STATUTORY INSTRUMENTS

2006 No. 831

HOUSING, ENGLAND

The Residential Property Tribunal Procedure (England) Regulations 2006

Made - - - -	*17th March 2006*
Laid before Parliament	*23rd March 2006*
Coming into force - -	*13th April 2006*

The First Secretary of State makes the following Regulations in exercise of the powers conferred by section 250(2)(a) of and Schedule 13 to the Housing Act 2004(**a**).

In accordance with section 8 of the Tribunals and Inquiries Act 1992(**b**) he has consulted with the Council on Tribunals.

Citation and commencement

1.—(1) These Regulations may be cited as the Residential Property Tribunal Procedure (England) Regulations 2006.

(2) These Regulations shall come into force on 13th April 2006.

Interpretation

2. In these Regulations—

"the Act" means the Housing Act 2004;

"the 1985 Act" means the Housing Act 1985(**c**);

"application" means an application or appeal to a tribunal under the Act or Part 9 of the 1985 Act and "applicant" bears a corresponding meaning;

"case management conference" means a pre-trial review or any other meeting held by a tribunal for the purpose of managing the proceedings in respect of an application;

"the Fees Regulations" means the Residential Property Tribunals (Fees)(England) Regulations 2006(**d**);

"IMO authorisation application" means an application for authorisation to make an interim management order(**e**);

(**a**) 2004 c.34. The power to make regulations under Schedule 13 is, in relation to Wales, conferred on the National Assembly for Wales, *see* the definition of "appropriate national authority" in section 261 of the Housing Act 2004.
(**b**) 1992 c.53.
(**c**) 1985 c.68.
(**d**) S.I. 2006/830.
(**e**) For the meaning of "interim management order" *see* section 101(3) of the Act, and for authorisations to make such an order *see* section 102(4) and (7).

"interested person" means in relation to a particular application—

(a) a person other than the applicant who would have been entitled under the Act or the 1985 Act (as the case may be) to make the application;

(b) a person to whom notice of the application must be given by the applicant in accordance with the following provisions of the Act—

(i) section 73(7);

(ii) section 96(7);

(iii) paragraph 11(2) of Schedule 1; or

(iv) paragraph 14(2) of Schedule 3;

(c) a person to whom the tribunal must give the opportunity of being heard in accordance with the following provisions of the Act—

(i) section 34(4); or

(ii) section 317(2);

(d) the LHA where it is not a party to the application;

"LHA" means the local housing authority(**a**);

"premises" means the dwelling or building to which the application relates;

"the respondent" means, in respect of an application to which a paragraph of the Schedule to these Regulations applies, the person or persons, or one of the persons, specified in sub-paragraph (3) of that paragraph;

"statement of reasons" means a statement of reasons prepared by the LHA under section 8 of the Act (reasons for decision to take enforcement action); and

"tribunal" means a residential property tribunal, and "the tribunal" in relation to an application means the tribunal by which the application is to be determined.

Application

3. These Regulations apply to proceedings of residential property tribunals for determining applications in respect of premises in England made—

(a) under the Act;

(b) under section 318(1) of the 1985Act in respect of applications made on or after 6th April 2006; or

(c) under any of sections 269(1), 272(1) or (2)(a), 272(2)(b), or 317(1) of the 1985 Act in respect of demolition orders made on or after 6th April 2006.

The overriding objective

4.—(1) When a tribunal—

(a) exercises any power under these Regulations; or

(b) interprets any regulation,

it must seek to give effect to the overriding objective of dealing fairly and justly with applications which it is to determine.

(2) Dealing with an application fairly and justly includes—

(a) dealing with it in ways which are proportionate to the complexity of the issues and to the resources of the parties;

(b) ensuring, so far as practicable, that the parties are on an equal footing procedurally and are able to participate fully in the proceedings;

(**a**) For the meaning of "local housing authority" *see* section 261(2) of the Act.

(c) assisting any party in the presentation of his case without advocating the course he should take;

(d) using the tribunal's special expertise effectively; and

(e) avoiding delay, so far as is compatible with proper consideration of the issues.

Request for extension of time to make an application

5.—(1) This regulation applies where a person makes a request to a tribunal for permission to make an application after the end of the period stipulated in the Act as the period within which the application must be made.

(2) A request to which this regulation applies must—

(a) be in writing;

(b) give reasons for the failure to make the application before the end of that period and for any further delay since then;

(c) include a statement that the person making the request believes that the facts stated in it are true; and

(d) be dated and signed.

(3) Where a request mentioned in paragraph (1) is made, the applicant must at the same time send the completed application to which the request relates to the tribunal.

Particulars of application

6.—(1) An application must be in writing and must include the following particulars—

(a) the applicant's name and address;

(b) the name and address of the respondent where known to the applicant, or where not known a description of the respondent's connection with the premises;

(c) the address of the premises;

(d) the applicant's connection with the premises;

(e) the applicant's reasons for making the application including the remedy sought;

(f) where known to the applicant, the name and address of any interested person;

(g) a statement that the applicant believes that the facts stated in the application are true; and

(h) in respect of each application to which a paragraph in the Schedule to these Regulations applies, the documents specified in sub-paragraph (2) of that paragraph.

(2) Any of the particulars required by paragraph (1) may be dispensed with or relaxed if the tribunal is satisfied that—

(a) the particulars and documents included with an application are sufficient to establish that the application is one which may be made to a tribunal; and

(b) no prejudice will be, or is likely to be, caused to any party to the application.

(3) A single qualified member of the panel(**a**) may exercise the power conferred by paragraph (2).

Acknowledgement and notification of application by tribunal

7.—(1) As soon as practicable after receiving the application, the tribunal must—

(a) send an acknowledgement of receipt to the applicant; and

(b) send a copy of the application and of each document accompanying it to the respondent.

(**a**) For "single qualified member of the panel" see paragraph 6(2) to (4) of Schedule 13 to the Housing Act 2004.

(2) Except in a case to which regulation 9 applies, the tribunal must also send to the respondent a notice specifying the date by which he must send the reply mentioned in regulation 8.

(3) The date specified in the notice must not be less than 14 days after the date specified in the notice as the date on which it was made.

Reply by respondent

8.—(1) This regulation applies where a respondent receives the notice mentioned in regulation 7(2).

(2) Where this regulation applies the respondent must by the date specified in that notice send to the tribunal a written reply acknowledging receipt of the copy documents sent in accordance with regulation 7(1)(b) and stating—

(a) whether or not he intends to oppose the application;

(b) where not already included in the application, the name and address of each interested person known to the respondent; and

(c) the address to which documents should be sent for the purposes of the proceedings.

Urgent IMO authorisation applications

9.—(1) This regulation applies where the LHA requests a tribunal to deal with an IMO authorisation application as a matter of urgency.

(2) Where it appears to the tribunal, on the basis of information accompanying the application, that the exceptional circumstances mentioned in paragraph (3) exist, it may order that an oral hearing (an "urgent oral hearing") shall be held without complying with the notice requirements of regulation 25.

(3) The exceptional circumstances are that—

(a) there is an immediate threat to the health and safety of the occupiers of the house or to persons occupying or having an estate or interest in any premises in the vicinity of the house; and

(b) by making the interim management order as soon as possible (together where applicable with such other measures as the LHA intends to take) the LHA will be able to take immediate appropriate steps to arrest or significantly reduce the threat.

(4) The tribunal must as soon as practicable notify the parties and each interested person whose name and address have been notified to it—

(a) that the application is being dealt with as a matter of urgency under this regulation;

(b) of the reasons why it appears to the tribunal that the exceptional circumstances exist;

(c) of any requirement to be satisfied by a party before the hearing; and

(d) of the date on which the urgent oral hearing will be held.

(5) The date of the hearing must be not less than 4 days after the date that notification of the urgent oral hearing is sent.

(6) At the urgent oral hearing the tribunal must—

(a) if it is satisfied upon hearing evidence that the exceptional circumstance do exist, determine the application; or

(b) if it is not so satisfied—

(i) adjourn the hearing; and

(ii) give such directions as it considers appropriate.

(7) A single qualified member of the panel may—

(a) exercise the power conferred by paragraph (2); and

(b) decide the date of the urgent oral hearing.

(8) Where the tribunal orders an urgent oral hearing the notice provisions contained in the following regulations shall not apply to the application—

(a) regulation 21(5) (notice for an inspection); and

(b) regulation 25(3) and (4) (notice of hearing).

Request to be treated as an applicant or respondent

10.—(1) A person ("the potential party") may make a request to the tribunal to be joined as a party to the proceedings.

(2) Any request under paragraph (1)—

(a) may be made without notice;

(b) must be in writing;

(c) must give reasons for the request; and

(d) must specify whether the potential party wishes to be treated as—

(i) an applicant; or

(ii) a respondent.

(3) As soon as practicable after reaching its decision whether to grant or refuse a request under paragraph (1), the tribunal must—

(a) notify the potential party of the decision and the reasons for it; and

(b) send a copy of the notification to the existing parties.

(4) Any potential party whose request under paragraph (1) is granted must be treated as an applicant or respondent for the purposes of regulations 4, 9, 11, 13 to 37 and 39 to 41.

(5) In the regulations mentioned in paragraph (4) any reference to an applicant or a respondent must be construed as including a person treated as such under this regulation, and any reference to a party must be construed as including any such person.

(6) A single qualified member of the panel may grant or refuse a request under paragraph (1).

Determining applications together

11.—(1) This regulation applies where separate applications have been made which in the opinion of the tribunal—

(a) involve related issues concerning the same premises; or

(b) are made in respect of two or more premises in which the same parties have interests and as to which similar or related issues fall to be determined.

(2) Where paragraph (1) applies, the tribunal may order that—

(a) some or all of those applications; or

(b) particular issues or matters raised in the applications,

shall be determined together.

Payment of fees

12. Where a fee which is payable under the Fees Regulations is not paid within a period of 14 days from the date on which the application is received, the application shall be treated as withdrawn unless the tribunal is satisfied that there are reasonable grounds not to do so.

Representatives

13.—(1) This regulation applies where a party or an interested person makes a request in writing to the tribunal for information or documents to be supplied to his representative.

(2) A request mentioned in paragraph (1) must contain the name and address of the representative.

(3) Where this regulation applies any duty of the tribunal under these Regulations to supply any information or document shall be satisfied by sending or giving it to the representative.

Supply of information and documents to interested persons

14.—(1) Where the tribunal is notified of the name and address of an interested person, it must ensure that as soon as is practicable he is supplied with—

(a) a copy of the application;

(b) an explanation of the procedure for applying to be joined as an applicant or respondent; and

(c) any other information or document which the tribunal considers appropriate.

(2) The tribunal may ensure the supply of information or documents under paragraph (1) by—

(a) itself supplying the interested person with the information or documents; or

(b) requiring a party to do so by an order made under regulation 16(2).

(3) Where information and documents are supplied to an interested person in accordance with paragraph (1) but—

(a) he responds to the tribunal but is not joined as a party under regulation 10; or

(b) he does not so respond,

the tribunal shall not be under any further duty to ensure the supply of information or documents to that person.

Supply of documents by tribunal

15.—(1) Before determining an application, the tribunal must take all reasonable steps to ensure that each of the parties is supplied with—

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

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

(2) At a hearing, if a party has not previously received 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 considers that that person has a sufficient opportunity to deal with the matters to which the document relates without an adjournment of the hearing,

the tribunal must adjourn the hearing for a period which it considers will give that person a sufficient opportunity to deal with those matters.

Supply of information and documents by parties

16.—(1) Subject to paragraph (5), the tribunal may make an order requiring a party to supply to the tribunal any information or document which it is in the power of that party to supply and which is specified, or of a description specified, in the order.

(2) The tribunal may make an order requiring a party to supply to another party or to an interested person copies of any documents supplied or to be supplied to the tribunal under paragraph (1).

(3) A party who is subject to an order made under paragraph (1) or (2) must supply such information, documents or copies by such time as may be specified in, or determined in accordance with, the order.

(4) Subject to paragraph (5) the tribunal may make an order requiring any person to attend an oral hearing to give evidence and produce any documents specified, or of a description specified, in the order which it is in the power of that person to produce.

(5) Paragraphs (1) and (4) do not apply in relation to any document which a person could not be compelled to produce on the trial of an action in a court of law in England.

(6) A single qualified member of the panel may make an order under paragraph(1), (2) or (4) which is—

(a) preliminary to an oral hearing; or

(b) preliminary or incidental to a determination.

Failure to comply with an order to supply information and documents

17. Where a party has failed to comply with an order made under regulation 16(1), (2) or (4) the tribunal may make an order dismissing or allowing the whole or part of the application.

Determination without a hearing

18.—(1) Subject to paragraphs (2) and (6) the tribunal may determine an application without an oral hearing if it has given the parties not less than 14 days' notice in writing of its intention to do so.

(2) At any time before the application is determined—

(a) the applicant or the respondent may request an oral hearing; or

(b) the tribunal may give notice to the parties that it intends to hold an oral hearing.

(3) Where a request is made or a notice given under paragraph (2) the tribunal must give notice of a hearing in accordance with regulation 25.

(4) A determination without an oral hearing may be made in the absence of any representations by the respondent.

(5) A single qualified member of the panel may decide whether an oral hearing is or is not appropriate to determine an application(**a**).

(6) This regulation does not apply to an application to which regulation 9 (urgent IMO authorisation applications) applies.

Interim orders

19.—(1) A tribunal may make an order on an interim basis (an "interim order")—

(a) suspending, in whole or in part, the effect of any decision, notice, order or licence which is the subject matter of proceedings before it; or

(b) for the time being granting any remedy which it would have had power to grant in its final decision.

(2) Where the tribunal makes an interim order without first giving the parties the opportunity to make representations with regard to making it, a party may request that the interim order be varied or set aside.

(3) Any such request may be made—

(a) orally at a case management conference or hearing;

(b) in writing; or

(**a**) For definition of a single qualified member in this context, *see* paragraph 10(4) of Schedule 13 to the Act.

(c) by such other means as the tribunal may permit.

(4) An interim order must be recorded as soon as possible in a document which, except in the case of an order made with the consent of all parties, must give reasons for the decision to make the order.

(5) This regulation does not apply to an IMO authorisation application.

Directions

20.—(1) A party may request the tribunal to give directions by order under its general power in section 230(2) of the Housing Act 2004.

(2) A party to whom a direction is addressed may request the tribunal to vary it or set it aside.

(3) A request referred to in paragraph (1) or (2) may be made—

(a) orally at a case management conference or hearing;

(b) in writing; or

(c) by such other means as the tribunal may permit.

(4) The party making the request must specify the directions which are sought and the reasons for seeking them.

(5) A single qualified member of the panel may give a procedural direction as to any matter which is—

(a) preliminary to an oral hearing; or

(b) preliminary or incidental to a determination.

(6) In paragraph (5)(a), "procedural direction" means any direction other than one of those set out in paragraphs (a) to (e) of section 230(5) of the Act.

Inspection of premises and neighbourhood

21.—(1) Subject to paragraph (3) the tribunal may inspect—

(a) the premises;

(b) any other premises inspection of which may assist the tribunal in determining the application;

(c) the locality of the premises.

(2) Subject to paragraph (3)—

(a) the tribunal must give the parties an opportunity to attend an inspection; and

(b) a member of the Council on Tribunals who is acting in that capacity may attend any inspection.

(3) The making of and attendance at an inspection is subject to any necessary consent being obtained.

(4) Where there is an oral hearing, an inspection may be carried out before, during, or after the hearing.

(5) Subject to paragraph (6), the tribunal must give the parties not less than 14 days notice of the date, time and place of the inspection.

(6) Any of the requirements for notice in paragraph (5) may be dispensed with or relaxed if the tribunal is satisfied that the parties have received sufficient notice.

(7) Where an inspection is made after the close of an oral hearing, the tribunal may reopen the hearing on account of any matter arising from the inspection, after giving reasonable notice of the date, time and place of the reopened hearing to the parties.

Expert evidence

22.—(1) In this regulation "expert" means an independent expert who is not an employee of a party.

(2) Subject to paragraph (4) a party may adduce expert evidence, and in doing so must—

(a) provide the tribunal with a written summary of the evidence; and

(b) supply a copy of that written summary to each other party at least 7 days before—

(i) the date of the relevant oral hearing notified in relation to the application under regulation 25; or

(ii) the date notified under regulation 18 upon which the application will be determined without an oral hearing.

(3) An expert's written summary of his evidence must—

(a) be addressed to the tribunal;

(b) include details of the expert's qualifications;

(c) contain a statement that the expert understands and has complied with his duty to assist the tribunal on the matters within his expertise, overriding any obligation to the person from whom the expert has received instructions or by whom he is employed or paid.

(4) Where the tribunal gives a direction, under its general power in section 230(2) of the Act, that a party may not adduce expert evidence without its permission, it may specify as a condition of that permission that—

(a) the expert's evidence must be limited to such matters as the tribunal directs;

(b) the expert must attend a hearing to give oral evidence; or

(c) the parties must jointly instruct the expert.

Case management conference

23.—(1) The tribunal may hold a case management conference.

(2) The tribunal must give the parties not less than 7 days' notice of the date, time and place of the case management conference.

(3) At the case management conference the tribunal may order the parties to take such steps or do such things as appear to it to be necessary or desirable for securing the just, expeditious and economical determination of the application.

(4) The tribunal may postpone or adjourn a case management conference.

(5) A party may be represented at a case management conference.

(6) The functions of the tribunal under this regulation may be exercised by a single qualified member of the panel.

Other case management powers

24.—(1) The tribunal may—

(a) reduce the time appointed by or under these Regulations for doing any act where all parties agree the reduction in question;

(b) extend the time appointed by or under these Regulations for doing any act, even if the time appointed has expired, where—

(i) it would not be reasonable to expect the person in question to comply or have complied within that time; or

(ii) not to extend the time would result in substantial injustice;

(c) permit the use of telephone, video link, or any other method of communication—

(i) to make representations to the tribunal; or

(ii) for the purposes of a case management conference or hearing;

(d) require any person giving written evidence to include with that evidence a signed statement that he believes the facts stated in the evidence are true;

(e) take any other step or make any other decision which the tribunal considers necessary or desirable for the purpose of managing the case.

(2) The tribunal may exercise its powers under these Regulations in response to a request to do so or on its own initiative.

(3) A single qualified member of the panel may exercise the powers under this regulation as to any matter which is preliminary to—

(a) an oral hearing; or

(b) a determination which is to be made without an oral hearing.

Notice of hearing

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

(2) The tribunal must give notice to the parties of the appointed date, time and place of the hearing.

(3) Subject to paragraph (4) notice of the hearing must be given not less than 21 days before the appointed date.

(4) In exceptional circumstances the tribunal may, without the agreement of the parties, give less than 21 days' notice of the appointed date, time and place of the hearing; but any such notice must be given as soon as practicable before the appointed date and the notice must specify what the exceptional circumstances are.

Postponement of hearing

26.—(1) Subject to paragraph (3) the tribunal may postpone an oral hearing.

(2) The tribunal must give reasonable notice to the parties of the time and date to which a hearing is postponed

(3) Where postponement has been requested by a party the tribunal must not postpone the hearing except where it considers it is reasonable to do so having regard to—

(a) the grounds for the request;

(b) the time at which the request is made; and

(c) the convenience of the parties.

Hearing

27.—(1) At a hearing—

(a) the tribunal shall (subject to these regulations) determine the procedure and conduct;

(b) any person appearing before the tribunal may do so either in person or by his representative;

(c) the parties shall be entitled to—

(i) give relevant evidence;

(ii) call witnesses;

(iii) question any witness; and

(iv) address the tribunal on the evidence and law and generally on the subject matter of the application; and

(d) the tribunal may receive evidence of any fact which seems to it to be relevant, even if the evidence would be inadmissible in proceedings before a court of law, and must not refuse

to admit any evidence presented in due time which is admissible at law and is relevant and necessary and has not been improperly obtained.

(2) At a hearing the tribunal may, if it is satisfied that it is just and reasonable to do so, permit a party to rely on reasons not previously stated and on evidence not previously available or not previously adduced.

(3) The tribunal may adjourn a hearing, but if this is done at the request of a party it must consider that it is reasonable to do so having regard to—

(a) the grounds for the request;

(b) the time at which the request is made; and

(c) the convenience of the parties.

Hearing in public or private

28.—(1) A hearing must be in public except where the tribunal is satisfied that in the circumstances of the case and subject to the overriding objective the hearing should be held in private.

(2) The tribunal may decide under paragraph (1) that—

(a) part only of the hearing must be in private; or

(b) any of the following matters must not be made public—

(i) information about the proceedings before the tribunal;

(ii) the names and identifying characteristics of persons concerned in the proceedings; or

(iii) specified evidence given in the proceedings.

Persons entitled to be present at a hearing held in private

29.—(1) Subject to paragraphs (2) and (3) the following persons shall be entitled to attend a hearing held in private and to be present at the tribunal's deliberations with respect to the determination of the application—

(a) a president or chair or other panel member not forming part of the tribunal for the purpose of the hearing;

(b) a member of the Council on Tribunals who is acting in that capacity;

(c) the staff of the Tribunal Service;

(d) any other person permitted by the tribunal with the consent of the parties.

(2) None of the persons specified in paragraph (1) may take any part in the hearing or such deliberations.

(3) The tribunal may admit persons to a hearing held in private on such terms and conditions as it considers appropriate.

Failure of a party to appear at a hearing

30. Where a party fails to appear at a hearing the tribunal may proceed with the hearing if—

(a) it is satisfied that notice has been given to that party in accordance with these Regulations; and

(b) it is not satisfied that there is a good reason for the failure to appear.

Decisions of the Tribunal in determining applications

31.—(1) This regulation applies to the decision determining an application.

(2) If a hearing was held, the decision may be given orally at the end of the hearing.

(3) A decision must, in every case, be recorded in a document as soon as practicable after the decision has been made.

(4) A decision given or recorded in accordance with paragraph (2) or (3) need not record the reasons for the decision.

(5) The reasons for the decision must be recorded in a document as soon as practicable after the decision has been given or recorded.

(6) A document recording a decision or the reasons for a decision (a "decision document"), must be signed and dated by an appropriate person.

(7) An appropriate person may, by means of a certificate signed and dated by him, correct any clerical mistakes in a decision document or any errors arising in it from an accidental slip or omission.

(8) In this regulation "appropriate person" means—

(a) the Chair of the tribunal; or

(b) in the event of his absence or incapacity, another member of the tribunal.

(9) A copy of any decision document, and a copy of any correction certified under paragraph (7) must be sent to each party.

Costs

32. The tribunal must not make a determination under paragraph 12 of Schedule 13 to the Act in respect of a party without first giving that party an opportunity of making representations to the tribunal.

Withdrawal of application

33.—(1) Subject to paragraph (3) an applicant ("the withdrawing party") may withdraw the whole or part of his application in accordance with paragraph (2) at any time before determination of the application.

(2) The withdrawing party must notify withdrawal of his application by a signed and dated notice supplied to the tribunal—

(a) sufficiently identifying the application or part of the application which is withdrawn;

(b) stating whether any part of the application, and if so what, remains to be determined; and

(c) confirming that a copy of the notice of the withdrawal has been supplied to all other parties and stating the date on which this was done.

(3) In any of the circumstances set out in paragraph (4), withdrawal of the application shall not take effect until one of the courses of action in paragraph (5) has been carried out.

(4) The circumstances mentioned in paragraph (3) are that—

(a) an interim order in favour of a party has been made;

(b) a party has given an undertaking to the tribunal;

(c) payment to the withdrawing party has been ordered whether by way of compensation, damages, costs, reimbursement of fees or otherwise;

(d) a party has requested an order for reimbursement of fees; or

(5) The courses of action mentioned in paragraph (3) are that—

(a) the withdrawing party has sent to the tribunal a written statement signed by all other parties setting out how any of the circumstances in sub-paragraphs (a) to (d) of paragraph (4) which apply to the case are to be dealt with; or

(b) the withdrawing party has given notice of the intended withdrawal to all parties and—

(i) the withdrawing party has requested the tribunal to give directions as to the conditions on which the withdrawal may be made; and

(ii) the tribunal has given such directions.

(6) In giving directions under paragraph (5)(b)(ii) the tribunal may impose such conditions as it considers appropriate.

(7) A single qualified member may give directions under paragraph (5)(b)(ii).

Enforcement

34. Any decision of the tribunal may, with the permission of the county court, be enforced in the same way as orders of such a court.

Permission to appeal

35.—(1) In this regulation "to appeal" means to make an appeal from a decision of the tribunal to the Lands Tribunal and "appellant" bears a corresponding meaning.

(2) Where a party makes a request to the tribunal for permission to appeal to the Lands Tribunal from a decision of the tribunal the request may be made—

(a) orally at the hearing at which the decision is announced by the tribunal; or

(b) subsequently in writing to the office of the tribunal.

(3) A request for permission to appeal must be made within the period of 21 days starting with the date specified in the decision notice as the date on which reasons for the decision were given.

(4) Where a request for permission to appeal is made in writing it must be signed by the appellant or the appellant's representative and must—

(a) state the name and address of the appellant and of any representative of the appellant;

(b) identify the decision and the tribunal to which the request for leave relates; and

(c) state the grounds on which the appellant intends to rely in the appeal.

(5) The decision of the tribunal on a request for permission to appeal must be recorded in writing together with the reasons for it, and the tribunal must send a copy of the decision and reasons to the appellant and to the other parties to the application which is the subject of the appeal.

(6) A notification under paragraph (5) must, as appropriate, include a statement of any relevant statutory provision, rule or guidance relating to any further request to the Lands Tribunal for permission to appeal and of the time and place for making the further request or for giving notice of appeal.

Assistance to participants

36.—(1) In this regulation "participant" means a party or witness or other person taking part in proceedings relating to an application or to whom an order of the tribunal is addressed.

(2) If a participant is unable to read or speak or understand the English language, the tribunal must make arrangements for him to be provided, free of charge, with the necessary translations and assistance of an interpreter to enable his effective participation in the proceedings.

(3) If a participant is without hearing or speech, the tribunal must make arrangements for him to be provided, free of charge, with the services of a sign language interpreter, lip speaker, or palantypist, to enable his effective participation in the proceedings.

(4) A participant shall be entitled to assistance under this regulation whether or not he is represented.

(5) A participant who requires assistance under this regulation must at the earliest opportunity notify the requirement to the tribunal.

Requirements for supply of notices and documents

37.—(1) Any document or notice required or authorised by these Regulations to be supplied to any person, whether by the tribunal, a party, or any other person, shall be duly supplied to that person—

(a) if it is sent to his proper address by first class post or by special delivery, or by recorded delivery;

(b) if it is delivered by any other means to his proper address;

(c) subject to paragraph (2), if with his written consent it is sent to him—

(i) by fax, email or other electronic communication which produces a text received in legible form;

(ii) by a private document delivery service.

(2) For the purposes of paragraph (1)(c) a person's legal representative shall be deemed to have given written consent if the reference or address for the means of fax or electronic communication or private document delivery system is shown on the legal representative's notepaper.

(3) A person's proper address for the purposes of paragraph (1) is—

(a) in the case of the tribunal, the address of the office of the tribunal;

(b) in the case of an incorporated company or other body registered in the United Kingdom, the address of the registered or principal office of the company or body;

(c) in the case of any other person the usual or last known address of that person.

(4) This paragraph applies where—

(a) an intended recipient of a document or notice—

(i) cannot be found after all diligent enquiries have been made;

(ii) has died and has no personal representative; or

(iii) is out of the United Kingdom; or

(b) for any other reason a notice or other document cannot readily be supplied in accordance with these Regulations.

(5) Where paragraph (4) applies, the tribunal may—

(a) dispense with supplying the notice or other document; or

(b) give directions for substituted service in such other form (whether by advertisement in a newspaper or otherwise) or manner as the tribunal thinks fit.

(6) Where it is required under the Act or these Regulations that a party must provide evidence that he has supplied any person with a document, a party may satisfy the requirement by providing a signed certificate confirming that the document was served in accordance with the requirements of this regulation.

Time

38. Where the time specified by these Regulations for doing any act expires on a Saturday or Sunday or public holiday, it shall be treated as expiring on the next following day which is not a Saturday or Sunday or public holiday.

Frivolous and vexatious applications

39.—(1) Subject to paragraph (2), where it appears to the tribunal that an application is frivolous or vexatious or otherwise an abuse of process, the tribunal may dismiss the application in whole or in part.

(2) Before dismissing an application under paragraph (1) the tribunal must give notice of its intention to do so to the applicant in accordance with paragraph (3).

(3) Any notice under paragraph (2) must state—

(a) that the tribunal is minded to dismiss the application;

(b) the grounds on which it is minded to dismiss the application;

(c) the date (being not less than 21 days after the date that the notice was sent) before which the applicant may be heard by the tribunal on the question of whether the application should be dismissed.

(4) An application may not be dismissed under paragraph (1) unless—

(a) the applicant makes no request to the tribunal before the date mentioned in paragraph (3)(c) or

(b) where the applicant makes such a request, the tribunal has heard the applicant and the respondent, or such of them as attend the hearing, on the question of the dismissal of the application.

Irregularities

40. Any irregularity resulting from failure by a party to comply with any provision of these Regulations or of any direction of the tribunal before the tribunal has determined the application shall not of itself render the proceedings void.

Signature of documents

41. Where these Regulations require a document to be signed, that requirement shall be satisfied—

(a) if the signature is either written or produced by computer or other mechanical means; and

(b) the name of the signatory appears beneath the signature in such a way that he may be identified.

Signed by the authority of the First Secretary of State

Kay Andrews
Parliamentary Under Secretary of State
Office of the Deputy Prime Minister

17th March 2006

SCHEDULE

regulation 2 and 6

Additional details with regard to certain applications

Applications relating to improvement notices

1.—(1) This paragraph applies to an application under paragraph 10(1) of Schedule 1 to the Act (appeal against improvement notice) other than an application referred to in paragraph 2.

(2) The specified documents are—

(a) a copy of the improvement notice (including any schedule to it);

(b) the statement of reasons; and

(c) where the ground or one of the grounds of the application is that one of the courses of action mentioned in paragraph 12(2) of Schedule 1 to the Act is the best course of action in relation to the hazard, a statement identifying that course of action with the applicant's reasons for considering it the best course.

(3) The specified respondent is the LHA.

2.—(1) This paragraph applies to an application under paragraph 10 of Schedule 1 to the Act which consists of or includes the ground set out in paragraph 11(1) of that Schedule (ground of appeal relating to other persons).

(2) The specified documents are—

(a) a copy of the improvement notice (including any schedule to it);

(b) the statement of reasons;

(c) where one of the grounds of the application is that another course of action mentioned in paragraph 12(2) of Schedule 1 to the Act is the best course of action in relation to the hazard, a statement identifying that course of action with the applicant's reasons for considering it the best course;

(d) the name and address of any person who as an owner of the premises, in the applicant's opinion ought to take the action required by the improvement notice or pay the whole or part of the costs of taking that action("the other owner");

(e) proof of service of a copy of the application on the other owner; and

(f) a statement containing the following details—

(i) the nature of the other owner's interest in the premises;

(ii) the reason the applicant considers the other owner ought to take the action concerned or pay the whole or part of the cost of taking that action; and

(iii) where the ground of the application is that the other owner ought to pay the whole or part of the cost of taking the action, the estimated cost of taking the action and the proportion of that cost which the applicant considers the other owner ought to pay.

(3) The specified respondent is the LHA.

3.—(1) This paragraph applies to an application under paragraph 13(1) of Schedule 1 to the Act (appeal against LHA's decision to vary or refuse to vary or revoke an improvement notice).

(2) The specified documents are—

(a) a copy of the improvement notice (including any schedule to it);

(b) the statement of reasons; and

(c) a copy of the LHA's decision to vary or refuse to vary or revoke (including any documentation issued by the LHA in connection with its notice of decision).

(3) The specified respondent is the LHA.

4.—(1) This paragraph applies to an application under—

(a) paragraph 11(1) of Schedule 3 to the Act (appeal against demand by the LHA for recovery of expenses incurred by LHA in taking action where improvement notice has been served); and

(b) that paragraph as applied with modifications by section 42 of the Act (an appeal against a demand by the LHA for recovery of expenses incurred by taking emergency remedial action).

(2) The specified documents are—

(a) a copy of the improvement notice or (as the case may be) the notice of emergency remedial action (including any schedule to it);

(b) the statement of reasons notice;

(c) a copy of the notice served by the LHA under paragraph 4 of Schedule 3 to the Act (notice of LHA's intention to enter premises to carry out specified actions without agreement);

(d) a copy of the LHA's demand for expenses; and

(e) where the application is made on the ground mentioned in paragraph 11(4) of that Schedule, details of the progress relied upon as being made towards compliance with the notice.

(3) The specified respondent is the LHA.

Applications relating to prohibition orders

5.—(1) This paragraph applies to an application under section 22(9) of the Act (appeal against LHA's refusal to give approval of particular use under section 22(4)).

(2) The specified documents are—

(a) a copy of the prohibition order (including any schedule to it);

(b) the statement of reasons; and

(c) notice of the LHA's decision to refuse a particular use of the whole or part of the premises.

(3) The specified respondent is the LHA.

6.—(1) This paragraph applies to an application under section 34(2) of the Act (application by lessor or lessee for order determining or varying lease where a prohibition order has become operative).

(2) The specified documents are—

(a) a copy of the prohibition order (including any schedule to it);

(b) the statement of reasons;

(c) a copy of the relevant lease; and

(d) a statement of the name and address of any other party to the lease and of any party to an inferior lease.

(3) The specified respondent is the other party to the lease.

7.—(1) This paragraph applies to an application under paragraph 7(1) of Schedule 2 to the Act (appeal against prohibition order).

(2) The specified documents are—

(a) a copy of the prohibition order (including any schedule to it);

(b) the statement of reasons; and

(c) where one of the grounds of the application is that one of the courses of action mentioned in paragraph 8(2) of Schedule 2 to the Act is the best course of action in relation to the hazard, a statement identifying that course of action with the applicant's reasons for considering it the best course.

(3) The specified respondent is the LHA.

8.—(1) This paragraph applies to an application under paragraph 9(1) of Schedule 2 to the Act (appeal against LHA's decision to vary or refuse to vary or revoke a prohibition order).

(2) The specified documents are—

(a) a copy of the prohibition order (including any schedule to it);

(b) the statement of reasons; and

(c) a copy of the LHA's decision to vary or refuse to vary or revoke (including any documentation issued by the LHA in connection with its notice of decision).

(3) The specified respondent is the LHA.

Applications relating to emergency remedial action

9.—(1) This paragraph applies to an application under section 45(1) of the Act (appeal by person upon whom a notice under section 41 of the Act has been served against LHA's decision to take emergency remedial action).

(2) The specified documents are—

(a) a copy of the notice of emergency remedial action (including any schedule to it); and

(b) the statement of reasons.

(3) The specified respondent is the LHA.

10.—(1) This paragraph applies to an application under section 45(2) of the Act (appeal by relevant person against emergency prohibition order).

(2) The specified documents are—

(a) a copy of the notice of emergency prohibition order made under section 43 of the Act (including any schedule to it); and

(b) the statement of reasons.

(3) The specified respondent is the LHA.

11.—(1) This paragraph applies to an application under—

(a) paragraph 14 of Schedule 3 to the Act (application by LHA for order for recovery of expenses and interest from person profiting from the taking of action without agreement); and

(b) that paragraph as applied with modifications by section 42 of the Act.

(2) The specified documents are—

(a) a copy of the notice of the improvement notice or, as the case may be, the notice of emergency remedial action (including any schedule to it);

(b) the statement of reasons;

(c) a copy of the demand for expenses served under paragraph 9 of that Schedule;

(d) a copy of any notice served under paragraph 12 of that Schedule; and

(e) proof of service of notice of the application on the person concerned as mentioned in paragraph 14(2) of that Schedule.

(3) The specified respondent is the person from whom the LHA seeks to recover expenses and interest.

Applications relating to demolition orders

12.—(1) This paragraph applies to an application under section 269(1) of the 1985 Act(**a**) (appeal by person aggrieved by demolition order).

(2) The specified documents are—

(a) a copy of the demolition order made under section 265 of the 1985 Act (including any schedule to it); and

(b) the statement of reasons; and

(c) where the ground or one of the grounds of the application is that one of the courses of action mentioned in section 269A(2)(**b**) of the 1985 Act is the best course of action in relation to the hazard, a statement identifying that course of action with the applicant's reasons for considering it the best course.

(3) The specified respondent is the LHA.

13.—(1) This paragraph applies to an application under section 272(1) or (2)(a) of the 1985 Act (application in connection with recovery of LHA's expenses in executing demolition order under section 271 of the 1985 Act including determination of contributions by joint owners).

(2) The specified documents are—

(a) a copy of the demolition order made under section 265 of the 1985 Act (including any schedule to it);

(**a**) Sections 269, 272 and 317 of the 1985 Act are amended by section 48 of the Act, to be brought into force by commencement order on 6th April 2006.

(**b**) Section 269A of the 1985 Act is inserted by paragraph 15 of Schedule 15 to the Act, to be brought into force by commencement order on 6th April 2006.

(b) the statement of reasons; and

(c) a statement of—

(i) the expenses incurred by the LHA under section 271 of the 1985 Act (execution of demolition order);

(ii) the amount (if any) realised by the sale of materials; and

(iii) the amount the LHA seeks to recover from an owner of the premises.

(3) The specified respondent is the owner of the premises(**a**).

14.—(1) This paragraph applies to an application under section 272(2)(b) of the 1985 Act (application by owner of premises for determination of contribution to LHA's expenses to be paid by another owner).

(2) The specified documents are—

(a) a copy of the demolition order made under section 265 of the 1985 Act (including any schedule to it);

(b) the statement of reasons; and

(c) a statement of—

(i) the owners' respective interests in the premises; and

(ii) their respective obligations and liabilities in respect of maintenance and repair under any covenant or agreement, whether express or implied.

(3) The specified respondent is the owner from whom the applicant seeks a contribution to the LHA's expenses.

15.—(1) This paragraph applies to an application under section 317(1) of the 1985 Act (application by lessor or lessee of premises in respect of which demolition order has become operative, for an order varying or determining lease).

(2) The specified documents are—

(a) a copy of the demolition order made under section 265 of the 1985 Act (including any schedule to it);

(b) the statement of reasons;

(c) a copy of the relevant lease; and

(d) a statement of the name and address of any other party to the lease and of any party to an inferior lease.

(3) The specified respondent is the other party to the lease.

Application relating to work on unfit premises

16.—(1) This paragraph applies to an application under section 318(1)(**b**) of the 1985 Act (application by person with interest in premises for authorisation by tribunal of execution of works on unfit premises or for improvement).

(2) The specified documents are—

(a) details of the work which the applicant proposes to carry out including—

(i) names and addresses of proposed contractors where relevant;

(ii) an estimate of the costs of the work; and

(iii) a timetable for starting and completing the work;

(b) where the application is made on the ground mentioned in section 318(1)(b) of the 1985 Act, details of—

(**a**) *See* section 322 of the 1985 Act which defines "owner" in relation to premises.

(**b**) Section 318 of the 1985 Act is amended by section 48 of the Act, to be brought into force by commencement order on 6th April 2006.

(i) the scheme of improvement or reconstruction which the applicant wishes to carry out; and

(ii) the LHA's approval of the scheme.

(c) a statement of the financial standing of the applicant including disclosure of funds available to meet the estimated costs of the work;

(d) where the application includes a request for an order determining a lease held from the applicant or a derivative lease, a copy of that lease.

(3) The specified respondents are—

(a) the person with a right to possession of the premises;

(b) the owner of the premises(**a**).

Applications relating to HMO licensing

17.—(1) This paragraph applies to an application under section 62(7) of the Act (appeal against refusal by LHA to serve a temporary exemption notice).

(2) The specified documents are—

(a) a copy of the notification to the LHA under section 62(1) of the Act; and

(b) a copy of the LHA's decision notice under section 62(6) of the Act.

(3) The specified respondent is the LHA.

18.—(1) This paragraph applies to an application under section 73(5) of the Act (application by LHA or occupier for rent repayment order).

(2) The specified documents are—

(a) where the application is made by the LHA—

(i) a copy of the notice of intending proceedings under section 73(7);

(ii) a copy of any representation received in respect of the notice;

(iii) either—

(aa) a statement containing the details relied on in making the allegation that an offence under section 72(1) of the Act was committed; or

(bb) where the LHA relies on the provisions of section 74 of the Act, proof that the appropriate person has been convicted of an offence under section 72(1) of the Act; and

(iv) a document showing the housing benefit paid by the LHA in connection with occupation of the premises during the period in which it is alleged such an offence was committed; or

(b) where the application is made by an occupier—

(i) evidence that the appropriate person has been convicted of an offence under section 72(1) of the Act or has been required by a rent repayment order to make a payment in respect of housing benefit; and

(ii) evidence that the occupier has paid periodical payments in respect of occupation of the premises during a period which it is alleged that such an offence was being committed.

(3) The specified respondent is the appropriate person(**b**).

19.—(1) This paragraph applies to an application under section 255(9) of the Act (appeal against decision of LHA to serve an HMO declaration).

(2) The specified document is a copy of the HMO declaration.

(**a**) *See* section 322 of the 1985 Act which defines "owner" in relation to premises.
(**b**) *See* section 73(1) of the Act for the definition of "the appropriate person".

(3) The specified respondent is the LHA.

20.—(1) This paragraph applies to an application under section 256(4) of the Act (appeal against decision of LHA to refuse to revoke HMO declaration).

(2) The specified documents are—

(a) a copy of the HMO declaration; and

(b) a copy of the LHA's notice of decision not to revoke the HMO declaration.

(3) The specified respondent is the LHA.

21.—(1) This paragraph applies to an application under paragraph 31(1) of Schedule 5 to the Act (appeal against decision by LHA to grant, or refuse to grant, a licence under Part 2 of the Act, or against any of the terms of the licence).

(2) The specified documents are—

(a) where the application relates to the grant or terms of a licence—

(i) a copy of the LHA's notices under paragraphs 1 and 7 of Schedule 5, and of any notice under paragraph 3 of that Schedule; and

(ii) a copy of the licence; and

(b) where the application relates to a refusal to grant a licence, a copy of the LHA's notices under paragraphs 5 and 8 of that Schedule.

(3) The specified respondent is the LHA.

22.—(1) This paragraph applies to an application under paragraph 32(1) of Schedule 5 to the Act (appeal by licence holder or any relevant person against decision by LHA with regard to the variation or revocation of licence).

(2) The specified documents are—

(a) where the application relates to a decision to vary a licence, a copy of the LHA's notices under paragraphs 14 and 16 of Schedule 5;

(b) where the application relates to refusal to vary a licence, a copy of the LHA's notices under paragraphs 19 and 21 of that Schedule;

(c) where the application relates to a decision to revoke a licence, a copy of the LHA's notices under paragraphs 22 and 24 of that Schedule;

(d) where the application relates to refusal to revoke a licence, a copy of the LHA's notices under paragraphs 26 and 28 of that Schedule; and

(e) in all cases a copy of the licence.

(3) The specified respondent is the LHA.

Applications relating to selective licensing of other residential accommodation

23.—(1) This paragraph applies to an application under section 86(7) of the Act (appeal against refusal by the LHA to serve a temporary exemption notice).

(2) The specified documents are—

(a) a copy of the notification to the LHA under section 86(1) of the Act; and

(b) a copy of the LHA's decision notice under section 86(6) of the Act.

(3) The specified respondent is the LHA.

24.—(1) This paragraph applies to an application under section 96(5) of the Act (application by LHA or occupier for a rent repayment order).

(2) The specified documents are—

(a) where the application is made by the LHA—

(i) a copy of the notice of intended proceedings under section 96(7);

(ii) a copy of any representation received in respect of the notice;

(iii) either—

(aa) a statement containing the details relied on in making the allegation that an offence under section 95(1) of the Act was committed; or

(bb) where the LHA relies on the provisions of section 97 of the Act, proof that the appropriate person has been convicted of an offence under section 95(1) of the Act; and

(iv) a document showing the housing benefit paid by the LHA in connection with occupation of the premises during the period in which it is alleged such an offence was committed; or

(b) where the application is made by an occupier—

(i) evidence that the appropriate person has been convicted of an offence under section 95(1) of the Act or has been required by a rent repayment order to make a payment in respect of housing benefit; and

(ii) evidence that the occupier has paid periodical payments in respect of occupation of the premises for a period during which it is alleged that such an offence was being committed.

(3) The specified respondent is the appropriate person(**a**).

25.—(1) This paragraph applies to an application under paragraph 31 of Schedule 5 to the Act (appeal against decision by LHA to grant or refuse licence under Part 3 or relating to terms of licence).

(2) The specified documents are—

(a) where the application relates to the grant or terms of a licence—

(i) a copy of the LHA's notices under paragraphs 1 and 7 of Schedule 5, and of any notice under paragraph 3 of that Schedule; and

(ii) a copy of the licence; and

(b) where the application relates to a refusal to grant a licence, a copy of the LHA's notices under paragraphs 5 and 8 of that Schedule.

(3) The specified respondent is the LHA.

26.—(1) This paragraph applies to an application under paragraph 32(1) of Schedule 5 to the Act (appeal by licence holder or relevant person against decision by LHA relating to variation or revocation of licence).

(2) The specified documents are—

(a) where the application relates to a decision to vary a licence, a copy of the LHA's notices under paragraphs 14 and 16 of Schedule 5;

(b) where the application relates to refusal to vary a licence, a copy of the LHA's notices under paragraphs 19 and 21 of that Schedule;

(c) where the application relates to a decision to revoke a licence, a copy of the LHA's notices under paragraphs 22 and 24 of that Schedule;

(d) where the application relates to refusal to revoke a licence, a copy of the LHA's notices under paragraphs 26 and 28 of that Schedule; and

(e) in any case a copy of the licence.

(3) The specified respondent is the LHA.

(**a**) *See* section 73(1) of the Act for the definition of "the appropriate person".

Applications relating to interim and final management orders

27.—(1) This paragraph applies to an application under section 102(4) of the Act (LHA application for authorisation to make an interim management order).

(2) The specified documents are—

(a) a copy of the draft order;

(b) a statement of matters relevant to the tribunal's consideration of—

(i) whether the health and safety condition in section 104 of the Act is satisfied; and

(ii) the extent to which any applicable code of practice approved under section 233 of the Act has been complied with; and

(iii) where the LHA requests that the application be dealt with as a matter of urgency under regulation 9, a statement giving sufficient details to enable the tribunal to form an opinion as to whether the exceptional circumstances mentioned in paragraph (3) of that regulation appear to exist.

(3) The specified respondent is a relevant person as defined in paragraph 8(4) and paragraph 35 of the Act.

28.—(1) This paragraph applies to an application under section 102(7) of the Act (LHA application for authorisation to make an interim management order in respect of a house to which section 103 of the Act applies).

(2) The specified documents are—

(a) a copy of the draft order;

(b) a statement of matters relevant to the tribunal's consideration as to whether the conditions in section 103(3) and (4) are satisfied; and

(c) where the LHA requests that the application be dealt with as a matter of urgency under regulation 9, a statement giving sufficient details to enable the tribunal to form an opinion as to whether the exceptional circumstances mentioned in paragraph (3) of that regulation appear to exist.

(3) The specified respondent is a relevant person as defined in paragraph 8(4) and paragraph 35 of Schedule 6 to the Act.

29.—(1) This paragraph applies to an application under section 105(10) of the Act (LHA application for order that an interim management order continue in force pending disposal of appeal).

(2) The specified documents are—

(a) a copy of the interim management order; and

(b) a copy of the notice of appeal under paragraph 24 of Schedule 6 to the Act against the making of a final management order.

(3) The specified respondent is the applicant who has made the relevant appeal.

30.—(1) This paragraph applies to an application under section 110(7) of the Act (application by relevant landlord for order regarding financial arrangements while interim management order in force).

(2) The specified documents are—

(a) a copy of the interim management order;

(b) a copy of the accounts kept by the LHA in accordance with section 110(6).

(3) The specified respondent is the LHA.

31.—(1) This paragraph applies to an application under section 114(7) of the Act (LHA application for order that existing final management order continue in force pending disposal of appeal against new final management order).

(2) The specified documents are—

(a) a copy of the existing final management order;

(b) a copy of the new final management order made in order to replace it; and

(c) a copy of the notice of appeal under paragraph 24 of Schedule 6 to the Act against the making of the new final management order.

(3) The specified respondent is the applicant who has made the relevant appeal.

32.—(1) This paragraph applies to an application under section 120(1) of the Act (application by an affected person for order that LHA manage in accordance with management scheme in final management order).

(2) The specified document is a copy of the final management order which contains the management scheme to which the application relates.

(3) The specified respondent is the LHA.

33.—(1) This paragraph applies to an application under section 126(4) of the Act (application for adjustment of rights and liabilities with regard to furniture vested in LHA while management order in force).

(2) The specified documents are—

(a) a copy of the relevant management order; and

(b) a statement giving details of the respective rights and liabilities (including ownership) of the persons interested in the furniture.

(3) The specified respondent is the other person interested in the furniture.

34.—(1) This paragraph applies to an application under section 130(9) of the Act (application to determine who is "the relevant landlord" for the purposes of section 130 on termination of management order).

(2) The specified document is a copy of the management order.

(3) The specified respondent is the other relevant landlord(**a**).

35.—(1) This paragraph applies to an application under paragraph 24 of Schedule 6 to the Act (appeal against making of a management order, or against the terms of the order or of associated management scheme).

(2) The specified documents are—

(a) a copy of the management order (including the management scheme);

(b) a copy of the notice served by the LHA under paragraph 7(2)(b) of Schedule 6 to the Act;

(c) where the application relates to the terms of the management order, a statement specifying each term to which objection is made, with reasons for the objection; and

(d) where the application is made on the ground specified in paragraph 24(3) of Schedule 6 to the Act, a statement of the matters in section 110(5) (which relates to payments of surplus rents etc) relevant to that ground.

(3) The specified respondent is the LHA.

36.—(1) This paragraph applies to an application under paragraph 28 of Schedule 6 to the Act (appeal against LHA's decision or refusal to vary or revoke management order).

(2) The specified documents are—

(a) where the application relates to a decision to vary a management order, a copy of the LHA's notices under paragraphs 9 and 11 of Schedule 6;

(b) where the application relates to refusal to vary a management order, a copy of the LHA's notices under paragraphs 14 and 16 of that Schedule;

(**a**) *See* section 130(11) for the definition of "relevant landlord".

(c) where the application relates to a decision to revoke a management order, a copy of the LHA's notices under paragraphs 17 and 19 of that Schedule; and

(d) where the application relates to refusal to revoke a management order, a copy of the LHA's notices under paragraphs 20 and 22 of that Schedule; and

(e) in any case—

(i) a copy of the management order; and

(ii) a copy of the notice served by the LHA under paragraph 7(2)(b) of Schedule 6 to the Act.

(3) The specified respondent is the LHA.

37.—(1) This paragraph applies to an application under paragraph 32(2) of Schedule 6 to the Act (appeal by third party against LHA's decision under section 128 of the Act regarding compensation payable to third parties).

(2) The specified documents are—

(a) a copy of the management order (including the management scheme);

(b) a copy of the LHA's notification of its decision to the third party in accordance with section 128(2) of the Act; and

(c) a statement giving full details of—

(i) the rights in respect of which it is claimed that there has been interference in consequence of the management order; and

(ii) the amount of compensation claimed in respect of that interference.

(3) The specified respondent is the LHA.

Applications in relation to empty dwelling management orders

38.—(1) This paragraph applies to an application under section 133(1) of the Act (LHA application for authorisation to make interim EDMO).

(2) The specified documents are—

(a) a copy of the draft interim EDMO;

(b) a statement of evidence—

(i) in respect of the matters as to which the tribunal must be satisfied under section 134(2) of the Act;

(ii) of the LHA's consideration of the rights and interests specified in section 133(4) of the Act; and

(c) where the LHA in accordance with section 133(3) of the Act notified the relevant proprietor that it was considering making an interim EDMO, a copy of the notification.

(3) The specified respondent is the relevant proprietor(**a**).

39.—(1) This paragraph applies to an application under section 138(1) of the Act (application while interim EDMO in force for order that the LHA pay compensation to third party for interference with rights).

(2) The specified documents are—

(a) a copy of the interim EDMO (including the management scheme);

(b) a copy of the LHA's notification of its decision to the third party in accordance with section 138(4) of the Act; and

(c) a statement giving full details of—

(**a**) *See* section 132(4)(c) for the definition of "relevant proprietor".

(i) the rights in respect of which it is claimed that there has been interference in consequence of the interim EDMO; and

(ii) the amount of compensation claimed in respect of that interference.

(3) The specified respondent is the LHA.

40.—(1) This paragraph applies to an application under paragraph 1(7) of Schedule 7 to the Act (LHA application for order that interim EDMO continue in force pending disposal of appeal under paragraph 26 of that Schedule).

(2) The specified documents are—

(a) a copy of the interim EDMO; and

(b) a copy of the notice of appeal under paragraph 26 of Schedule 7 to the Act against the making of an interim EDMO.

(3) The specified respondent is the applicant who has made the relevant appeal.

41.—(1) This paragraph applies to an application under paragraph 2(3)(d) or paragraph 10(3)(d) of Schedule 7 to the Act (LHA's application for order under paragraph 22 of that Schedule determining a lease or licence while interim or final EDMO is in force).

(2) The specified documents are—

(a) a copy of the interim or final EDMO (including any management scheme);

(b) a copy of the relevant lease or licence, or if not available evidence of the existence of the lease or licence; and

(c) a statement containing the following details—

(i) the name and address where known of any lessor, lessee, sub-lessor, sub-lessee or licensee;

(ii) evidence of matters in respect of which the tribunal must be satisfied under paragraph 22(1)(b) of Schedule 7 to the Act; and

(iii) the amount of compensation (if any) which the LHA is willing to pay in respect of the determination of the lease or licence, including details of how such compensation has been calculated.

(3) The specified respondents are the parties to the lease or licence.

42.—(1) This paragraph applies to an application under paragraph 5(7) of Schedule 7 to the Act (application by relevant proprietor for order in connection with financial arrangements while interim EDMO in force).

(2) The specified documents are—

(a) a copy of the interim EDMO; and

(b) a copy of the accounts kept by the LHA in accordance with paragraph 5(6) of Schedule 7 to the Act.

(3) The specified respondent is the LHA.

43.—(1) This paragraph applies to an application under paragraph 9(8) of Schedule 7 to the Act (application by LHA for order that final EDMO should continue in force pending disposal of an appeal under paragraph 26).

(2) The specified documents are—

(a) a copy of the interim EDMO; and

(b) a copy of the notice of appeal under paragraph 26 of Schedule 7 to the Act against the making of a final EDMO.

(3) The specified respondent is the applicant who has made the relevant appeal.

44.—(1) This paragraph applies to an application under paragraph 14(1) of Schedule 7 to the Act (application by a affected person for order that LHA manage dwelling in accordance with management scheme in final EDMO).

(2) The specified document is a copy of the final EDMO (including the management scheme).

(3) The specified respondent is the LHA.

45.—(1) This paragraph applies to an application under paragraph 26(1) of Schedule 7 to the Act (appeal against LHA's decision to make final EDMO or against terms of the order or of associated management scheme).

(2) The specified documents are—

(a) a copy of the final EDMO (including the management scheme);

(b) where the application relates to the terms of the management order, a statement specifying each term to which objection is made, with reasons for the objection; and

(c) where the application is made on the ground specified in paragraph 26(1)(c) of Schedule 6 to the Act, a statement of the matters in paragraph 5(5)(a) and (b) (which relate to payments of surplus rents etc) relevant to that ground.

(3) The specified respondent is the LHA.

46.—(1) This paragraph applies to an application under paragraph 30 of Schedule 7 to the Act (appeal against LHA's decision or refusal to vary or revoke interim or final EDMO).

(2) The specified documents are—

(a) where the application relates to a decision to vary an interim or final EDMO, a copy of the LHA's notices under paragraphs 9 and 11 of Schedule 6 to the Act (as applied by paragraph 17 of Schedule 7);

(b) where the application relates to refusal to vary an interim or final EDMO, a copy of the LHA's notices under paragraphs 14 and 16 of that Schedule;

(c) where the application relates to a decision to revoke an interim or final EDMO, a copy of the LHA's notices under paragraphs 17 and 19 of that Schedule; and

(d) where the application relates to refusal to revoke an interim or final EDMO, a copy of the LHA's notices under paragraphs 20 and 22 of that Schedule; and

(e) in any case a copy of the interim or final EDMO (as the case may be).

(3) The specified respondent is the LHA.

47.—(1) This paragraph applies to an application under paragraph 34(2) of Schedule 7 to the Act (appeal against LHA's decision under section 136(4) or 138(3) of the Act in respect of compensation payable to third parties for interference with rights in consequence of final EDMO).

(2) The specified documents are—

(a) a copy of the final EDMO (including the management scheme);

(b) where the third party has requested compensation under section 138 of the Act, a copy of the LHA's notification of its decision to the third party in accordance with subsection (4) of that section; and

(c) a statement giving full details of—

(i) the rights in respect of which it is claimed that there has been interference in consequence of the final EDMO; and

(ii) the amount of compensation claimed in respect of that interference.

(3) The specified respondent is the LHA.

Applications in relation to overcrowding notices

48.—(1) This paragraph applies to an application under section 143(1) of the Act (appeal by a person aggrieved by overcrowding notice).

(2) The specified document is a copy of the overcrowding notice, or a statement by the applicant explaining the circumstances by reason of which he is not able to provide a copy of this notice.

(3) The specified respondent is the LHA.

49.—(1) This paragraph applies to an application under section 144(2) (appeal by relevant person against LHA's refusal to revoke or vary an overcrowding notice, or against failure by the LHA to respond in time to an application to revoke or vary it).

(2) The specified documents are—

(a) a copy of the overcrowding notice;

(b) where the LHA refused to vary an overcrowding notice, a copy of the LHA's decision.

(3) The specified respondent is the LHA.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England only, regulate the procedure to be followed for applications and appeals (jointly referred to as applications) made to a residential property tribunal under the Housing Act 2004 ("the Act") or Part 9 of the Housing Act 1985 ("the 1985 Act"). These applications concern or relate to provisions in the Act and the 1985 Act about powers of a Local Housing Authority ("LHA") in connection with housing conditions and enforcement of housing standards, including emergency remedial action; demolition orders and slum clearance; regulation of houses in multiple occupation; management of dwellings and empty dwellings; and overcrowding.

Sections 229 and 230 of the Act make provision about the constitution of tribunals and their general powers. Schedule 13 to the 2004 Act confers on the Secretary of State power to make regulations relating to the procedure of residential property tribunals and sets out the scope of those procedure regulations.

Regulation 2 defines terms used in the Regulations. The definition of "respondent" refers to sub-paragraph (3) of each paragraph in the Schedule to the Regulations.

Regulation 3 specifies the proceedings to which the Regulations apply.

Regulation 4 sets out the overriding objective of dealing fairly and justly with applications.

Regulation 5 makes provision in connection with requests for extension of time to make an application, in those cases where the Act gives a tribunal power to permit such an extension.

Regulation 6 gives details of the information to be included with an application, and specifies additional documents for particular applications as set out in sub-paragraph (2) of each paragraph of the Schedule to the Regulations.

Regulation 7 makes provision in respect of the tribunal acknowledging an application and sending to the respondent copy documents and a notice specifying the date by which the respondent should reply to the tribunal.

Regulation 8 deals with the respondent's reply.

Regulation 9 permits the tribunal to hold an oral hearing at short notice where an LHA has applied for authorisation of an interim management order under section 102(4) or (7) of the Act, and where it appears to the tribunal on the basis of information accompanying the application that specified exceptional circumstances exist.

Regulation 10 deals with applications to be joined as a party to the proceedings.

Regulation 11 specifies circumstances where two or more separate applications, or particular issues arising in separate applications, may be determined together.

Regulation 12 provides that where an application fee is unpaid for 14 days, the application shall be treated as withdrawn unless there are reasonable grounds not to do so.

Regulation 13 enables the duty to supply a document to be satisfied by supplying it to a party's or interested person's representative where this is requested in writing.

Regulation 14 requires the tribunal to ensure that interested persons are notified of the application together with an explanation of the procedure for applying to be joined as a party.

Regulation 15 deals with distribution of relevant documents by the tribunal.

Regulations 16 and 17 deal with the tribunal's powers to order the supply of information and documents and with failure to comply with such an order.

Regulation 18 enables the tribunal to determine an application without an oral hearing. A minimum of 14 days' notice must be given to the parties of the intention to proceed in this way. The parties have a right to request an oral hearing. A single qualified member of the panel may decide that an oral hearing is appropriate.

Regulation 19 makes provision for interim orders, other than in the case of determination of an application under section 102(4) or (7) of the Act.

Regulation 20 makes procedural provision in respect of directions under the tribunal's general power in section 230(2) of the 2004 Act.

Regulation 21 deals with inspection of the premises and its neighbourhood.

Regulation 22 makes provision for adducing expert evidence to the tribunal.

Regulation 23 enables the tribunal to hold a case management conference (which is defined to include a pre-trial review) on not less than 14 days' notice to the parties, or a shorter period if agreed by the parties.

Regulation 24 gives details of the tribunal's remaining case management powers. Regulation 24(1)(a) allows it to extend the time specified in the Regulations for various steps in the action.

Regulation 25 deals with giving notice appointing the date, time and place of a hearing, and regulation 26 gives the tribunal power to postpone a hearing.

Regulation 27 sets out the tribunal's powers at a hearing, and regulation 28 makes provision as to when a hearing may be held in private as an exception to the general rule that it should be held in public.

Regulation 29 sets out those who are entitled to be present at hearings held in private and at the tribunal's deliberations to determine the application.

Regulation 30 enables the tribunal to proceed with a hearing in the absence of a party who fails to appear.

Regulation 31 sets out how and when the tribunal will give and record decisions and reasons.

Regulation 32 provides that the tribunal must not award costs under its powers contained in paragraph 5 of Schedule 13 to the 2004 Act without giving the party concerned the opportunity to make representations. Costs awarded may not exceed £500.

Regulation 33 specifies how an application may be withdrawn in whole or part, and stipulates circumstances in which permission of the tribunal is required for withdrawal of an application.

Regulation 34 provides for a decision of a tribunal to be enforced in the county court, with the court's leave.

Regulation 35 contains provisions relating to requests to a residential property tribunal for leave to appeal to the Lands Tribunal.

Regulation 36 requires the tribunal to make appropriate arrangements where any person taking part in the proceedings requires translation, interpretation, or other assistance to enable effective participation in the proceedings.

Regulation 37 makes provision about the requirements where a document or notice is required or authorised by the Regulations to be supplied. The provision includes the circumstances in which communication by fax or electronic communication, such as email, or by a private delivery service, such as Document Exchange, will be acceptable.

Regulation 38 provides that if the time specified by these Regulations for doing any act expires on a weekend or public holiday, the act will be in time if done on the next working day.

Regulation 39 gives the tribunal power to dismiss in whole or in part any application considered frivolous, vexatious, or otherwise an abuse of process after giving notice of at least 21 days to the applicant.

Regulation 40 states that irregularities by parties will not in themselves render the proceedings void.

Regulation 41 allows mechanical or other reproduction of a signature, so long as the name of the person signing is added underneath in a way which enables him to be identified.

The Schedule to the Regulations lists applications which may be made to an RPT and in respect of each specifies the additional documents which must be included with an application, and identifies the persons who may be named as respondents to the application.

The Secretary of State has already exercised his powers under Schedule 13 of the Act to make The Residential Property Tribunal (Right to Buy Determinations) Procedure (England) Regulations 2005, SI 2005/1509, which apply to proceedings of a residential property tribunal to determine applications made under paragraph 11(4) of Schedule 5 of the Housing Act 1985 on or after 4th July 2005 in relation to dwelling-houses in England.

Fees payable for certain applications to a residential property tribunal are specified in The Residential Property Tribunal (Fees)(England) Regulations 2006 (S.I. 2006/830), which come into force on the same date as these Regulations.

The Housing Act 2004 (Commencement No.4 and Transitional Provisions)(England) Order 2005 (S.I. 2005/1729) brought into force sections 181, 230, and 231 of the 2004 Act, and section 229 and Schedule 13 of that Act insofar as they were not already in force.