

Subsidiary Legislation made under s.81.

Landlord and Tenant (Rent Tribunal) Regulations, 1985**LN.1985/081***Commencement* **11.7.1985**

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1985/081 Landlord and Tenant (Rent Tribunal) Regulations, 1985

Title.

1. These regulations may be cited as the Landlord and Tenant (Rent Tribunal) Regulations, 1985.

Interpretation.

2. In these Regulations “appeal” includes any application made to the Rent Tribunal under the provisions of the Landlord and Tenant Act, 1983 “appellant” shall be construed accordingly.

Applications.

3. A person desiring to appeal to the Rent Tribunal on any question or matter under the Landlord and Tenant Act, 1983, shall apply to the Secretary of the Rent Tribunal in the manner set out in the appropriate form contained in the First Schedule and specifying the grounds of the appeal.

Further information.

4. The Secretary of the Rent Tribunal on receiving any application and before issuing any notice of appeal under these regulations may demand such further information as he may deem necessary for the proper determination of the appeal.

Notice of Appeal.

5.(1) The Secretary of the Rent Tribunal on being satisfied that the application is in proper form shall issue to the appellant a notice of appeal in the form set out in the First Schedule signed by the Chairman of the Rent Tribunal specifying the date on which the appeal will be heard.

(2) The Secretary of the Rent Tribunal shall cause a copy of the notice of appeal to be served on the other party at least five clear days before the date fixed for the hearing of the appeal.

(3) The Rent Tribunal shall not proceed with the hearing of any appeal unless it is satisfied that the notice of appeal has been properly served.

Service.

6. Service may be effected personally or by registered post in a pre-paid letter addressed to the party, or in the case of service on a landlord, his duly recognised agent, at his usual or last known address.

Representation.

7. At any hearing before the Rent Tribunal a party may appear in person or by Counsel or Solicitor or by any other representative and may be accompanied by any other person whom he may wish to assist him thereat.

Procedure at hearing.

8.(1) Subject to the provisions of the Landlord and Tenant Act, 1983, and of any regulations made thereunder the procedure at a hearing shall be such as the Rent Tribunal may determine and the Rent Tribunal may, if they think fit, and at the request of either party shall, unless for some special reason they think it undesirable, allow the hearing to be in public.

(2) The Rent Tribunal may postpone or adjourn the hearing from time to time as they think fit.

Fees Schedule 2.

9. The fees and expenses to be taken and allowed by the Rent Tribunal shall be regulated by Schedule 2 and all fees under Part I of the said Schedule shall be paid in adhesive stamps in accordance with the Fees (Collection) Act.

Revocation.

10. The Landlord and Tenant (Rent Assessment) Tribunal Regulations which comprise Booklet 4 of the Landlord and Tenant (Miscellaneous provisions) Act (Chapter 83) are revoked.

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SCHEDULE 1

FORM NO.1.

**NOTICE OF INTENTION TO APPEAL AGAINST DECISION OF HOUSING
MANAGER UNDER SECTION 35 OF THE LANDLORD AND TENANT ACT, 1983.**

I. of. being tenant of. a dwelling house subject to the provisions of part III of the Act, the *statutory rent in respect of which payable by me is £. desire to appeal against the decision of the Housing Manager given on the day of a copy of which I enclose, † refusing to grant me rent relief under Section 35 of the Act †granting me £. as rent relief under Section 35 of the Act which amount I claim to be inadequate in accordance with the prescribed conditions. The Landlord of the said dwelling house is. whose † address (or the address of whose recognised agent) is.

The grounds of my application are as follows:–

Particulars.

Date: Signed:

To: The Secretary,
Rent Tribunal.

* “statutory rent” is rent payable in accordance with the provisions of the Landlord and Tenant Act, 1983.

† Delete where inapplicable.

FORM No. 2.

NOTICE OF INTENTION TO APPLY FOR DETERMINATION OF RENT PAYABLE IN ACCORDANCE WITH PART III TO THE LANDLORD AND TENANT ACT, 1983.

I. of being *landlord/tenant of a dwelling house subject to the provisions of Part III of the Act, situated at of which is the *tenant/landlord whose address (or the address of whose registered agent) is desire to apply to the Tribunal to determine the correct amount of rent payable in respect of the aforesaid dwelling house in accordance with the provisions of the said Act.

The present rent of the said dwelling house is £.

The said dwelling house measures squares†

The grounds of my application are as follows:–

Particulars.

Date:
To: The Secretary,
Rent Tribunal.

Signed:

**delete as necessary*

† “squares” means 100 square feet of the floor space measured in accordance with the provisions of the Landlord and Tenant (Measurement) Regulations.

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FORM No.3.

RENT TRIBUNAL.

NOTICE OF APPEAL.

(address all communications for the Tribunal to the Secretary, Rent Tribunal, Court House, Gibraltar).

TAKE NOTICE that the Tribunal has fixed. the. day of.
., 20
at. for the hearing of an appeal by. of. under the
Landlord and Tenant Act 1983 asking for (a)
. of the dwelling house at. Gibraltar,
on the grounds that:—

Particulars.

Should you wish to contest the above appeal on all or any of the grounds stated above you should appear at the hearing. If you fail to appear the appeal may be heard notwithstanding your absence.

Chairman,
Rent Tribunal.

To:

(a) the correct assessment of rent or increase of rent or decrease of rent or rent relief.

SCHEDULE 2

Regulation 9

FEEES TO TAKEN AND ALLOWED AS COSTS BY THE TRIBUNAL

PART I

FEE No.

- 1. On issuing any Notice of Appeal £1.00
- 2. On application to adjourn hearing by either side. . . £0.50
- 3. On issue of witness summons. £1.00
- 4. On referring matter to any expert witness at request of any party. £1.00
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PART II

- 1. Counsel’s or Solicitor’s fees to include all steps in an appeal including preparation therefor. £30.00 to £50.00
(This item will only be allowed in exceptional circumstances).
- 2. Expert witness allowance. £10.00.