

These notes refer to the Commonhold and Leasehold Reform Act 2002 (c.15) which received Royal Assent on 1st May 2002

COMMONHOLD AND LEASEHOLD REFORM ACT 2002

EXPLANATORY NOTES

COMMENTARY ON THE SECTIONS: PART 1

Ground rent

Chapter 6: Leasehold Valuation Tribunals

302. This Chapter consolidates and amends existing provisions relating to the jurisdiction and procedures of LVTs. Consolidated provisions are repealed by Schedule 14.

Section 173: Leasehold Valuation Tribunals

303. *Section 173* provides that a rent assessment committee constituted in accordance with Schedule 10 of the Rent Act 1977 shall carry out any functions conferred on a LVT under any legislative provisions, and that a committee performing such functions shall be known as a LVT.

Section 174: Procedure

304. *Section 174* gives effect to Schedule 12 which sets out procedures for LVTs. These are described in detail in the notes on Schedule 12 below.

Section 175: Appeals

305. *Section 175* provides for appeals against LVT decisions. Any party to proceedings before a LVT will be able to appeal to the Lands Tribunal. The existing requirement that the person must have appeared before the LVT is removed. But in all cases permission must be obtained from the LVT in the first instance or, if permission is refused, from the Lands Tribunal. Existing provisions which prohibit an appeal against a LVT decision to the High Court and prevent a LVT from appealing against a Lands Tribunal decision are retained. Subsections (6) and (7) provide that, where a case involves an appeal against a decision made by a LVT, the Lands Tribunal cannot make an award of costs against a party to proceedings unless that party has acted frivolously, vexatiously, abusively, disruptively or otherwise unreasonably in connection with the appeal. The maximum costs will be limited to £500, or such other amount as may be specified in regulations.

Section 176: Consequential amendments

306. *Section 176* gives effect to Schedule 13 which makes a number of minor and consequential amendments as a result of this Chapter. Details of these changes are set out in the notes on Schedule 13 below.