

# LANDLORD AND TENANT CLAIMS AND MISCELLANEOUS PROVISIONS ABOUT LAND

## Contents of this Part

### I LANDLORD AND TENANT CLAIMS

Rule 56.1 Scope and interpretation

Rule 56.2 Starting the claim

Rule 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 1954

### II MISCELLANEOUS PROVISIONS ABOUT LAND

Rule 56.4 Scope

## 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 –
- the Landlord and Tenant Act 1927<sup>1</sup>;
  - the Leasehold Property (Repairs) Act 1938<sup>2</sup>;
  - the Landlord and Tenant Act 1954<sup>3</sup>;
  - the Landlord and Tenant Act 1985<sup>4</sup>;
  - the Landlord and Tenant Act 1987<sup>5</sup>; or
  - section 214 of the Housing Act 2004<sup>6</sup>.
- (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) Practice Direction 56 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 1954<sup>1</sup>

- (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.

(Practice Direction 56 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 1932<sup>2</sup>;
- (b) the Leasehold Reform Act 1967<sup>3</sup>;
- (c) the Access to Neighbouring Land Act 1992<sup>4</sup>;
- (d) the Leasehold Reform, Housing and Urban Development Act 1993<sup>5</sup>; and
- (e) the Commonhold and Leasehold Reform Act 2002<sup>6</sup>.

---

<sup>1</sup> 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.

<sup>2</sup> 1932 c. 20.

<sup>3</sup> 1967 c. 88.

<sup>4</sup> 1992 c. 23.

<sup>5</sup> 1993 c. 28.

<sup>6</sup> 2002 c. 15.