1b. If you are not the sole owner of the property give the full names and addresses of the other persons who are your joint owners:

- (1)
- (2)
- (3)
- (4)

2. Do you (and your joint owners, if any) own the property freehold?

YES NO
(tick one box)

3a. How much rentcharge do you (together with any joint owners) pay each year for your property? £

3b. Is this the amount stated in your deeds as payable on your property?

YES NO
(tick one box)

3c. If not, what is the amount shown in your deeds? £

4. Give the name and address of the person to whom you pay the rentcharge:

.....
.....

5. Give the name and address of the rentowner (if different from 4 above):

.....
.....

6. Give particulars of the original deed which created the rentcharge:

- a. the type of deed (eg conveyance, registered transfer, etc)
- b. the date of the original deed
- c. the parties by whom the original deed was made

7. What does the original deed state to be the amount of the rentcharge on the whole of the land affected? £

8. Do other people pay part of the rentcharge? If so, give their names and addresses, and the amounts they pay (if known):

(1)
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.....
.....

Amount paid £

(2)
.....
.....

Amount paid £

(3)
.....
.....

Amount paid £

(4)
.....
.....

Amount paid £

(If more space is required, please use a separate sheet)

9. Insert any additional information you may wish to give:

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I hereby apply for the legal apportionment of the above mentioned rentcharge and I declare that the information given above is true to the best of my knowledge and belief.

*Signed..... Date.....

Name (in full)

Address

**If application is made by the joint owners of the property, all of them should sign this application.*

Regulation 3(2)

Form 2

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

(Section 4 (2) of the Rentcharges Act 1977)

Complete this form in BLOCK CAPITALS please

1a. Give the address (or short description as appropriate) of your property subject to the rentcharge:

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1b. If you are not the sole owner of the property give the full names and addresses of the other persons who are your joint owners:

(1)
.....
(2)
.....
(3)
.....
(4)
.....

2. Do you (and your joint owners, if any) own the property freehold?

YES NO
(tick one box)

3. Give the name and address of the person to whom you pay the rentcharge:

.....
.....
.....

4. Give the name and address of the rentowner (if different from 3 above):

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.....
.....

5. Give particulars of the original deed which created the rentcharge:

- a. the type of deed (eg conveyance, registered transfer, etc)
- b. the date of the original deed
- c. the parties by whom the original deed was made

6. What does the original deed state to be the amount of the rentcharge on the land affected?

..... £

7. State how you wish your land/property to be divided and the separate amounts of the rentcharge you suggest should apply. Also state the address or give a short description of the parts of the land

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(If more space is required, please use a separate sheet)

8. Insert any additional information you may wish to give:

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I hereby apply for the legal apportionment of the above mentioned rentcharge and I declare that the information given above is true to the best of my knowledge and belief.

*Signed..... Date.....

Name *(in full)*

Address

**If application is made by the joint owners of the property, all of them should sign the application.*

Regulation 4(1)

Form 3

APPLICATION FOR A REDEMPTION CERTIFICATE (RENTCHARGE)

*(Section 8 (1) of the Rentcharges Act 1977)**Complete this form in BLOCK CAPITALS please*

1. Give the address of your land or house subject to the rentcharge:

.....

2. How much rentcharge to you pay each year? £

3. Give particulars of the original deed which created the rentcharge:

a. the type of deed (eg conveyance, registered transfer, etc)

b. the date of the original deed

c. the parties by whom the original deed was made

d. Was the rentcharge created in perpetuity? YES NO

If not, state the period for which it was made and the date of commencement: (tick one box)

.....

e. What does the original deed state to be the annual amount of the rentcharge? £

f. Did the original deed provide for that amount to be increased or decreased? If so, give details:

YES NO
(tick one box)

.....

4. Was the rentcharge the subject of an order of apportionment? YES NO

If so, give the date and the Department's reference number, or enclose a copy of the order: (tick one box)

Date Reference no.

5. Has the rentcharge been legally apportioned in any other way? YES NO

If so give particulars: (tick one box)

.....

6. Give the name and address of the rentowner

.....

I hereby apply to the Secretary of State for a certificate of redemption showing that the rentcharge affecting the above mentioned property has been redeemed and I declare that the information given above is true to the best of my knowledge and belief.

*Signed..... Date.....

Name (in full)

Address

*If application is made by the joint owners of the property, all of them should sign the application.

APPLICATION FOR A REDEMPTION CERTIFICATE (GROUNDRENT)
(section 8 (1) of the Rentcharges Act 1977)

Note – this form is for use only where a groundrent has been legally apportioned conditional upon redemption under section 20 of the Landlord and Tenant Act 1927.

Complete this form in BLOCK CAPITALS please

1. Give the address of your land or house subject to the groundrent:

.....
.....
.....

2. How much rent do you pay each year? £

3. Give particulars of the original deed which created the rentcharge:

a. the type of deed (eg lease, registered transfer, etc)

b. the date of the original deed

c. the parties by whom the original deed was made

d. state when the lease began and the length of its term:

4. Give the date and reference number of the Department's order of apportionment or enclose a copy of the order:

Date..... Reference no.....

5. Give the name and address of the landlord:

.....
.....
.....

I hereby apply to the Secretary of State for a certificate of redemption showing that the groundrent has been redeemed and I declare that the information given above is true to the best of my knowledge and belief.

*Signed..... Date.....

Name (in full)

Address

**If application is made by the joint owners of the property, all of them should sign the application.*

Regulation 5

Form 5

NOTIFICATION OF OWNERSHIP OF A RENT

(section 9(2) of the Rentcharges Act 1977)

Complete this form in BLOCK CAPITALS please

1. Are you the owner of the rentcharge/groundrent on.....?
YES [] NO []
(tick one box)

2. What is the annual amount of the rentcharge/groundrent?
£ []

3. Did you purchase the rentcharge/groundrent? YES [] NO []
(tick one box)

If so, give details of the deed:

4. If the rentcharge/groundrent was acquired other than by purchase, give details:

5. Is the rentcharge/groundrent subject to a mortgage? YES [] NO []
(tick one box)

If so, give the name(s) and address(es) of the mortgagee(s):

(If more space is required, please use separate sheet)

6. Is the rentcharge/groundrent subject to any other encumbrances? YES [] NO []
(tick one box)

If so, give details

7. Is the rentcharge/groundrent settled land or subject to a trust for sale?
If so, give the names and addresses of the trustees:

.....

(If more space is required, please use separate sheet)

I declare that the information I have given in this notification is to the best of my knowledge and belief correct.

Note—You may be liable to prosecution if you knowingly or recklessly make a false statement in this notification

Signed..... Date.....

Name (in full)

Address

Peter Shore,
Secretary of State for the Environment.

9th January 1978.

Signed by authority of the
Secretary of State for Wales.

T. Alec Jones,
Parliamentary Under Secretary of State,
Welsh Office.

5th January 1978.

EXPLANATORY NOTE

(This Note does not form part of the Regulations.)

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.

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