

SCHEDULES

SCHEDULE 12

Section 174

LEASEHOLD VALUATION TRIBUNALS: PROCEDURE

Procedure regulations

- 1 The appropriate national authority may make regulations about the procedure of leasehold valuation tribunals (“procedure regulations”).

Applications

- 2 Procedure regulations may include provision—
- (a) about the form of applications to leasehold valuation tribunals,
 - (b) about the particulars that must be contained in such applications,
 - (c) requiring the service of notices of such applications, and
 - (d) for securing consistency where numerous applications are or may be brought in respect of the same or substantially the same matters.

Transfers

- 3 (1) Where in any proceedings before a court there falls for determination a question falling within the jurisdiction of a leasehold valuation tribunal, the court—
- (a) may by order transfer to a leasehold valuation tribunal so much of the proceedings as relate to the determination of that question, and
 - (b) may then dispose of all or any remaining proceedings, or adjourn the disposal of all or any remaining proceedings pending the determination of that question by the leasehold valuation tribunal, as it thinks fit.
- (2) When the leasehold valuation tribunal has determined the question, the court may give effect to the determination in an order of the court.
- (3) Rules of court may prescribe the procedure to be followed in a court in connection with or in consequence of a transfer under this paragraph.
- (4) Procedure regulations may prescribe the procedure to be followed in a leasehold valuation tribunal consequent on a transfer under this paragraph.

Information

- 4 (1) A leasehold valuation tribunal may serve a notice requiring any party to proceedings before it to give to the leasehold valuation tribunal any information which the leasehold valuation tribunal may reasonably require.
- (2) The information shall be given to the leasehold valuation tribunal within such period (not being less than 14 days) from the service of the notice as is specified in the notice.

Status: This is the original version (as it was originally enacted).

- (3) A person commits an offence if he fails, without reasonable excuse, to comply with a notice served on him under sub-paragraph (1).
- (4) A person guilty of an offence under sub-paragraph (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Pre-trial reviews

- 5 (1) Procedure regulations may include provision for the holding of a pre-trial review (on the application of a party to proceedings or on the motion of a leasehold valuation tribunal).
- (2) Procedure regulations may provide for the exercise of the functions of a leasehold valuation tribunal in relation to, or at, a pre-trial review by a single member of the panel provided for in Schedule 10 to the Rent Act 1977 (c. 42) who is qualified to exercise them.
- (3) A member is qualified to exercise the functions specified in sub-paragraph (2) if he was appointed to that panel by the Lord Chancellor.

Parties

- 6 Procedure regulations may include provision enabling persons to be joined as parties to proceedings.

Dismissal

- 7 Procedure regulations may include provision empowering leasehold valuation tribunals to dismiss applications or transferred proceedings, in whole or in part, on the ground that they are—
 - (a) frivolous or vexatious, or
 - (b) otherwise an abuse of process.

Determination without hearing

- 8 (1) Procedure regulations may include provision for the determination of applications or transferred proceedings without an oral hearing.
- (2) Procedure regulations may provide for the determinations without an oral hearing by a single member of the panel provided for in Schedule 10 to the Rent Act 1977.

Fees

- 9 (1) Procedure regulations may include provision requiring the payment of fees in respect of an application or transfer of proceedings to, or oral hearing by, a leasehold valuation tribunal in a case under—
 - (a) the 1985 Act (service charges and choice of insurers),
 - (b) Part 2 of the 1987 Act (managers),
 - (c) Part 4 of the 1987 Act (variation of leases),
 - (d) section 168(4) of this Act, or
 - (e) Schedule 11 to this Act.

Status: This is the original version (as it was originally enacted).

- (2) Procedure regulations may empower a leasehold valuation tribunal to require a party to proceedings to reimburse any other party to the proceedings the whole or part of any fees paid by him.
- (3) The fees payable shall be such as are specified in or determined in accordance with procedure regulations; but the fee (or, where fees are payable in respect of both an application or transfer and an oral hearing, the aggregate of the fees) payable by a person in respect of any proceedings shall not exceed—
 - (a) £500, or
 - (b) such other amount as may be specified in procedure regulations.
- (4) Procedure regulations may provide for the reduction or waiver of fees by reference to the financial resources of the party by whom they are to be paid or met.
- (5) If they do so they may apply, subject to such modifications as may be specified in the regulations, any other statutory means-testing regime as it has effect from time to time.

Costs

- 10 (1) A leasehold valuation tribunal may determine that a party to proceedings shall pay the costs incurred by another party in connection with the proceedings in any circumstances falling within sub-paragraph (2).
- (2) The circumstances are where—
 - (a) he has made an application to the leasehold valuation tribunal which is dismissed in accordance with regulations made by virtue of paragraph 7, or
 - (b) he has, in the opinion of the leasehold valuation tribunal, acted frivolously, vexatiously, abusively, disruptively or otherwise unreasonably in connection with the proceedings.
- (3) The amount which a party to proceedings may be ordered to pay in the proceedings by a determination under this paragraph shall not exceed—
 - (a) £500, or
 - (b) such other amount as may be specified in procedure regulations.
- (4) A person shall not be required to pay costs incurred by another person in connection with proceedings before a leasehold valuation tribunal except by a determination under this paragraph or in accordance with provision made by any enactment other than this paragraph.

Enforcement

- 11 Procedure regulations may provide for decisions of leasehold valuation tribunals to be enforceable, with the permission of a county court, in the same way as orders of such a court.