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 STATUTORY INSTRUMENTS
 

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1978 No. 1961 (L. 40)

LANDLORD AND TENANT

RENT CONTROL, ETC., (ENGLAND AND WALES)  
 The Rent (County Court Proceedings) (Case 11) Rules 1978

Made - - - - - 20th December 1978

Coming into Operation 12th March 1979

The Lord Chancellor, in exercise of the powers conferred on him by section 142 of the Rent Act 1977(a), hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Rent (County Court Proceedings) (Case 11) Rules 1978 and shall come into operation on 12th March 1979.

(2) The Interpretation Act 1978(b) shall apply to these Rules as it applies to subordinate legislation made after the commencement of that Act.

(3) In these Rules an Order and Rule referred to by a number means the Order and Rule so numbered in the County Court Rules 1936(c), and “Case 11” means Case 11 of Schedule 15 to the Rent Act 1977.

2.—(1) Where a person who has occupied a dwelling-house as his residence claims possession of that dwelling-house under Case 11, then, unless he wishes the court to exercise its discretion to dispense with the requirements of paragraph (a) of that Case, he may, in lieu of bringing an action for possession, make his claim by originating application to the county court for the district in which the premises concerned are situated.

(2) Subject to the provisions of these Rules, the County Court Rules 1936 shall apply, with the necessary modifications, to proceedings begun by an originating application under paragraph (1); and any provision of these Rules authorising or requiring anything to be done in such proceedings shall be treated as if it were a provision of the County Court Rules 1936.

3.—(1) The originating application shall be in the Form in the Appendix to these Rules and shall contain the information required thereby.

(2) An affidavit verifying the statements in the originating application shall be filed, and a copy of the affidavit shall be served on the respondent with the documents mentioned in Order 6, Rule 4(2)(c).

4.—(1) The time for effecting service shall be determined in accordance with Order 6, Rule 4(2)(e) and Order 8, Rule 8(4), save that instead of requiring a period of 21 clear days before the return-day, the requisite period shall be 7 clear days.

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(a) 1977 c. 42.

(b) 1978 c. 30.

(c) S.R. & O. 1936/626; relevant amending instruments are S.R. & O. 1938/18; S.I. 1944/63, 1950/1993, 1957/1136, 1967/276, 1971/781, 1974/1138.

(2) Order 8, Rule 24 shall apply to the originating application, with such modifications as may be necessary, as if it were a summons in an action for the recovery of land.

5.—(1) The originating application may be heard by the registrar who may, and shall if so required by any party at any time before he has given his decision, refer it to the judge.

(2) The judge or registrar may hear the application or any part of it in private or in open court as he may think desirable.

Dated 20th December 1978.

*Elwyn-Jones, C.*



*[Delete  
whichever  
is not  
applicable]*

7. The tenancy has come to end as follows,  
(a) by expiring on *[here give date of expiry]*, or  
(b) by a notice to quit being served on *[here give the date]* which expires on *[here give the date]*, but the respondent remains in occupation.

*[Delete  
if inapplic-  
able]*

8. There are rent arrears in the sum of £ , calculated at the rate of *[here give the weekly or other rent]* and I apply to the Court for an order for payment.

The names and addresses of the persons on whom it is intended to serve this application are: *[state names and addresses of persons intended to be served]*.

My address for service is *[state applicant's address for service]*.

Dated this        day of

*[Signed]*

Applicant.

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#### EXPLANATORY NOTE

*(This Note is not part of the Rules.)*

These Rules provide a summary procedure for the recovery of possession by owner-occupiers as an alternative to the ordinary proceedings in the county court for possession. It is available where the owner-occupier's claim falls within Case 11 of Schedule 15 to the Rent Act 1977 and the notice required by paragraph (a) of that Case has been given to the tenant.



SI 1978/1961  
ISBN 0-11-084961-2



780110849614