WELSH STATUTORY INSTRUMENTS

2006 No. 1642 (W.157)

HOUSING, WALES

The Residential Property Tribunal (Fees) (Wales) Regulations 2006

Made - - - -	*20 June 2006*
Coming into force - -	*23 June 2006*

The National Assembly for Wales, in exercise of the powers conferred on it by paragraphs 1 and 11 of Schedule 13 to the Housing Act 2004(**1**), makes the following Regulations:

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Residential Property Tribunal (Fees) (Wales) Regulations 2006 and they come into force on 23 June 2006.

(2) In these Regulations–

"the Act" ("*y Ddeddf*") means the Housing Act 2004;

"the 1985 Act" ("*Deddf 1985*") means the Housing Act 1985(**2**);

"tribunal" ("*tribiwnlys*") means a residential property tribunal.

Application

2. These Regulations apply in relation to appeals and applications of any of the descriptions specified in regulation 3 made after 23 June 2006 in respect of premises in Wales.

Fees

3.—(1) Subject to regulation 5(2), a fee of £150 is payable for–

(a) an appeal to a tribunal under–

(i) section 22(9) of the Act (refusal to approve use of premises subject to a prohibition order);

(ii) paragraph 10 of Schedule 1 to the Act (improvement notice);

(**1**) 2004 c. 34. The powers conferred by paragraphs 1 and 11 of Schedule 13 to the Act are exercisable as respects Wales, by the National Assembly for Wales and, as respects England, by the Secretary of State. See the definition of "appropriate national authority" in section 261(1) of the Act.

(**2**) 1985 c. 68.

(iii) paragraph 13 of Schedule 1 to the Act (decision to vary or to refuse to revoke or vary an improvement notice);

(iv) paragraph 7 of Schedule 2 to the Act (prohibition order);

(v) paragraph 9 of Schedule 2 to the Act (decision to vary or to refuse to vary or revoke a prohibition order);

(vi) paragraph 11 of Schedule 3 to the Act (improvement notice: demand for recovery of expenses);

(vii) paragraph 32 of Schedule 5 to the Act (HMO licensing: decision or refusal to vary or revoke licence);

(viii) paragraph 32 of Schedule 6 to the Act (management order: third party compensation);

(ix) paragraph 26(1)(a) and (b) of Schedule 7 to the Act (final EDMO);

(x) paragraph 30 of Schedule 7 to the Act (decision or refusal to revoke or vary an interim or final EDMO);

(xi) paragraph 34(2) of Schedule 7 to the Act (EDMO: third party compensation);

(xii) section 269(1) of the 1985 Act (demolition orders);

(b) an application to a tribunal under–

(i) section 126(4) of the Act (effect of management orders: furniture);

(ii) section 138 of the Act (compensation payable to third parties);

(iii) section 318(1) of the 1985 Act (power of the tribunal to authorise execution of works on unfit premises or for improvement).

(2) Subject to paragraph (3) and regulation 5(2), a fee of £150 is payable for an appeal to a tribunal under one or more of the following provisions–

(a) section 62(7) of the Act (HMO licensing: refusal to serve temporary exemption notice);

(b) section 86(7) of the Act (selective licensing: refusal to serve temporary exemption notice);

(c) paragraph 31 of Schedule 5 to the Act (grant or refusal of licence);

(d) paragraph 24 of Schedule 6 to the Act (interim and final management order);

(e) paragraph 28 of Schedule 6 to the Act (decision or refusal to vary or revoke a management order).

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

Payment of fees

4. Any fee payable under regulation 3 must accompany the appeal or application and must be paid by a cheque made payable to, or postal order drawn in favour of, the National Assembly for Wales.

Liability to pay fee and waiver of fees

5.—(1) The appellant or applicant is liable to pay any fee payable under regulation 3.

(2) No fee is payable under regulation 3 where, on the date that the appeal or application is made, the appellant or applicant (as the case may be) or the partner of the appellant or applicant is in receipt of–

(a) either of the following benefits under Part 7 of the Social Security Contributions and Benefits Act 1992(**3**)–

(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(**4**);

(c) a working tax credit under Part 1 of the Tax Credits Act 2002(**5**)to which paragraph (3) applies;

(d) a guarantee credit under the State Pensions Credit Act 2002(**6**).

(3) This paragraph applies where–

(a) either–

(i) there is a disability element or severe disability element (or both)(**7**)to the 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 (**8**); and

(b) the gross annual income taken into account for the calculation of the working tax credit is £14, 213 or less.

(4) In this regulation "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 to two or more members of that person's household, any such member.

(5) In paragraph (4), "couple" ("cwpwl") 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.

Reimbursement of fees

6.—(1) Subject to paragraph (2), in relation to any appeal or application in respect of which a fee is payable under regulation 3, a tribunal may require any party to the appeal or application to reimburse any other party to the extent of the whole or part of any fee paid by the party in respect of the appeal or application.

(**3**) 1992 c. 4; amended by the Tax Credits Act 2002 (c. 21), sections 60 and Schedule 6. There are other amendments not relevant to these Regulations.
(**4**) 1995 c. 18; amended by the Welfare Reform and Pensioners Act 1999 (c. 30), sections 59 and 88 and Schedules 7 and 13.
(**5**) 2002 c. 21.
(**6**) 2002 c. 16.
(**7**) See section 11(3), (4) and (6) of the Tax Credits Act 2002.
(**8**) See section 8 of the Tax Credits Act 2002.