
WELSH STATUTORY INSTRUMENTS

2012 No. 531

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

PART 3

RESIDENTIAL PROPERTY TRIBUNAL FEES

Fees for applications made under the 2004 Act

45.—(1) Subject to regulation 49(2), a fee of £150 is payable for an application to a tribunal under the following provisions of the 2004 Act—

- (i) section 22(9) (refusal to approve use of premises subject to a prohibition order);
- (ii) section 62(7) (HMO licensing: refusal to grant temporary exemption notice);
- (iii) section 86(7) (selective licensing: refusal to grant temporary exemption notice);
- (iv) section 126(4) (effect of management orders: furniture);
- (v) section 138 (compensation payable to third parties);
- (vi) paragraph 10 of Schedule 1 (improvement notice);
- (vii) paragraph 13 of Schedule 1 (LHA's decision to vary, or to refuse to revoke or vary, an improvement notice);
- (viii) paragraph 7 of Schedule 2 (prohibition order);
- (ix) paragraph 9 of Schedule 2 (LHA's decision to vary, or to refuse to revoke or vary, a prohibition order);
- (x) paragraph 11 of Schedule 3 (improvement notice: demand for recovery of expenses);
- (xi) paragraph 31 of Schedule 5 (grant or refusal of licence);
- (xii) paragraph 32 of Schedule 5 (HMO licensing: decision to vary or revoke, or to refuse to vary or revoke licence);
- (xiii) paragraph 28 of Schedule 6 (LHA's decision to vary or revoke, or to refuse to vary or revoke, a management order);
- (xiv) paragraph 32 of Schedule 6 (management order: third party compensation);
- (xv) paragraph 26(1)(a) and (b) of Schedule 7 (final EDMO);
- (xvi) paragraph 30 of Schedule 7 (LHA's decision to vary or revoke, or to refuse to vary or revoke, an interim or final EDMO);
- (xvii) paragraph 34(2) of Schedule 7 (EDMO: third party compensation).

(2) Subject to paragraph (3) and regulation 49(2), a fee of £150 is payable for an application to a tribunal under paragraph 24 of Schedule 6 to the 2004 Act (interim and final management order).

(3) No fee is payable where an application under sub-paragraph (1)(b) of paragraph 24 of Schedule 6 to the 2004 Act is made on the grounds set out in sub-paragraph (3) of that paragraph.

Fees for applications made under the 1985 Act

46. Subject to regulation 49(2), a fee of £150 is payable for an application to a tribunal under the following provisions of the 1985 Act—

- (a) section 269(1) (demolition orders);
- (b) section 318(1) (power of tribunal to authorise execution of works on unfit premises or for improvement).

Fees for applications made under the 1983 Act

47.—(1) Subject to paragraph (5) and regulation 49(2) a fee of £150 is payable for an application to a tribunal under paragraph 28(1)(h) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act (qualifying residents' association to be acknowledged by owner of protected site).

(2) Subject to paragraph (5) and regulation 49(2), a fee is payable for an application to a tribunal under the following provisions of the 1983 Act—

- (a) section 2(2) (terms concerning matters mentioned in Part 2 of Schedule 1 to the 1983 Act to be implied in agreement);
 - (b) section 2(3) (variation or deletion of express terms in agreement);
 - (c) section 4 (determination of any question arising under the 1983 Act or any agreement to which the 1983 Act applies);
 - (d) paragraphs 4, 5 or 5A(2) of Chapter 2 of Part 1 of Schedule 1 (termination by owner);
 - (e) paragraph 10(1) of Chapter 2 of Part 1 of Schedule 1 (re-siting of mobile home).
- (3) The fee payable for each application referred to in paragraph (2) is—
- (a) where the application contains one reference, £150;
 - (b) where the application contains two references, £200;
 - (c) where the application contains three or four references, £400;
 - (d) where the application contains five or more references, £500.
- (4) For the purpose of paragraph (3), the number of references contained in an application is—
- (a) in the case of an application made in respect of one pitch or mobile home, the number of provisions of the 1983 Act to which that application relates; and
 - (b) in the case of an application made in respect of more than one pitch or mobile home, the number of pitches or mobile homes to which the application relates.

(5) No fee is payable to a tribunal in relation to an application made under the 1983 Act that has been transferred from a court to a tribunal.

Payment of fees

48. Any fee payable under regulation 45, 46 or 47 must accompany the application and must be paid by a cheque made payable to, or postal order drawn in favour of, the Welsh Ministers.

Liability to pay fee and waiver of fees

49.—(1) The applicant is liable to pay any fee payable under regulation 45, 46 or 47.

(2) No fee is payable under regulation 45, 46 or 47 where, on the date that the application is made, the applicant or that person's partner is in receipt of—

- (a) either of the following benefits under Part 7 of the Social Security Contributions and Benefits Act 1992(1)—
 - (i) income support; or
 - (ii) housing benefit;
 - (b) an income-based jobseeker’s allowance within the meaning of section 1 of the Jobseekers Act 1995(2);
 - (c) a working tax credit under Part 1 of the Tax Credits Act 2002(3) to which paragraph (3) applies;
 - (d) a guarantee credit under the State Pensions Credit Act 2002(4);
 - (e) an income-related employment and support allowance payable under Part 1 of the Welfare Reform Act 2007(5).
- (3) This paragraph applies where—
- (a) either—
 - (i) there is a disability element or severe disability element (or both)(6) to the working tax credit received by the person or the person’s partner; or
 - (ii) the person or the person’s partner is also in receipt of child tax credit(7); and
 - (b) the gross annual income taken into account for the calculation of the working tax credit is £16,190 or less.
- (4) In this regulation and in regulation 50, “partner” (“*partner*”), in relation to a person, means—
- (a) where the person is a member of a couple, the other member of that couple; or
 - (b) where the person is polygamously married(8) to two or more members of a household, any such member.
- (5) In paragraph (4), “couple” (“*cwpl*”) means—
- (a) a man and woman who are married to each other and are members of the same household;
 - (b) a man and woman who are not married to each other but are living together as husband and wife;
 - (c) two people of the same sex who are civil partners of each other and are members of the same household; or
 - (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,
- and for the purposes of sub-paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.

(1) 1992 c. 4. The Social Security Benefits and Contributions Act 1992 was amended by the Tax Credits Act 2002 (c. 21), section 60 and Schedule 6. There are other amendments not relevant to these Regulations.

(2) 1995 c. 18. The Jobseekers Act 1995 was amended by the Welfare Reform and Pensioners Act 1999 (c. 30), sections 59 and 88 and Schedules 7 and 13.

(3) 2002 c. 21.

(4) 2002 c. 16.

(5) 2007 c. 5.

(6) See section 11(3), (4) and (6) of the Tax Credits Act 2002.

(7) See section 8 of the Tax Credits Act 2002.

(8) A “polygamous marriage” means any marriage during the subsistence of which a party to it is married to more than one person and the ceremony of marriage took place under the law of a country which permits polygamy.

Reimbursement of fees

50.—(1) Subject to paragraph (2), in relation to any application in respect of which a fee is payable under regulation 45, 46 or 47, a tribunal may require any party to the application to reimburse any other party to the extent of the whole or part of any fee paid by that party in respect of the application.

(2) A tribunal may not require a party to make such reimbursement if, at the time the tribunal is considering whether or not to do so, the tribunal is satisfied that the party or a partner of the party is in receipt of assistance of any description mentioned in regulation 49(2).

Revocation

51. The following Regulations are revoked—

- (a) The Residential Property Tribunal (Fees) (Wales) Regulations 2006⁽⁹⁾; and
- (b) The Residential Property Tribunal Procedure (Wales) Regulations 2006⁽¹⁰⁾.

⁽⁹⁾ S.I.2006/1641 (W. 156).
⁽¹⁰⁾ S.I. 2006/1642 (W. 157).