

PART 56

LANDLORD AND TENANT CLAIMS AND MISCELLANEOUS PROVISIONS ABOUT LAND

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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 1927¹;
 - (b) the Leasehold Property (Repairs) Act 1938²;
 - (c) the Landlord and Tenant Act 1954³;
 - (d) the Landlord and Tenant Act 1985⁴; or
 - (e) the Landlord and Tenant Act 1987⁵.

1 1927 c. 36.

2 1938 c. 34.

3 1954 c. 56.

4 1985 c. 70.

5 1987 c. 31.

- (2) A practice direction may set out special provisions with regard to any particular category of landlord and tenant claim.

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 paragraph (2) applies 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.

CLAIMS FOR A NEW TENANCY UNDER SECTION 24 AND FOR THE TERMINATION OF A TENANCY UNDER SECTION 29(2) OF THE LANDLORD AND TENANT ACT 1954¹

56.3

- (1) This rule applies to a claim for a new tenancy under section 24 and to a claim for the termination of a tenancy under section 29(2) of the 1954 Act.
- (2) In this rule –
 - (a) ‘the 1954 Act’ means the Landlord and Tenant Act 1954;
 - (b) ‘an unopposed claim’ means a claim for a new tenancy under section 24 of the 1954 Act in circumstances where the grant of a new tenancy is not opposed;
 - (c) ‘an opposed claim’ means a claim for –
 - (i) a new tenancy under section 24 of the 1954 Act in circumstances where the grant of a new tenancy is opposed; or
 - (ii) the termination of a tenancy under section 29(2) of the 1954 Act.
- (3) Where the claim is an unopposed claim –
 - (a) the claimant must use the Part 8 procedure, but the following rules do not apply –
 - (i) rule 8.5; and
 - (ii) rule 8.6;
 - (b) the claim form must be served within 2 months after the date of issue and rules 7.5 and 7.6 are modified accordingly; and
 - (c) the court will give directions about the future management of the claim following receipt of the acknowledgment of service.
- (4) Where the claim is an opposed claim –
 - (a) the claimant must use the Part 7 procedure; but

¹ 1954 c.56. Section 24 was amended by article 3 of S.I. 2003/3096. Section 29(2) was substituted by article 5 of S.I. 2003/3096.

- (b) the claim form must be served within 2 months after the date of issue, and rules 7.5 and 7.6 are modified accordingly.

(The practice direction to this Part contains provisions about evidence, including expert evidence in opposed claims)

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 1932¹;
- (b) the Leasehold Reform Act 1967²;
- (c) the Access to Neighbouring Land Act 1992³;
- (d) the Leasehold Reform, Housing and Urban Development Act 1993⁴;
and
- (e) the Commonhold and Leasehold Reform Act 2002⁵.

1 1932 c. 20.

2 1967 c. 88.

3 1992 c. 23.

4 1993 c. 28.

5 2002 c. 15.

