WELSH STATUTORY INSTRUMENTS

2002 No. 3187 (W.303)

LANDLORD AND TENANT, WALES

The Leasehold Reform (Notices) (Amendment) (Wales) Regulations 2002

Made - - - - 18th December 2002

Coming into force - - 1st January 2003

The National Assembly for Wales, in exercise of the powers conferred on it by section 66 of the Landlord and Tenant Act 1954(**1**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Leasehold Reform (Notices) (Amendment) (Wales) Regulations 2002 and shall come into force on 1st January 2003.

(2) These Regulations apply to Wales only.

Amendments

2. In the Schedule to the Leasehold Reform (Notices) Regulations 1997(**2**)—

(a) for Form 1, substitute Form 1 in the Schedule to these Regulations; and

(b) for Form 2, substitute Form 2 in that Schedule.

Application

3. These Regulations shall only apply to cases where a notice under Part 1 of the Leasehold Reform Act 1967(**3**) (tenant's notice of desire to have or claim to be entitled to acquire the freehold or an extended lease) was given on or after the date these Regulations come into force.

(**1**) 1954 c. 56. Section 66(1) and (2) was amended by S.I.1974/1896. Section 66 of the Landlord and Tenant Act 1954 is applied to notices under Part I of the Leasehold Reform Act 1967 (c. 88) by section 22(5) of that Act. *See* article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(**2**) S.I. 1997/640.

(**3**) 1967 c. 88.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**4**).

D. Elis-Thomas
18th December 2002 The Presiding Officer of the National Assembly

(**4**) 1998 c. 38.

SCHEDULE Regulation 2

FORM 1LEASEHOLD REFORM ACT 1967

Notice of tenant's claim to acquire the freehold or an extended lease

To [*Name and address of person on whom this notice is served*] **(see Note 1 below)**

[and]

To: [*Name and address of any recipient of a copy of this notice**] **(see Note 1 below, in addition, your attention is drawn to paragraphs 8 to 10 of this notice)**

*(*Delete if paragraphs 5 to 10 are deleted)*

1. I am the tenant of the house and premises of which particulars are given in the Schedule to this notice

2. In exercise of my rights under Part 1 of the Leasehold Reform Act 1967, I give you notice of my desire -

[to have the freehold of the house and premises.]*

[to have an extended lease of the house and premises.]*

(**Delete whichever is inapplicable.*)

3. The particulars on which I rely are set out in the Schedule to this notice.

4. If you are both my immediate landlord and the freeholder, you must give me, within two months of the service of this notice, a notice in reply in Form 3 set out in the Schedule to the Leasehold Reform (Notices) Regulations 1997 (or in a form substantially to the same effect), stating whether or not you admit my right [to have the freehold of the house and premises]* [to have an extended lease of the house and premises]* (*delete whichever is inapplicable) (subject to any question as to the correctness of the particulars of the house and premises) and, if you do not admit my right, stating the grounds on which you do not admit it. **(see Note 2 below)**

(The remaining paragraphs of this form should be deleted where the claimant's immediate landlord is known to be the freeholder of the house and premises.)

5. If you are not my immediate landlord, or if you are my immediate landlord but not the freeholder, you must comply with the requirements of paragraphs 7 and 8, but you need only give me the notice mentioned in paragraph 4 if you are the person designated as "the reversioner" in accordance with paragraph 2 of Schedule 1 to the Act. If you are the reversioner, you must give the notice mentioned in paragraph 4 within two months of the first service of this notice on any landlord. **(see Note 3 below)**

6. I have served a copy of this notice on the following person[s] whom I know or believe to have an interest in the house and premises superior to my tenancy - [insert name and address of each person on whom a

copy of the notice has been served.]

7. You must now serve a copy of this notice on any other person whom you know or believe to have an interest in the house and premises superior to my tenancy, and you must record on that copy the date on which you received this notice. If you serve a copy on any person you must add his name and, if you know it, his address to the list at the end of paragraph 6, and give me written notice of the name, and address (if known).

8. If you know who is, or believe yourself or another person to be, the reversioner, you must give me written notice stating the name and address (if known) of the person who you think is the reversioner, and serve copies of it on every person whom you know or believe to have an interest superior to my tenancy, stating on each copy the date on which you received this notice.

9. Anyone who receives a copy of this notice must, without delay, serve a further copy of it on any person whom he knows or believes to have an interest in the house and premises superior to my tenancy but who is not named in the notice, unless he knows that that person has already received a copy of it, and he must also record on each further copy the date on which he received this notice. For each further copy served, you must add the name of the person served and, if you know it, his address to the list at the end of paragraph 6, and give me written notice of the name and (if known) the address of that person.

10. Anyone who receives a copy of this notice and who knows who is, or believes himself to be, the reversioner, must notify me in writing of the name and (if known) the address of the person known or believed by him to be the reversioner, and serve a copy of this notification on every person whom he knows or believes to have an interest superior to my tenancy.

[Insert date.]

Signed ……..(Tenant)

of [insert address]……

[The name and address of my solicitor or agent, to whom further communications may be sent is ……..]* *(*Delete if inapplicable.)*

THE SCHEDULE

PARTICULARS SUPPORTING TENANT'S CLAIM

1. *The address of the house.*

2. *Particulars of the house and premises sufficient to identify the property to which your claim extends.***(see Note 4 below)**

3. *Particulars of the tenancy of the house and premises sufficient to identify the instrument creating the tenancy and to show that the tenancy is and has at the material times been a long tenancy or treated as a long tenancy.***(see Note 5 below)**

4. *Particulars sufficient to show the date on which you acquired the tenancy.***(see Note 6 below)**

(a) (a) *Particulars of the tenancy of the house and premises sufficient to show that the tenancy is and has at the material times been a tenancy at a low rent or treated as a tenancy at a low rent.***(see Note 7 below)**

OR

(b) *If your claim is based on section 1AA (additional right to enfranchisement only in case of houses whose rent exceeds applicable limit under section 4), particulars of the tenancy sufficient to show that the tenancy is one in relation to which section 1AA has effect to confer a right to acquire the freehold of the house and premises.***(see Note 8 below)**

6. *Particulars of any other long tenancy of the house or a flat forming part of the house held by any tenant.***(see Note 9 below)**

7. *Where either —*

(a) *a flat forming part of the house is let to a person who is a qualifying tenant of a flat for the purposes of Chapter 1 or 2 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993; or*

(b) *your tenancy is a business tenancy,*

the following particulars:

(i) *the periods for which in the last ten years, and since acquiring the tenancy, you have and have not occupied the house as your residence; and*

(ii) *during those periods what parts (if any) of the house have not been in your own occupation and for what periods, and*

(iii) *what other residence (if any) you have had and for what periods, and which was your main residence.***(see Note 10 below)**

8. *Additional particulars sufficient to show that the value of the house and premises does not exceed the applicable financial limit specified in section 1(1)(a)(i) or (ii), (5) or (6) of the Act. (These are not required where the right to have the freehold is claimed in reliance on any one or more of the provisions in section 1A, 1AA or 1B of the Act, or where the tenancy of the house and premises has been extended under section 14 and the notice under section 8(1) was given (whether by a tenant or a sub-tenant) after the original term date of the tenancy).***(see Note 11 below)**

9. *Additional particulars sufficient to show whether the house and premises are to be valued in accordance with section 9(1) or section 9(1A) of the Act. (These are not required where the right to have the freehold is claimed in reliance on any one or more of the provisions in section 1A, 1AA or 1B of the Act, or where the tenancy of the house and premises has been extended under section 14 and the notice under section 8(1) was given (whether by a tenant or a sub-tenant) after the original term date of the tenancy).*

10. *Additional particulars where you rely on section 6 (rights of trustees), 6A (rights of personal representatives) or 7 (rights of members of family succeeding to tenancy on death) of the Act.***(see Note 12 below)**

Notes

(a) (a) Where the tenant's immediate landlord is not the freeholder, the claim may, in accordance with the Leasehold Reform Act 1967, as amended, be served on him or any superior landlord, and copies of the notice must be served by the tenant on anyone else known or believed by him to have an interest superior to his own (Schedule 3, paragraph 8(1)).

(b) Where the landlord's interest is subject to a mortgage or other charge and the mortgagee or person entitled to the benefit of the charge is in possession of that interest, or a receiver appointed by him or by the court is in receipt of the rents and profits, the notice may be served either on the landlord or on the person in possession or the receiver (Schedule 3, paragraph 9(1)).

(c) Any landlord whose interest is subject to a mortgage or other charge (not being a rent-charge) to secure the payment of money must (subject to special provisions applicable to debenture-holders' charges) on receipt of the claim inform the mortgagee or person entitled to the benefit of the charge (Schedule 3, paragraph 9(2)).

2. The landlord must (unless note 3 applies) serve a notice in reply in Form 3 set out in the Schedule to the Leasehold Reform (Notices) Regulations 1997 (or in substantially the same form)