WELSH STATUTORY INSTRUMENTS

2005 No. 1356 (W.104)

LANDLORD AND TENANT, WALES

The Leasehold Valuation Tribunals (Procedure) (Amendment) (Wales) Regulations 2005

Made - - - -	*17 May 2005*
Coming into force - -	*31 May 2005*

The National Assembly for Wales, in exercise of the powers vested in it under section 35(5) of the Landlord and Tenant Act 1987(**1**) and Schedule 12 to the Commonhold and Leasehold Reform Act 2002(**2**), and after consultation with the Council on Tribunals, makes the following Regulations:

Name, commencement and application

1.—(1) These Regulations are called the Leasehold Valuation Tribunals (Procedure) (Amendment) (Wales) Regulations 2005 and shall come into force on 31 May 2005.

(2) These Regulations apply in relation to applications made, or proceedings transferred from a court, to a leasehold valuation tribunal, on or after 31 May 2005, in respect of premises in Wales.

Amendment of the Leasehold Valuation Tribunals (Procedure) (Wales) Regulations 2004

2. The Leasehold Valuation Tribunals (Procedure) (Wales) Regulations 2004(**3**) shall be amended in accordance with regulations 3 to 8.

Application of Regulations

3. In regulation 1 (name, commencement and application), for paragraph (3), substitute —

> "(3) These Regulations apply in relation to any application made, or proceedings transferred from a court, to a leasehold valuation tribunal in respect of premises in Wales on or after —

(**1**) 1987 c. 31. Section 35(5) is amended by section 163(2) of the Commonhold and Leasehold Reform Act 2002 (c. 15) ("the 2002 Act"). The functions of the Secretary of State under section 35(5) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Under section 177 of the 2002 Act, references to the 1987 Act in S.I. 1999/672 are to be treated as references to that Act as amended by Part 2 of the 2002 Act.

(**2**) 2002 c. 15. *See* section 179(1) for the definition of "the appropriate national authority" as respects Wales.

(**3**) S.I. 2004/681 (W.69).

(a) in the case of an application of the description specified in paragraph 8 of Schedule 1, 31 May 2005;

(b) in any other case, 31 March 2004.".

Particulars of applications

4. In regulation 3 —

(a) in paragraph (3), for "paragraph 2", where it first occurs, substitute "any of sub-paragraphs (b) to (f) of paragraph 2"; and

(b) after paragraph (7), insert the following paragraph —

"(7A) Where an application is of the description specified in paragraph 8 of Schedule 1 (determination as to breach of covenant or condition) the particulars and documents listed in paragraph 7 of Schedule 2 shall be included with the application.".

Determination without a hearing

5. In regulation 13(1), for sub-paragraphs (a) to (c), substitute the following sub-paragraphs —

(a) "it has given to both the applicant and the respondent not less than 28 days' notice in writing of its intention to proceed without an oral hearing; and

(b) neither the applicant nor the respondent has made a request to the tribunal to be heard,

but this paragraph is without prejudice to paragraph (3).".

Inspections

6. In regulation 17, for paragraphs (4) to (7), substitute the following paragraphs —

"(4) Where an inspection is to be made, the tribunal shall give notice to the parties.

(5) A notice under paragraph (4) shall —

(a) state the date, time and place of the inspection; and

(b) be given not less than 14 days before that date.".

Descriptions of applications

7. In Schedule 1, after paragraph 7, insert the following paragraph —

"**Determination as to breach of covenant or condition**

8. Applications under section 168(4) of the 2002 Act.".

Particulars of applications

8. In Schedule 2 —

(a) in paragraph 1 (enfranchisement and extended leases), after sub-paragraph (5), insert the following sub-paragraph —

"(6) Except where an application is made under section 24, 25 or 27 of the 1993 Act, a copy of the lease.";

(b) in paragraph 6 (variation of leases), after sub-paragraph (2), add the following sub-paragraph —

"(3) A copy of the lease."; and