
STATUTORY INSTRUMENTS

2013 No. 1169

**The Tribunal Procedure (First-tier
Tribunal) (Property Chamber) Rules 2013**

PART 3

Written documentation, time limits etc

Starting proceedings

26.—(1) An applicant must start proceedings before the Tribunal by sending or delivering to the Tribunal a notice of application.

(2) Such an application must be signed and dated and, unless a practice direction makes different provision, include—

- (a) the name and address of the applicant;
- (b) the name and address of the applicant's representative (if any);
- (c) an address where documents for the applicant may be sent or delivered;
- (d) the name and address of each respondent;
- (e) the address of the premises or property to which the application relates;
- (f) the applicant's connection with the premises or property;
- (g) the name and address of any landlord or tenant of the premises to which the application relates;
- (h) the result the applicant is seeking;
- (i) the applicant's reasons for making the application;
- (j) a statement that the applicant believes that the facts stated in the application are true;
- (k) the name and address of every person who appears to the applicant to be an interested person, with reasons for that person's interest;
- (l) in agricultural land and drainage cases, a description of all the land or holding to which the application relates;
- (m) in agricultural land and drainage cases relating to succession under section 39, 41 or 53 of the 1986 Act—
 - (i) confirmation that the applicant has given prior written notice of the application to the landlord of the holding and has brought the application to the notice of other persons interested in the outcome of the application; and
 - (ii) the names and addresses of each person to whom the applicant has provided such notice;
- (n) all further information or documents required by a practice direction.

(3) Where an application is made to which a paragraph in a practice direction relating to residential property cases [^{F1}, tenant fees cases] or leasehold cases applies, it must be accompanied by the particulars and documents specified in the relevant paragraph.

(4) In proceedings to appeal a decision to the Tribunal, the application must be accompanied by a copy of any written record of that decision and any statement of reasons for that decision that the applicant has or can reasonably obtain.

(5) The applicant must provide with the notice of application any fee payable to the Tribunal.

(6) This rule does not apply to the extent that rule 28 applies.

(7) This rule does not apply where a form is prescribed for the purposes of starting proceedings in the Tribunal under Part V of the Rent Act 1977 ^{M1} (rents under restricted contracts) or Part 1 of the Housing Act 1988 ^{M2} (assured tenancies, shorthold and non-shorthold).

Textual Amendments

F1 Words in rule 26(3) inserted (3.6.2019) by [The Tribunal Procedure \(Amendment\) Rules 2019 \(S.I. 2019/925\)](#), rules 1(2), **5(4)**

Marginal Citations

M1 1977 c. 42

M2 1988 c. 50.

Time limits

27.—(1) This rule applies where no time limit for starting proceedings is prescribed by or under another enactment.

(2) Where the notice of application relates to a right to appeal from any decision (including any notice, order or licence), the applicant must provide the notice of application to the Tribunal within 28 days after the date on which notice of the decision to which the appeal relates was sent to the applicant.

(3) In a land registration case to which rule 28(3)(c) applies (references by the registrar), the person directed to be the applicant must provide the statement of case to the Tribunal within 28 days after the date on which written notice of receipt by the Tribunal of the reference by the registrar was sent to the applicant.

(4) In an agricultural land and drainage case—

- (a) a notice of application under section 67(5) of the 1986 Act (compensation for long-term improvements: consent needed) must be made within 28 days after the date on which notice in writing of the Tribunal's decision approving the carrying out of the improvement was sent to the landlord;
- (b) in proceedings under section 26(1) or 28(2) of the 1986 Act (restriction on operation of notices to quit) for the Tribunal's consent to the operation of a notice to quit, made by a landlord after service on the landlord by the tenant of a counter-notice, the notice of application must be made within two months after the date of service of the counter-notice;
- (c) where, at the expiry of the period specified in section 39(1) of the 1986 Act (application for tenancy of holding), only one application under that section in respect of the holding has been made, any application by the landlord under section 44(1) of that Act (opportunity for landlord to seek Tribunal's consent to serve notice to quit) must be made before the expiry of two months after the end of that period;

- (d) where, at the expiry of the period specified in section 39(1) of the 1986 Act (application for tenancy of holding), more than one application under section 39 of the 1986 Act has been made, any application by the landlord under section 44(1) of that Act must be made before the expiry of two months after the Tribunal notifies the landlord that the number of applications under section 39 of the 1986 Act is reduced to one.

Referred and transferred cases

- 28.**—(1) This rule applies where a matter is referred, sent or transferred to the Tribunal by—
- (a) a rent officer under paragraph 6 of Schedule 11 to the Rent Act 1977;
 - (b) the registrar under section 73(7) of the 2002 LR Act;
 - (c) another tribunal, or
 - (d) a court.
- (2) The requirement to start proceedings in accordance with rule 26(1) does not apply.
- (3) Upon receipt of a matter to which this rule relates, the Tribunal must provide to the parties written notice specifying—
- (a) the date when the Tribunal received the matter;
 - (b) the names and any known addresses of the parties to the proceedings; and
 - (c) in a case referred by the registrar, which party or parties will be the applicant or applicants for the purposes of the proceedings and which party or parties will be the respondent or respondents.
- (4) Each party whom the Tribunal directs in accordance with paragraph (3)(c) to act as an applicant for the purposes of the Tribunal proceedings, must send or deliver to the Tribunal a statement of case—
- (a) containing any information referred to in rule 26(2) which the Tribunal requires;
 - (b) stating the applicant's reasons for supporting or objecting to the original application to the registrar;
 - (c) accompanied by copies of any documents available to the applicant which—
 - (i) are important to the applicant's case; or
 - (ii) the Tribunal or any other party to the proceedings will require in order properly to understand the applicant's case.
- (5) Where a matter has been transferred by a court, the Tribunal may require any party to provide it with a copy of the court order by which the matter was transferred.

Notice to respondents, interested persons and other persons

- 29.**—(1) When the Tribunal receives a notice of application in accordance with rule 26(1) or a statement of case in accordance with rule 28(4), the Tribunal must provide a copy of the application and any accompanying documents to the respondent.
- (2) The Tribunal must also provide to the respondent a written notice informing the respondent of the requirements of rule 30.
- (3) On being notified of the name and address of an interested person, the Tribunal must provide that person with a copy of the application and any accompanying documents.
- (4) On receipt of an application relating to service charges, administration charges or estate charges the Tribunal must provide notice of the application to—

- (a) the secretary of any recognised tenants' association within the meaning of section 29 of the Landlord and Tenant Act 1985 identified in the application; and
 - (b) any person whose name and address is known to the Tribunal whom the Tribunal considers is likely to be significantly affected by the application.
- (5) In paragraph (4), “an application relating to service charges, administration charges or estate charges” means an application made under—
- (a) section 20ZA or section 27A of or paragraph 8 of the Schedule to the Landlord and Tenant Act 1985 ^{M3}; or
 - (b) section 159 of or paragraph 3 of Schedule 11 to the Commonhold and Leasehold Reform Act 2002 ^{M4}.
- (6) The Tribunal may give notice of the application to any other person it considers appropriate.
- (7) Any notice given under paragraph (4) or (6)—
- (a) must state that a person may apply to the Tribunal to be joined as a party to the proceedings; and
 - (b) may be given by publication of the notice in two newspapers (at least one of which should be a freely distributed newspaper) circulating in the locality in which the premises to which the application relates are situated.
- (8) Where a rectification application under section 108(2) of the 2002 LR Act has been received by the Tribunal, the Tribunal must provide the person against whom the order is sought and any other person who the Tribunal considers should be a party to the proceedings, with—
- (a) a copy of the application, and
 - (b) a notice specifying that if the person wishes to object, the person must send or deliver to the Tribunal an objection in response within 28 days of the date on which the person received the copy of the application provided by the Tribunal.
- (9) The requirement to provide documents referred to in paragraph (1) does not apply where the Tribunal is satisfied that the circumstances to which rule 9(2)(a) (no Tribunal jurisdiction) applies exist.
- (10) The requirement under paragraph (3) to provide the notice of application to an interested person does not apply in cases to which section 39, 41 or section 53 of the 1986 Act applies (succession cases); see instead rule 16(3).

Marginal Citations

- M3** 1985 c. 70. Section 20ZA was inserted by section 151 of the [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#). Section 27A was inserted by section 155 of the [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#).
- M4** 2002 c. 15

The response

- 30.**—(1) In circumstances to which rule 28(1)(b) or 29(8) (certain land registration cases) apply, the respondent's response must—
- (a) state the respondent's reasons for supporting or objecting to the original application or for objecting to the rectification application (as the case may be);
 - (b) be accompanied by copies of any documents available to the respondent which—
 - (i) are important to the respondent's case; or

- (ii) the Tribunal or any other party to the proceedings will require in order properly to understand the respondent's case; and
 - (c) in circumstances to which rule 28(1)(b) applies, be the respondent's statement of case and sent or delivered to the Tribunal within such time as the Tribunal may direct.
- (2) In an appeal, paragraphs (3) to (6) apply.
- (3) The respondent must, unless a practice direction or direction makes different relevant provision, within 28 days after the date on which the respondent was provided with a copy of the notice of application, send or deliver to the Tribunal a response.
- (4) The response must state—
- (a) the name and address of the respondent;
 - (b) the name and address of the respondent's representative (if any);
 - (c) an address where documents for the respondent may be sent or delivered;
 - (d) where not included in the application, the name and address of every person who appears to the respondent to be an interested person, with reasons for that person's interest;
 - (e) whether the respondent opposes the application and, if so, any grounds for such opposition which are not contained in another document provided with the response;
 - (f) whether the respondent would be content for the case to be dealt with without a hearing if the Tribunal considers it appropriate; and
 - (g) any further information or documents required by a practice direction or direction.
- (5) The respondent must provide with the response a copy of any written record of the decision appealed and any statement of reasons for that decision that the applicant did not provide and the respondent has or can reasonably obtain.
- (6) The respondent must send or deliver a copy of the response and any accompanying documents to each other party at the same time as it provides the response to the Tribunal.

Changes to legislation:

There are currently no known outstanding effects for the The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, PART 3.