

PART 56

LANDLORD AND TENANT CLAIMS AND MISCELLANEOUS PROVISIONS ABOUT LAND

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NOTE: These rules do not come into force until 15 October 2001

I LANDLORD AND TENANT CLAIMS

SCOPE AND INTERPRETATION

- 56.1 | (1) In this Section of this Part ‘landlord and tenant claim’ means a claim under –
- (a) the Landlord and Tenant Act 1927¹⁶;
 - (b) the Leasehold Property (Repairs) Act 1938¹⁷;
 - (c) the Landlord and Tenant Act 1954¹⁸;
 - (d) the Landlord and Tenant Act 1985¹⁹; or
 - (e) the Landlord and Tenant Act 1987²⁰.
- (2) A practice direction may set out special provisions with regard to any particular category of landlord and tenant claim.

¹⁷ 1927 c. 36.

¹⁸ 1938 c. 34.

¹⁹ 1954 c. 56.

²⁰ 1985 c. 70.

STARTING THE CLAIM

- 56.2
- (1) The claim must be started in the county court for the district in which the land is situated unless paragraphs (2) or (4) apply or an enactment provides otherwise.
 - (2) The claim may be started in the High Court if the claimant files with his claim form a certificate stating the reasons for bringing the claim in that court verified by a statement of truth in accordance with rule 22.1(1).
 - (3) The practice direction refers to circumstances which may justify starting the claim in the High Court.
 - (4) A joint claim by a landlord and tenant to authorise an agreement under section 38(4) of the Landlord and Tenant Act 1954 may be started in the High Court or any county court.

CLAIMS UNDER SECTION 24 OF THE LANDLORD AND TENANT ACT 1954

- 56.3
- (1) This rule applies to a claim for a new tenancy under section 24 of the Landlord and Tenant Act 1954²¹
 - (2) The claimant must use the Part 8 procedure but the following rules do not apply –
 - (a) rule 8.3(1);
 - (b) rule 8.5; and
 - (c) rule 8.6(1).
 - (3) The claim form must be served within 2 months after the date of issue and rules 7.5 and 7.6 are modified accordingly.
 - (4) Within 14 days after service of the claim form the defendant must file and serve –
 - (a) a notice that he wishes the claim to be stayed^(GL) for 3 months in order to facilitate negotiation of a new tenancy; or
 - (b) where he intends to contest the claim, his acknowledgment of service.
 - (5) Where the defendant files and serves a notice in accordance with paragraph (4)(a), the claim will be stayed for 3 months.
 - (6) Any party may file and serve a notice requesting the stay to be lifted.
 - (7) Where a party files a notice in accordance with paragraph (6) the court –
 - (a) will lift the stay; and
 - (b) may give directions about the future management of the claim.
 - (8) Unless the court otherwise orders where –
 - (a) the stay expires; and

²¹ 1987 c. 31.

(b) the defendant intends to contest the claim,

he must file and serve his acknowledgment of service within 14 days after the day on which the stay expires.

(9) Unless the court otherwise orders where –

(a) the stay is lifted; and

(b) the defendant intends to contest the claim,

he must file and serve his acknowledgment of service within 14 days after he is served with notification that the stay has been lifted.

(10) The claimant must file and serve any written evidence on which he intends to rely within 14 days of service on him of the acknowledgment of service.

(11) The defendant must file and serve any written evidence on which he intends to rely within 14 days of service on him of the claimant's evidence.

(12) The court will give directions about the future management of the claim –

(a) when it receives the written evidence of the defendant; or

(b) where the defendant fails to file any written evidence within the period set out in paragraph (11), after that period has expired.

(13) No written evidence may be relied on at the hearing of the claim unless –

(a) it has been served in accordance with paragraphs (10) or (11) (as the case may be); or

(b) the court gives permission.

II MISCELLANEOUS PROVISIONS ABOUT LAND

SCOPE

56.4

A practice direction may set out special provisions with regard to claims under the following enactments –

(a) the Chancel Repairs Act 1932²²;

(b) the Leasehold Reform Act 1967²³;

(c) the Access to Neighbouring Land Act 1992²⁴; and

(d) the Leasehold Reform, Housing and Urban Development Act 1993²⁵;

²² 1954 c. 56; section 24 was amended by the Law of Property Act 1969 (c. 59).

²³ 1932 c. 20.

²⁴ 1967 c. 88.

²⁵ 1992 c. 23.

