
STATUTORY INSTRUMENTS

2004 No. 3096

LANDLORD AND TENANT, ENGLAND

The Landlord and Tenant (Notice of Rent) (England) Regulations 2004

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|-------------------------------|---------|-------------------------------------|
| <i>Made</i> | - - - - | <i>22nd November</i> <i>2004</i> |
| <i>Laid before Parliament</i> | | <i>30th November 2004</i> |
| <i>Coming into force</i> | - - | <i>28th February 2005</i> |

The First Secretary of State, in exercise of the powers conferred by section 166 of the Commonhold and Leasehold Reform Act 2002(1), hereby makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Landlord and Tenant (Notice of Rent) (England) Regulations 2004 and shall come into force on 28th February 2005.

(2) These Regulations apply in relation to dwellings(2) in England only(3).

(3) In these Regulations, “the 2002 Act” means the Commonhold and Leasehold Reform Act 2002.

Additional content and form of notice of rent due

2.—(1) A notice under subsection (1) of section 166 of the 2002 Act (requirement to notify long leaseholders that rent is due) shall contain (in addition to the information specified in accordance with paragraphs (a) and (b) of subsection (2) of that section and, if applicable, paragraph (c) of that subsection)—

- (a) the name of the leaseholder to whom the notice is given;
- (b) the period to which the rent demanded is attributable;
- (c) the name of the person to whom payment is to be made, and the address for payment;

(1) 2002 c. 15. See the definition of “prescribed” in section 166(9) and the definition of “the appropriate national authority” in section 179(1).

(2) See section 166(9) of the Commonhold and Leasehold Reform Act 2002, the definition of “the 1985 Act” in section 179(2) of that Act, and section 2 of the Landlord and Tenant Act 1985.

(3) The powers conferred by section 166 of the Commonhold and Leasehold Reform Act 2002 are exercisable, as respects Wales, by the National Assembly for Wales. See the definition of “prescribed” in section 166(9) and the definition of “the appropriate national authority” in section 179(1).

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- (d) the name of the landlord by whom the notice is given and, if not specified pursuant to subparagraph (c) above, his address; and
- (e) the information provided in the notes to the form set out in the Schedule to these Regulations.

(2) A notice under subsection (1) of section 166 of the 2002 Act shall be in the form set out in the Schedule to these Regulations.

Signed by authority of the First Secretary of State

22nd November 2004

Keith Hill
Minister of State,
Office of the Deputy Prime Minister

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SCHEDULE

Regulation 2

FORM OF RENT DEMAND NOTICE

COMMONHOLD AND LEASEHOLD REFORM ACT 2002, SECTION 166

NOTICE TO LONG LEASEHOLDERS OF RENT DUE

To *(insert name(s) of leaseholder(s))*:

..... **(note 1)**

This notice is given in respect of *(address of premises to which the long lease relates)*

.....

It requires you to pay rent of £ on *(insert date)*..... **(note 2)**

This rent is payable in respect of the period *(state period)*

[In accordance with the terms of your lease the amount of £.... is/was due on *(insert date on which rent due in accordance with the lease).*] **(note 3)**

Payment should be made to *(insert name of landlord(s) or, if payment to be made to an agent, name of agent)* at *(insert address)*

.....
.....

This notice is given by *(insert name of landlord(s) and, if not given above, address)*

NOTES FOR LEASEHOLDERS

Read this notice carefully. It sets out the amount of rent due from you and the date by which you must pay it. You are advised to seek help immediately, if you cannot pay, or dispute the amount,. Those who can help you include a citizens’ advice bureau, a housing advice centre, a law centre and a solicitor. Show this notice and a copy of your lease to whoever helps you.

The landlord may be able to claim additional sums from you if you do not pay by the date specified in this notice. You have the right to challenge the reasonableness of any additional sums at a leasehold valuation tribunal.

Section 167 of the Commonhold and Leasehold Reform Act 2002 and regulations made under it prevent your landlord from forfeiting your lease for non-payment of rent, service charges or administration charges (or a combination of them) unless the unpaid amount is more than £350 or consists of, or includes, an amount that has been outstanding for more than three years.

NOTES FOR LANDLORDS

1. If you send this notice by post, address it to the leaseholder at the dwelling in respect of which the payment is due, unless he has notified you in writing of a different address in England and Wales at which he wishes to be given notices under section 166 of the Commonhold and Leasehold Reform Act 2002.

2. This date must not be *either* less than 30 days or more than 60 days after the day on which this notice is given *or* before that on which the leaseholder would have been liable to make the payment in accordance with the lease.

3. Include this statement only if the date for payment is not the same as the date determined in accordance with the lease.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to the form and content of notices requiring the payment of ground rent. Regulation 2 supplements section 166(2) of the Commonhold and Leasehold Reform Act 2002, which requires a notice under section 166(1) of that Act, relating to the payment of ground rent, to specify the amount due, the date on which the tenant is liable to make the payment and, if different, the date on which the tenant would have been liable to make the payment in accordance with the lease. The additional requirements specified in regulation 2 include the provision of notes for both leaseholders and landlords. The content of the notes is set out in the Schedule to the Regulations, as part of the prescribed form of notice under section 166(1).

A Regulatory Impact Assessment has been prepared in connection with these Regulations. A copy may be obtained from the Office of the Deputy Prime Minister, Leasehold Reform Branch, Zone 2/ J6 Eland House, Bressenden Place, London SW1E 5DU (Tel 020 7944 3462).