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STATUTORY INSTRUMENTS

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**1993 No. 2408**

**The Rent Assessment Committee (England and Wales)  
(Leasehold Valuation Tribunal) Regulations 1993**

**Citation and commencement**

1. These Regulations may be cited as the Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) Regulations 1993 and shall come into force on 1st November 1993.

**Interpretation**

2. In these Regulations—

“application” means an application to a tribunal under section 21(1) (jurisdiction of leasehold valuation tribunals) of the Leasehold Reform Act 1967, or under section 13 (determination by leasehold valuation tribunals of questions relating to purchase notices) or section 31 (determination by leasehold valuation tribunals of terms where acquisition order) of the Landlord and Tenant Act 1987, or under or by virtue of Part I of the 1993 Act (collective enfranchisement and grant of new lease) and includes, except where the contrary is indicated, a scheme application<sup>(1)</sup>;

“party” includes (as regards a scheme application) two or more landlords or a representative body under section 71 (applications by two or more landlords or by representative body) of the 1993 Act, and the relevant authority for the purposes of section 73 (applications by certain public bodies) of that Act;

“person making representations” means such a person as is mentioned in section 70(6) of the 1993 Act;

“scheme application” means an application under Chapter IV of Part I of the 1993 Act, or under section 19 of the Leasehold Reform Act 1967 (retention of management powers for general benefit of neighbourhood) as it has effect by virtue of section 75 (variation of existing schemes) of the 1993 Act;

“the 1993 Act” means the Leasehold Reform, Housing and Urban Development Act 1993; and

“tribunal” means a leasehold valuation tribunal.

**Applications**

3.—(1) The particulars to be included in an application, except a scheme application, are those specified in Schedule 1 to these Regulations.

(2) The particulars to be included in a scheme application are those specified in Schedule 2 to these Regulations.

4. On receipt of an application the tribunal shall send a copy of it and of each of the documents which accompanied it to each person named in it as a respondent.

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(1) Section 21 was amended by paragraph 8 of Schedule 22 to the Housing Act 1980 (c. 51).

## Hearings

5.—(1) A hearing shall be on the date and at the time and place appointed by the tribunal.

(2) The tribunal shall give notice of the appointed date, time and place to the parties not less than 21 days (or such shorter period as the parties may agree) before the appointed date, and the tribunal shall send a copy of the notice—

(a) to any other person who has indicated to the tribunal an intention to appear at the hearing; and

(b) in the case of a scheme application, to any person making representations.

(3) The notice shall contain a statement that an appeal to the Lands Tribunal may only be made by a person who appeared before the tribunal in proceedings to which he was a party<sup>(2)</sup>.

(4) The tribunal may, where they consider it appropriate, arrange that an application shall be heard together with one or more other applications.

(5) A hearing shall be in public unless, for special reasons, the tribunal decide that a hearing or part of a hearing should be held in private.

6. At a hearing—

(a) the tribunal shall determine the procedure (subject to these Regulations), and the order in which the persons appearing before them are to be heard;

(b) a person appearing before the tribunal may do so either in person or by a representative authorised by him, whether or not that representative is of counsel or a solicitor; and

(c) a person appearing before the tribunal may give evidence on his own behalf, call witnesses, and cross-examine any witnesses called by any other person appearing.

## Non-appearance

7. If a party or person mentioned in regulation 5(2) does not appear at a hearing, the tribunal may proceed with the hearing if they are satisfied that notice has been given to that party or person in accordance with these Regulations.

## Adjournment

8.—(1) The tribunal may postpone or adjourn a hearing at their discretion either of their own motion, or at the request of the parties or of one or more of the persons appearing before them, but they shall not do so at the request of one party or person except where they consider it reasonable to do so having regard to the grounds for the request, the time at which the request is made and the convenience of the other persons appearing before them.

(2) The tribunal shall give reasonable notice of any postponed or adjourned hearing to the persons appearing before them.

## Documents

9.—(1) Before the date of a hearing, the tribunal shall take all reasonable steps to ensure that each of the parties and persons making representations is given—

(a) a copy of, or sufficient extracts from or particulars of, any document relevant to the proceedings which has been received from a party or person making representations (other than a document already in the possession of that party or one of which he has previously been supplied with a copy); and

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(2) See, in relation to the meaning of “party” for this purpose, section 91(10)(b) of the Leasehold Reform, Housing and Urban Development Act 1993.

(b) a copy of any document which embodies the results of any enquiries made by or for the tribunal for the purposes of the proceedings.

(2) At a hearing, if a person appearing before the tribunal does not have in his possession a relevant document or a copy of, or sufficient extracts from or particulars of, a relevant document, then unless—

(a) that person consents to the continuation of the hearing; or

(b) the tribunal consider that that person has a sufficient opportunity to deal with the document without an adjournment of the hearing,

the tribunal shall adjourn the hearing for a period which they consider will give that person a sufficient opportunity to deal with the document.

### **Inspections**

**10.**—(1) The tribunal may (subject to any necessary consent being obtained) inspect the house, premises or area which are the subject of the proceedings.

(2) An inspection may be made before, during or after the close of a hearing, as the tribunal may decide, and the tribunal shall give the persons appearing before them an opportunity to attend.

(3) Notice of an inspection shall be given as if it were notice of a hearing, but the requirements for notice may be dispensed with or relaxed with the consent of the persons appearing before the tribunal or if the tribunal are satisfied that such persons have received sufficient notice.

(4) Where an inspection is made after the close of a hearing, the tribunal shall, if they consider it expedient to do so on account of any matter arising from the inspection, reopen the hearing; and if the hearing is to be reopened regulation 5(2) shall apply as it applied to the original hearing, except that its requirements may be dispensed with or relaxed with the consent of the parties and persons mentioned in regulation 5(2) or if the tribunal are satisfied that such parties and persons have received sufficient notice.

(5) This regulation shall apply, so far as is reasonable and practicable, to any comparable house, premises or area to which the attention of the tribunal is directed.

### **Decisions**

**11.**—(1) The decision of the tribunal shall be recorded in a document signed by the chairman of the tribunal (or, in the event of his absence or incapacity, by another member of the tribunal) which shall contain the reasons for the decision.

(2) The chairman (or, in the event of his absence or incapacity, another member of the tribunal) shall have power, by certificate under his hand, to correct any clerical mistakes in the document or any errors arising in it from an accidental slip or omission.

(3) A copy of the document and of any such correction shall be sent by the tribunal to each party and person making representations.

### **Attendance by member of Council on Tribunals**

**12.** Nothing in these Regulations shall prevent a member of the Council on Tribunals in that capacity from attending any hearing or inspection or from being present during the tribunal's deliberations as to their decision; but a member of the Council on Tribunals may not take part in such deliberations.

### Information required by tribunal

13.—(1) Where a tribunal require information to be given under paragraph 7 of Schedule 22 to the Housing Act 1980, the notice shall contain a statement to the effect that any person who fails without reasonable cause to comply with the notice is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Paragraph (1) above shall not apply in the case of a notice addressed to an appropriate authority in relation to a Crown interest<sup>(3)</sup>.

### Notices

14. Where any notice or other document is required under these Regulations to be given or sent by the tribunal, it shall be sufficient compliance with these Regulations if the notice or other document is sent by pre-paid post or by facsimile transmission addressed to the person for whom it is intended at his usual or last known address or (if a person has appointed an agent to act on his behalf) to his agent at the address of the agent supplied to the tribunal.

### Amendments

15.—(1) Regulation 2(2) of the Rent Assessment Committees (England and Wales) Regulations 1971<sup>(4)</sup> is amended by the addition, at the end of the definition of “committee”, of the words—

“or by section 75, 88 or 91 (jurisdiction of leasehold valuation tribunals) of the Leasehold Reform, Housing and Urban Development Act 1993”.

(2) The Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) (Amendment) Regulations 1987<sup>(5)</sup>, and the Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) (Amendment) Regulations 1988<sup>(6)</sup>, are each amended by the omission of the following—

- (a) in article 2, the definition of “the 1981 Regulations”;
- (b) article 4; and
- (c) the Schedule.

### Revocation

16. The Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) Regulations 1981<sup>(7)</sup> are hereby revoked.

Signed by authority of the Secretary of State

*G. S. K. Young*  
Minister of State,  
Department of the Environment

30th September 1993

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(3) See, as to the definition of “appropriate authority”, section 94(11) of the Leasehold Reform, Housing and Urban Development Act 1993.

(4) S.I.1971/1065; relevant amending instruments are S.I. 1980/1699 and S.I. 1987/2178.

(5) S.I. 1987/2178.

(6) S.I. 1988/484.

(7) S.I. 1981/271; relevant amending instruments are S.I. 1987/2178 and S.I. 1988/484.

30th September 1993

*John Redwood*  
Secretary of State for Wales