
WELSH STATUTORY INSTRUMENTS

2012 No. 531

**The Residential Property Tribunal Procedures
and Fees (Wales) Regulations 2012**

PART 1

GENERAL

Title, commencement and application

1.—(1) The title of these Regulations is the Residential Property Tribunal Procedures and Fees (Wales) Regulations 2012. They come into force on 21 March 2012.

(2) These Regulations apply to proceedings of residential property tribunals for determining applications in respect of premises in Wales.

Interpretation

2. In these Regulations—

“the 2004 Act” (“*Deddf 2004*”) means the Housing Act 2004;

“the 1985 Act” (“*Deddf 1985*”) means the Housing Act 1985(1);

“the 1983 Act” (“*Deddf 1983*”) means the Mobile Homes Act 1983(2);

“application” (“*cais*”) means an application or appeal to a tribunal under—

(a) the 2004 Act;

(b) Part 9 of the 1985 Act; or

(c) the 1983 Act (including any application made following the transfer of any matter arising from an application to the court made under that Act),

and “applicant” (“*ceisydd*”) bears a corresponding meaning;

“case management conference” (“*cynhadledd rheoli achos*”) means a pre-trial review or any other meeting held by a tribunal for the purpose of managing the proceedings in respect of an application;

“dwelling” (“*annedd*”) has the same meaning as in section 322 of the 1985 Act;

“dwelling-house” (“*tŷ annedd*”) has the same meaning as in section 183 of the 1985 Act;

(1) 1985 c. 68.

(2) The 1983 Act extends to England and Wales and Scotland and has been substantially amended in relation to England and Wales by sections 206-208 of the Housing Act 2004; and in relation to Wales by the Mobile Homes Act 1983 (Amendment of Schedule 1) (Wales) Order 2007 (S.I. 2007/3151) and the Mobile Homes Act 1983 (Jurisdiction of Residential Property Tribunals) (Wales) Order 2012 (S.I. 2012/899 (W.119)) and in relation to England by the Mobile Homes Act 1983 (Jurisdiction of Residential Property Tribunals) (England) Order 2011 (S.I. 2011/1005), the Housing and Regeneration Act 2008 (Consequential Amendments to the Mobile Homes Act 1983) Order 2011 (S.I. 2011/1004) and the Mobile Homes Act 1983 (Amendment of Schedule 1) (England) Order 2006 (S.I. 2006/1755) and the Mobile Homes Act 1983 (Amendment of Schedule 1 and Consequential Amendments) (England) Order 2011 (S.I. 2011/1003).

“EDMO” (“*GRhAG*”) means an empty dwelling management order and it has the same meaning as in section 132 of the 2004 Act;

“IMO authorisation application” (“*cais awdurdodi GRhF*”) means an application for authorisation to make an interim management order under section 102(4) or (7) of the 2004 Act⁽³⁾;

“interested person” (“*person â buddiant*”) means in relation to a particular application—

- (a) a person other than the applicant who would have been entitled under the 2004 Act or the 1985 Act (as the case may be) to make the application;
- (b) a person to whom notice of the application must be given by the applicant in accordance with the following provisions of the 2004 Act—
 - (i) paragraph 11(2) of Schedule 1; or
 - (ii) paragraph 14(2) of Schedule 3;
- (c) a person to whom the tribunal must give the opportunity of being heard in accordance with the following provisions—
 - (i) section 34(4) of the 2004 Act; or
 - (ii) section 317(2) of the 1985 Act;
- (d) except in relation to an application made under the 1983 Act, the Local Housing Authority, where it is not a party to the application;
- (e) the person to whom the occupier wants to sell or gift a mobile home under paragraphs 8 or 9 of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act; and
- (f) a qualifying residents' association;

“LHA” (“*ATLl*”) means a local housing authority⁽⁴⁾;

“mobile home” (“*cartref symudol*”) has the same meaning as in section 5(1) of the 1983 Act;

“occupier” (“*meddiannydd*”) means, in respect of an application made under the 1983 Act, the person entitled to station the mobile home on land forming part of the protected site and to occupy the mobile home as that person’s only or main residence under an agreement to which the 1983 Act applies;

“pitch” (“*llain*”) has the same meaning as is given in Chapter 1 of Part 1 of Schedule 1 to the 1983 Act;

“premises” (“*mangre*”) means—

- (a) in any application except an application made under the 1983 Act, the dwelling or building to which the application relates; and
- (b) in any application made under the 1983 Act, the pitch, protected site or mobile home to which the application relates;

“protected site” (“*safle a ddiogelir*”) has the same meaning as in section 5(1) of the 1983 Act;

“qualifying residents' association” (“*cymdeithas preswylwyr gymwys*”) means an association that meets the requirements set out in Part 1 of Schedule 1 to the 1983 Act;

“the respondent” (“*yr ymatebydd*”) means, in respect of each application to which a paragraph of the Schedule to these Regulations applies, the person or persons, or one of the persons, specified in sub-paragraph (3) of that paragraph;

“site owner” (“*perchennog safle*”) in relation to a protected site, has the same meaning as “owner” in section 5(1) of the 1983 Act;

(3) For the meaning of “interim management order” see section 101(3) of the 2004 Act.

(4) For the meaning of “local housing authority” see section 261(4) of the 2004 Act.

“statement of reasons” (“*datganiad o resymau*”) means a statement of reasons prepared by the LHA under section 8 of the 2004 Act (reasons for decision to take enforcement action); and
“tribunal” (“*tribiwnlys*”) means a residential property tribunal⁽⁵⁾, and “the tribunal” (“*y tribiwnlys*”) in relation to an application means the tribunal by which the application is to be determined.

(5) By section 229 of the Housing Act 2004 (c. 34) any jurisdiction of a residential property tribunal by or under any enactment is exercisable by a rent assessment committee constituted in accordance with Schedule 10 to the Rent Act 1977 (c. 42).