

Welsh Statutory Instrument 2005 No. 1355 (W.103)

The Landlord and Tenant (Notice of Rent) (Wales) Regulations 2005

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STATUTORY INSTRUMENTS

2005 No. 1355 (W.103)

LANDLORD AND TENANT, WALES

The Landlord and Tenant (Notice of Rent) (Wales) Regulations 2005

Made 17 May 2005

Coming into force 31 May 2005

The National Assembly for Wales, in exercise of the powers conferred by section 166 of the Commonhold and Leasehold Reform Act 2002 [1], hereby makes the following Regulations:

Title, commencement and application

1. - (1) The title of these Regulations is the Landlord and Tenant (Notice of Rent) (Wales) Regulations 2005 and come into force on 31 May 2005.

(2) These Regulations apply in relation to dwellings[2] in Wales only.

Interpretation

2. In these Regulations, "the 2002 Act" ("Deddf 2002") means the Commonhold and Leasehold Reform Act 2002.

Additional content and form of notice of rent due

3. - (1) A notice under subsection (1) of section 166 of the 2002 Act (Requirement to notify long leaseholders that rent is due) must contain (in addition to the information specified in accordance with paragraphs (a) and (b) of subsection (2) of that section and, if applicable, paragraph (c) of that subsection) -

(a) the name of the leaseholder to whom the notice is given;

- (b) the period to which the rent demanded is attributable;
- (c) the name of the person to whom payment is to be made, and the address for payment;
- (d) the name of the landlord by whom the notice is given and, if not specified pursuant to sub-paragraph (c) above, that landlord's address; and
- (e) the information provided in the notes to the form set out in the Schedule to these Regulations.

(2) A notice under subsection (1) of section 166 of the 2002 Act must be in the form set out in the Schedule to these Regulations, or a form substantially to the same effect.

Signed on behalf of the National Assembly for Wales under section 66 (1) of the Government of Wales Act 1998[3]

D. Elis-Thomas

The Presiding Officer of the National Assembly

17 May 2005

SCHEDULE

Regulation 3

FORM OF RENT DEMAND NOTICE

COMMONHOLD AND LEASEHOLD REFORM ACT 2002,
SECTION 166

NOTICE TO LONG LEASEHOLDERS OF RENT DUE

To:

(insert name(s) of leaseholder(s)) (note 1)

This notice is given in respect of :

(insert address of premises, including the postcode, to which the long lease relates)

It requires you to pay rent of :

£

(insert the sum) on:

//

(insert date - all dates must be completed using numbers not words - e.g. 26 December 2005 would be 26/12/2005) (Note 2)

The rent is payable in respect of the following period:

- per week
- per calander month
- per quarter
- any other period

(TICK the appropriate box)

In accordance with the terms of your lease the amount of:

£

(insert the sum) is/was due on:

//

(insert date on which rent due in accordance with the lease - all dates must be completed using numbers not words - e.g. 26 December 2005 would be 26/12/2005)
(Note 3)

Payment should be made to:

(insert name of landlord(s) or, if payment is to be made to an agent, name of agent) at:

(insert address including postcode)

This notice is given by:

(insert name of landlord(s) and, if not given above, the address including the post code)

NOTES FOR LEASEHOLDERS

Read this notice carefully. It sets out the amount of rent due from you and the date by which you must pay it. You are advised to seek help immediately, if you cannot pay, or dispute the amount. Those who can help you include a citizens' advice bureau, a housing advice centre, a law centre and a solicitor. Show this notice and a copy of your lease to whoever helps you.

The landlord may be able to claim additional sums from you if you do not pay by the date specified in this notice. You have the right to challenge the reasonableness of any additional sums at a leasehold valuation tribunal.

Section 167 of the Commonhold and Leasehold Reform Act 2002 and regulations made under it prevent your landlord from forfeiting your lease for non-payment of rent, service charges or administration charges (or a combination of them) if the amount owed is £350 or less, or none of the unpaid amount has been outstanding for more than three years.

NOTES FOR LANDLORDS

1. If you send this notice by post, address it to the leaseholder at the dwelling in respect of which the payment is due, unless the leaseholder has notified you in writing of a different address in England and Wales at which he wishes to be given notices under section 166 of the Commonhold and Leasehold Reform Act 2002.

2. This date must not be either less than 30 days or more than 60 days after the day on which this notice is given or before that on which the leaseholder would have been liable to make the payment in accordance with the lease.

3. Tick the box and include this statement only if the date for payment is not the same as the date determined in accordance with the lease.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to the form and content of notices requiring the payment of ground rent.

Regulation 3 supplements section 166(2) of the Commonhold and Leasehold Reform Act 2002, which requires a notice under section 166(1) of that Act relating to the payment of ground rent, to specify the amount due, the date on which the tenant is liable to make the payment and, if different, the date on which the tenant would have been liable to make the payment in accordance with the lease. The additional requirements specified in regulation 3 include the provision of notes for both leaseholders and landlords. The content of the notes is set out in the Schedule to the Regulations, as part of the prescribed form of notice under section 166(1).

Notes:

[1] 2002 c.15. See the definition of "prescribed" in section 166(9) of the 2002 Act. By virtue of section 179(1) of that Act, the National Assembly for Wales is "the appropriate national authority" as respects Wales.[back](#)

[2] *See* section 166(9) of the Commonhold and Leasehold Reform Act 2002 , the definition of "the 1985 Act" in section 179(2) of that Act, and section 2 of the Landlord and Tenant Act 1985.[back](#)

[3] 1998 c.38.[back](#)

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