

LANDLORD AND TENANT CLAIMS AND MISCELLANEOUS PROVISIONS ABOUT LAND

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I LANDLORD AND TENANT CLAIMS

56.1 Scope and interpretation

- (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;
 - (e) the Landlord and Tenant Act 1987⁵; or
 - (f) section 214 of the Housing Act 2004⁶.
- (2) A practice direction may set out special provisions with regard to any particular category of landlord and tenant claim.

56.2 Starting the claim

- (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) Unless an enactment provides otherwise, the claim may be started in the High Court if the claimant files with the 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.

¹ 1927 c. 36.

² 1938 c. 34.

³ 1954 c. 56.

⁴ 1985 c. 70.

⁵ 1987 c. 31.

⁶ 2004 c. 34.

56.3 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

- (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; and
 - (b) Omitted
 - (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 the claimant must use the Part 7 procedure.

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

II MISCELLANEOUS PROVISIONS ABOUT LAND

56.4 Scope

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

- (a) the Chancel Repairs Act 1932²;
- (b) the Leasehold Reform Act 1967³;
- (c) the Access to Neighbouring Land Act 1992⁴;
- (d) the Leasehold Reform, Housing and Urban Development Act 1993⁵; and
- (e) the Commonhold and Leasehold Reform Act 2002⁶.

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.

2 1932 c. 20.

3 1967 c. 88.

4 1992 c. 23.

5 1993 c. 28.

6 2002 c. 15.