

1988 No. 484

**LANDLORD AND TENANT**

**The Rent Assessment Committee (England and Wales)  
(Leasehold Valuation Tribunal) (Amendment)  
Regulations 1988**

<i>Made</i> - - - -	<i>10th March 1988</i>
<i>Laid before Parliament</i>	<i>21st March 1988</i>
<i>Coming into force</i>	<i>18th April 1988</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 section 74(1) of the Rent Act 1977<sup>(a)</sup> and by section 13(2) of the Landlord and Tenant Act 1987<sup>(b)</sup> (as applied by section 31(5) of that Act), 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 1988 and shall come into force on 18th April 1988.

**Interpretation**

2. In these Regulations:—

“the 1971 Regulations” means the Rent Assessment Committees (England and Wales) Regulations 1971<sup>(c)</sup>; and

“the 1981 Regulations” means the Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) Regulations 1981<sup>(d)</sup>.

**The 1971 Regulations**

3. The 1971 Regulations are amended by the addition in regulation 2(2), in the definition of “committee”, after the words “section 13 (determination by rent assessment committees of questions relating to purchase notices)” of the words “or by section 31 (determination of terms by rent assessment committees)”.

**The 1981 Regulations**

4. The 1981 Regulations are amended as follows:—

(a) in regulation 2, after the words “or under section 13”, insert the words “or section 31”;

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<sup>(a)</sup> 1977 c.42.

<sup>(b)</sup> 1987 c.31.

<sup>(c)</sup> S.I. 1971/1065; the relevant amending instruments are S.I. 1980/1699 and 1987/2178.

<sup>(d)</sup> S.I. 1981/271; the relevant amending instrument is S.I. 1987/2178.

- (b) in regulation 3
- (i) at the end of paragraph (c) delete the word "and";
- (ii) after paragraph (d) insert the following words "and  
(e) in the case of an application under section 31 of the Landlord and Tenant Act 1987, Form No. 5 in the Schedule hereto,";
- (c) in the Schedule, after Form No. 4, add, as Form No. 5, the form set out in the Schedule to these Regulations.

9th March 1988

*Nicholas Ridley*  
Secretary of State for the Environment

10th March 1988

*Peter Walker*  
Secretary of State for Wales

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**SCHEDULE**

Article 4(c)

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

**FORM NO. 5**

**LANDLORD AND TENANT ACT 1987**

**SECTION 31**

**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 landlord?

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3. What is the name and address of the nominated person within the meaning of section 30 of the Act?

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4. What interest does the landlord have in the premises?

Freehold  or Leasehold

Tick one box only.

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5. Please give the date on which the Court made the acquisition order under section 29 of the Act and enclose a copy.

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6. Is the consent of any other person required to the conveyance of the landlord's interest in the premises to the nominated person?

Yes  No

If you answered No, then go to question 9.

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7. Has the consent of such other person been obtained?

Yes  No

If you answered Yes, then go to question 9.

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8. Has the Court made any declaration about the reasonableness of withholding such consent?

Yes  No

If you answered Yes, then please supply a copy of the declaration.

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9. Is this an application to settle the price payable under section 31 of the Act?

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 31 of the Act as at the date of the acquisition order under section 29 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 31 of the Act as at the date of the acquisition order under section 29 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, details of the areas of agreement as to the terms should be enclosed together with the areas of disagreement and a copy of a draft conveyance if available.

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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, details of the areas of agreement as to the terms should be enclosed together with the areas of disagreement.

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14. Has the Court been asked to decide any question relating to this application other than under the application for an acquisition order under section 29 of the Act?

Yes  No

If you answered Yes, has the Court made an order other than the acquisition order referred to in question 5 of this form?

Yes  No

If Yes, then please enclose a copy of the order.

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

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I/We apply for a determination under section 31 of the Act.

Signed

Date

(on behalf of )

## **EXPLANATORY NOTE**

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

Part III of the Landlord and Tenant Act 1987 confers a right for tenants of flats in specified circumstances to apply to the Court for an acquisition order. Such order provides for a person nominated by the tenants to acquire their landlord's interest in the premises without his consent. Section 31 and section 13 as applied by section 31(5) provide for a rent assessment committee, acting as a Leasehold Valuation Tribunal, to determine the terms on which the landlord's interest in the premises may be acquired to the extent that the terms have not been agreed or are not provided for by sections 32 and 33 of the Act.

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 31. They also prescribe the form of application to be used in such cases.

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