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STATUTORY INSTRUMENTS

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**1993 No. 2408**

**LANDLORD AND TENANT,  
ENGLAND AND WALES**

**The Rent Assessment Committee (England and Wales)  
(Leasehold Valuation Tribunal) Regulations 1993**

*Made - - - - 30th September 1993*

*Laid before Parliament 11th October 1993*

*Coming into force - - 1st November 1993*

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 upon them by section 21(4A) of the Leasehold Reform Act 1967(1), section 74(1) of the Rent Act 1977(2), sections 13(2) and 31(5) of the Landlord and Tenant Act 1987(3), and sections 75(4), 88(5) and 91(6) of the Leasehold Reform, Housing and Urban Development Act 1993 and of all other powers enabling them in that behalf, and after consultation with the Council on Tribunals(4), 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) Regulations 1993 and shall come into force on 1st November 1993.

**Interpretation**

2. In these Regulations—

“application” means an application to a tribunal under section 21(1) (jurisdiction of leasehold valuation tribunals) of the Leasehold Reform Act 1967, or under section 13 (determination by leasehold valuation tribunals of questions relating to purchase notices) or section 31 (determination by leasehold valuation tribunals of terms where acquisition order) of the Landlord and Tenant Act 1987, or under or by virtue of Part I of the 1993 Act (collective

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(1) 1967 c. 88. Section 21(4A) was inserted by paragraph 8 of Schedule 2 to the Housing Act 1980 (c. 51).

(2) 1977 c. 42. Section 74(1) is extended by section 91(5)(a) of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), and amended by paragraph 7 of Schedule 21 to that Act.

(3) 1987 c. 31. Section 13(2) is amended by paragraph 27 of Schedule 21 to the Leasehold Reform, Housing and Urban Development Act 1993.

(4) See section 8 of the Tribunals and Inquiries Act 1992 (c. 53).

enfranchisement and grant of new lease) and includes, except where the contrary is indicated, a scheme application<sup>(5)</sup>;

“party” includes (as regards a scheme application) two or more landlords or a representative body under section 71 (applications by two or more landlords or by representative body) of the 1993 Act, and the relevant authority for the purposes of section 73 (applications by certain public bodies) of that Act;

“person making representations” means such a person as is mentioned in section 70(6) of the 1993 Act;

“scheme application” means an application under Chapter IV of Part I of the 1993 Act, or under section 19 of the Leasehold Reform Act 1967 (retention of management powers for general benefit of neighbourhood) as it has effect by virtue of section 75 (variation of existing schemes) of the 1993 Act;

“the 1993 Act” means the Leasehold Reform, Housing and Urban Development Act 1993; and

“tribunal” means a leasehold valuation tribunal.

## Applications

3.—(1) The particulars to be included in an application, except a scheme application, are those specified in Schedule 1 to these Regulations.

(2) The particulars to be included in a scheme application are those specified in Schedule 2 to these Regulations.

4. On receipt of an application the tribunal shall send a copy of it and of each of the documents which accompanied it to each person named in it as a respondent.

## Hearings

5.—(1) A hearing shall be on the date and at the time and place appointed by the tribunal.

(2) The tribunal shall give notice of the appointed date, time and place to the parties not less than 21 days (or such shorter period as the parties may agree) before the appointed date, and the tribunal shall send a copy of the notice—

(a) to any other person who has indicated to the tribunal an intention to appear at the hearing; and

(b) in the case of a scheme application, to any person making representations.

(3) The notice shall contain a statement that an appeal to the Lands Tribunal may only be made by a person who appeared before the tribunal in proceedings to which he was a party<sup>(6)</sup>.

(4) The tribunal may, where they consider it appropriate, arrange that an application shall be heard together with one or more other applications.

(5) A hearing shall be in public unless, for special reasons, the tribunal decide that a hearing or part of a hearing should be held in private.

6. At a hearing—

(a) the tribunal shall determine the procedure (subject to these Regulations), and the order in which the persons appearing before them are to be heard;

(b) a person appearing before the tribunal may do so either in person or by a representative authorised by him, whether or not that representative is of counsel or a solicitor; and

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<sup>(5)</sup> Section 21 was amended by paragraph 8 of Schedule 22 to the Housing Act 1980 (c. 51).

<sup>(6)</sup> See, in relation to the meaning of “party” for this purpose, section 91(10)(b) of the Leasehold Reform, Housing and Urban Development Act 1993.

- (c) a person appearing before the tribunal may give evidence on his own behalf, call witnesses, and cross-examine any witnesses called by any other person appearing.

### **Non-appearance**

7. If a party or person mentioned in regulation 5(2) does not appear at a hearing, the tribunal may proceed with the hearing if they are satisfied that notice has been given to that party or person in accordance with these Regulations.

### **Adjournment**

8.—(1) The tribunal may postpone or adjourn a hearing at their discretion either of their own motion, or at the request of the parties or of one or more of the persons appearing before them, but they shall not do so at the request of one party or person except where they consider it reasonable to do so having regard to the grounds for the request, the time at which the request is made and the convenience of the other persons appearing before them.

(2) The tribunal shall give reasonable notice of any postponed or adjourned hearing to the persons appearing before them.

### **Documents**

9.—(1) Before the date of a hearing, the tribunal shall take all reasonable steps to ensure that each of the parties and persons making representations is given—

- (a) a copy of, or sufficient extracts from or particulars of, any document relevant to the proceedings which has been received from a party or person making representations (other than a document already in the possession of that party or one of which he has previously been supplied with a copy); and
- (b) a copy of any document which embodies the results of any enquiries made by or for the tribunal for the purposes of the proceedings.

(2) At a hearing, if a person appearing before the tribunal does not have in his possession a relevant document or a copy of, or sufficient extracts from or particulars of, a relevant document, then unless—

- (a) that person consents to the continuation of the hearing; or
- (b) the tribunal consider that that person has a sufficient opportunity to deal with the document without an adjournment of the hearing,

the tribunal shall adjourn the hearing for a period which they consider will give that person a sufficient opportunity to deal with the document.

### **Inspections**

10.—(1) The tribunal may (subject to any necessary consent being obtained) inspect the house, premises or area which are the subject of the proceedings.

(2) An inspection may be made before, during or after the close of a hearing, as the tribunal may decide, and the tribunal shall give the persons appearing before them an opportunity to attend.

(3) Notice of an inspection shall be given as if it were notice of a hearing, but the requirements for notice may be dispensed with or relaxed with the consent of the persons appearing before the tribunal or if the tribunal are satisfied that such persons have received sufficient notice.

(4) Where an inspection is made after the close of a hearing, the tribunal shall, if they consider it expedient to do so on account of any matter arising from the inspection, reopen the hearing; and if the hearing is to be reopened regulation 5(2) shall apply as it applied to the original hearing,

except that its requirements may be dispensed with or relaxed with the consent of the parties and persons mentioned in regulation 5(2) or if the tribunal are satisfied that such parties and persons have received sufficient notice.

(5) This regulation shall apply, so far as is reasonable and practicable, to any comparable house, premises or area to which the attention of the tribunal is directed.

### **Decisions**

**11.**—(1) The decision of the tribunal shall be recorded in a document signed by the chairman of the tribunal (or, in the event of his absence or incapacity, by another member of the tribunal) which shall contain the reasons for the decision.

(2) The chairman (or, in the event of his absence or incapacity, another member of the tribunal) shall have power, by certificate under his hand, to correct any clerical mistakes in the document or any errors arising in it from an accidental slip or omission.

(3) A copy of the document and of any such correction shall be sent by the tribunal to each party and person making representations.

### **Attendance by member of Council on Tribunals**

**12.** Nothing in these Regulations shall prevent a member of the Council on Tribunals in that capacity from attending any hearing or inspection or from being present during the tribunal's deliberations as to their decision; but a member of the Council on Tribunals may not take part in such deliberations.

### **Information required by tribunal**

**13.**—(1) Where a tribunal require information to be given under paragraph 7 of Schedule 22 to the Housing Act 1980, the notice shall contain a statement to the effect that any person who fails without reasonable cause to comply with the notice is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Paragraph (1) above shall not apply in the case of a notice addressed to an appropriate authority in relation to a Crown interest<sup>(7)</sup>.

### **Notices**

**14.** Where any notice or other document is required under these Regulations to be given or sent by the tribunal, it shall be sufficient compliance with these Regulations if the notice or other document is sent by pre-paid post or by facsimile transmission addressed to the person for whom it is intended at his usual or last known address or (if a person has appointed an agent to act on his behalf) to his agent at the address of the agent supplied to the tribunal.

### **Amendments**

**15.**—(1) Regulation 2(2) of the Rent Assessment Committees (England and Wales) Regulations 1971<sup>(8)</sup> is amended by the addition, at the end of the definition of “committee”, of the words—

“or by section 75, 88 or 91 (jurisdiction of leasehold valuation tribunals) of the Leasehold Reform, Housing and Urban Development Act 1993”.

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(7) See, as to the definition of “appropriate authority”, section 94(11) of the Leasehold Reform, Housing and Urban Development Act 1993.

(8) S.I. [1971/1065](#); relevant amending instruments are S.I. [1980/1699](#) and S.I. [1987/2178](#).

(2) The Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) (Amendment) Regulations 1987<sup>(9)</sup>, and the Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) (Amendment) Regulations 1988<sup>(10)</sup>, are each amended by the omission of the following—

- (a) in article 2, the definition of “the 1981 Regulations”;
- (b) article 4; and
- (c) the Schedule.

### **Revocation**

**16.** The Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) Regulations 1981<sup>(11)</sup> are hereby revoked.

Signed by authority of the Secretary of State

30th September 1993

*G. S. K. Young*  
Minister of State,  
Department of the Environment

30th September 1993

*John Redwood*  
Secretary of State for Wales

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<sup>(9)</sup> S.I. [1987/2178](#).

<sup>(10)</sup> S.I. [1988/484](#).

<sup>(11)</sup> S.I. [1981/271](#); relevant amending instruments are S.I. [1987/2178](#) and S.I. [1988/484](#).

SCHEDULE 1

Regulation 3(1)

PARTICULARS TO BE INCLUDED IN APPLICATIONS

1. The address of the property which is the subject of the application.
2. A statement of the purpose of the application, identifying the relevant statutory provision.
3. The name and address of the applicant.
4. The name, address and profession of the applicant's representative, if any.
5. Whether the applicant is the reversioner or other freeholder or landlord, nominated person, nominee purchaser, or tenant; or, if none of the former, the capacity in which the applicant makes the application.
6. The name and address of the respondent and whether the respondent is the reversioner or other freeholder or landlord, nominated person, nominee purchaser or tenant; or, if none of the former, the capacity of the respondent.
7. If the respondent is not the freeholder, the name and address of the freeholder.
8. The name and address of any intermediate landlord, which the applicant knows or could reasonably obtain.
9. The name and address of any person having a mortgage or other charge over an interest in the property held by the freeholder or other landlord, which the applicant knows or could reasonably obtain.
10. Copies of—
  - (a) any lease;
  - (b) any notice served by any party;
  - (c) any application to court or court order; and
  - (d) any other documentwhich are relevant to the application and which the applicant has or could reasonably obtain.
11. Any terms which have already been determined or agreed between the parties, including a copy of any draft conveyance or lease.
12. Any terms which are in dispute.
13. If an amount or price is in dispute, the amount or price which the applicant considers to be appropriate.
14. If the application is for determination of the amount of compensation payable under section 17 or 18 of the Leasehold Reform Act 1967, details of the circumstances under which the claim for compensation arises.
15. If the application includes an application for determination of the amount of a sub-tenant's share of compensation under section 21(2) of the Leasehold Reform Act 1967, the name and address of the sub-tenant, and a copy of any agreement for a sub-tenancy.
16. If the application is made under section 13 of the Landlord and Tenant Act 1987, the date on which the landlord acquired the property, and the terms of acquisition, including the sums paid.
17. If the application is made under the Landlord and Tenant Act 1987 or under the 1993 Act, a map or plan showing the property and any appurtenant property which is relevant to the application.

**18.** If the application is for apportionment of an amount under section 91(2)(e) of the 1993 Act, the circumstances by which the need for apportionment arises, and the apportionment which the applicant considers to be appropriate.

**19.** If the application relates to the grant of leases back to a former freeholder under Schedule 9 to the 1993 Act, the name and address of any secure tenant, tenant under housing association tenancy, or sub-tenant to whose interests the tribunal is required to have particular regard.

**20.** The date of the application.

## SCHEDULE 2

Regulation 3(2)

### PARTICULARS TO BE INCLUDED IN SCHEME APPLICATIONS

**1.** A statement of the purpose of the scheme application, identifying the relevant statutory provision.

**2.** The name and address of the applicant.

**3.** The name, address and profession of the applicant's representative, if any.

**4.** Where the applicant is not a natural person, whether the applicant is a representative body within the meaning of that expression in section 71(3) of the 1993 Act, or a relevant authority within the meaning of that expression in section 73(5) of that Act.

**5.** In the case of an application under section 70 of the 1993 Act, a copy of any advertisement or other document showing compliance with the requirements of subsection (4) of that section.

**6.** A description of the area for which the scheme is proposed, including identification of the area by a map or plan.

**7.** The proposed provisions of the scheme.

**8.** Where any modification is proposed relating to the extent of the area of an existing scheme, or approval is sought for variation of an existing scheme, a description of the proposed modification, including identification by a map or plan of the area to which the modification or variation relates, and of any part of an area proposed to be excluded or (as the case may be) included.

**9.** Where any modification to the provisions of the scheme is proposed by the applicant (as to which see section 70(7) of the 1993 Act), a description of the proposed modification, including where relevant identification by a map or plan of the area to which the modification relates.

**10.** In the case of an application under section 70 of the 1993 Act, a copy of any consent given by the Secretary of State under section 72(1) of that Act.

**11.** The date of the application.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

Under Part I of the Leasehold Reform, Housing and Urban Development Act 1993 (“the 1993 Act”), leasehold valuation tribunals have jurisdiction to determine the terms of acquisition of interests (whether by enfranchisement under Chapter I or by the grant of a new lease under Chapter II) where these are in dispute, and to approve estate management schemes under Chapter IV. Section 91 of the Act provides that this jurisdiction, and additional jurisdiction to determine certain related matters, is to be exercised by rent assessment committees acting as leasehold valuation tribunals.

These Regulations prescribe the procedure to be followed by leasehold valuation tribunals when dealing with matters arising under the provisions of the 1993 Act, as well as under the Leasehold Reform Act 1967 and the Landlord and Tenant Act 1987. They also prescribe the particulars to be included in applications to leasehold valuation tribunals under those Acts.

Regulation 16 revokes the Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) Regulations 1981 (which prescribed the procedure to be followed by rent assessment committees when constituted as leasehold valuation tribunals, and forms of application). Regulation 15 makes consequential amendments to the regulations mentioned in that Regulation.