
WELSH STATUTORY INSTRUMENTS

2005 No. 1354 (W.102)

LANDLORD AND TENANT, WALES

The Leasehold Houses (Notice of Insurance Cover) (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 164(5)(d) and (6)(a) 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 Leasehold Houses (Notice of Insurance Cover) (Wales) Regulations 2005 and come into force on 31 May 2005.

(2) These Regulations apply in respect of houses⁽²⁾ in Wales only.

Additional content of notice of cover

2. A notice of cover⁽³⁾ must specify (In addition to the particulars referred to in paragraphs (a) to (c) of subsection (5) of section 164 (Insurance otherwise than with the landlord's insurer) of the Commonhold and Leasehold Reform Act 2002) —

- (a) the address of the house insured under the policy;
- (b) the registered office of the authorised insurer⁽⁴⁾ or, if the authorised insurer has no registered office, its head office;
- (c) the number of the policy;
- (d) the frequency with which premiums are payable under the policy;
- (e) the amount of any excess payable by the tenant under the policy;

(1) 2002 c. 15. See the definition of “prescribed” in section 164(10) of the Commonhold and Leasehold Reform Act 2002. By virtue of section 179(1) of that Act, the National Assembly for Wales is “the appropriate national authority” as respects Wales. (The powers conferred by section 164(5)(d) and (6)(a) of that Act are exercisable, as respects Wales, by the National Assembly for Wales by virtue of the definition of “prescribed” and section 179(1).)

(2) By virtue of sections 164(10) and 179(2) of the Commonhold and Leasehold Reform Act 2002, “house” has the same meaning in section 164 as for the purposes of Part 1 of the Leasehold Reform Act 1967 (c. 88). The definition of “house” in that Act is to be found in section 2.

(3) See section 164(3) of the Commonhold and Leasehold Reform Act 2002.

(4) See the definition of “authorised insurer” in section 164(10) of the Commonhold and Leasehold Reform Act 2002.

- (f) where an excess is payable, whether it is payable in respect of every claim made under the policy or only in particular circumstances and, if the latter, a brief description of those circumstances;
- (g) whether the policy has been renewed and, if so, the date on which it was last renewed;
- (h) if the policy has not been renewed, the date on which it took effect;
- (i) that the tenant is satisfied that the policy covers the tenant's interests; and
- (j) that the tenant has no reason to believe that the policy does not cover the interests of the landlord.

Form of notice of cover

3. A notice of cover 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⁽⁵⁾

17 May 2005

D. Elis-Thomas
The Presiding Officer of the National Assembly

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SCHEDULE

Regulation 3

FORM OF NOTICE OF COVER
COMMONHOLD AND LEASEHOLD REFORM ACT 2002 Notice of Cover

I:

To:

(rhowch enw a chyfeiriad y landlord gan gynnwys ei god post)

(insert name and address of the landlord including postcode)

1

Fi yw

I am

Ni yw

We are

*(ticiwch y blwch priodol)
tenant(iaid) y tŷ yn:*

*(tick the appropriate box)
the tenant(s) of the house at:*

(mewnosoder y cyfeiriad gan gynnwys y cod post)

(insert address including post code)

Mae'r tŷ wedi'i yswirio o dan bolisi yswiriant a ddyroddwyd gan:

2

The house is insured under an insurance policy issued by:

*(mewnosoder enw'r yswiriwr a'i swyddfa gofrestredig neu, os nad oes gan yr yswiriwr swyddfa gofrestredig, ei brif swyddfa)
sy'n yswirio awdurdodedig o fewn ystyr adran 164 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002.*

(insert name of insurer and its registered office or, if the insurer has no registered office, its head office) who is an authorised insurer within the meaning of section 164 of the Commonhold and Leasehold Reform Act 2002.

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| | | |
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| Rhif y polisi yw: | 3 | The policy number is: |
| <i>(mewnosoder y rhif)</i> | | <i>(insert number)</i> |
| Nodir y risgiau a warchodir gan y polisi yn y tudalennau sy'n atodedig i'r hysbysiad hwn <i>(atoder copi o'r tudalennau perthnasol yn eich dogfennau yswiriant)</i> (os na ellir copïo'r dogfennau yswiriant, atoder rhestr o'r risgiau a warchodir) | 4 | The risks covered by the policy are set out in the pages attached to this notice <i>(attach a copy of the relevant pages from the insurance documents)</i> (if the insurance documents cannot be copied, attach a list of the risks covered) |
| Swm y warchodaeth (y swm a gaiff ei yswirio) yw: | 5 | The amount of the cover (the sum insured) is: |
| | £ | |
| <i>(mewnosoder y swm)</i> ac fe'i darperir am y cyfnod sy'n cychwyn ar: | | <i>(insert amount)</i> and it is provided for the period beginning on: |
| | / / | |
| <i>(mewnosoder y dyddiad y mae'r warchodaeth yn cychwyn -rhaid rhoi pob dyddiad ar ffurf rhifau yn hytrach na geiriau - e.e.26/12/2005 fyddai 26 Rhagfyr 2005) a sy'n gorffen ar:</i> | | <i>(insert date on which cover begins - all dates must be completed using numbers not words - e.g. 26 December 2005 would be 26/12/2005) and ending on:</i> |
| | / / | |
| <i>(mewnosoder y dyddiad y mae'r warchodaeth yn dod i ben - rhaid rhoi pob dyddiad ar ffurf rhifau yn hytrach na geiriau - e.e.26/12/2005 fyddai 26 Rhagfyr 2005)</i> | | <i>(insert date on which cover ends - all dates must be completed using numbers not words - e.g. 26 December 2005 would be 26/12/2005)</i> |
| Mae'r premiymau yn daladwy | 6 | Premiums are payable |
| yn flynyddol | <input type="checkbox"/> | annually |
| yn fisol | <input type="checkbox"/> | monthly |
| fel arall | <input type="checkbox"/> | other |
| <i>(ticiwch y blwch priodol)</i> | | <i>(tick the appropriate box)</i> |
| Swm y tâl ychwanegol o dan y polisi yw: | 7 | The amount of the excess under the policy is: |
| | <input type="checkbox"/> | |
| | £ | |
| <i>(mewnosoder y swm) (TICIWCH Y BLWCH a chwblhewch os yw'r tâl ychwanegol yn daladwy)</i> | | <i>(insert the sum) (TICK THIS BOX plus complete if an excess is payable)</i> |

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| <p>Mae'n daladwy pa bryd bynnag y bydd yr yswiriwr yn gwneud taliad o dan y polisi hwn (Os oes tâl ychwanegol yn daladwy bob tro y bydd yr yswiriwr yn bodloni cais o dan y polisi, TICIWCH Y BLWCH YMA)</p> | <input type="checkbox"/> | <p>It is payable whenever the insurer makes a payment under this policy (<i>If an excess is payable every time that the insurer meets a claim under the policy, TICK THIS BOX</i>)</p> |
| <p>Mae'n daladwy yn yr amgylchiadau a nodir yn y tudalen(nau) atodedig (<i>Os dim ond mewn amgylchiadau penodol y mae tâl ychwanegol yn daladwy, TICIWCH Y BLWCH YMA a nodir yr amgylchiadau ar y tudalen(nau) atodedig. Os yw symiau gwahanol yn daladwy mewn amgylchiadu gwahanol rhwch y manylion ar y tudalen(nau) atodedig.</i>)</p> | <input type="checkbox"/> | <p>It is payable in the circumstances set out in the attached page(s). (<i>If an excess is only payable in certain circumstances TICK THIS BOX plus specify the circumstances on an attached page(s). If different amount are payable in different circumstances, give those details on the attached page(s).</i>)</p> |
| <p>Ceir isod ddwy fersiwn o baragraff 8. TICIWCH Y BLWCH sy'n cyfateb i'r UNIG FERSIWN o'r paragraff hwn sy'n ofynnol o dan yr amgylchiadau</p> | <p>8</p> | <p>Below are two versions of paragraph 8. TICK THE BOX which corresponds to the ONE VERSION of this paragraph that the circumstances require.</p> |
| <p>Mae'r polisi wedi'i adnewyddu a gwnaed hynny ddiwethaf ar:</p> | <input type="checkbox"/> / / | <p>The policy has been renewed and was last renewed on:</p> |
| <p>(<i>rhowch y dyddiad - rhaid rhoi pob dyddiad ar ffurf rhifau yn hytrach na geiriau - e.e. 26/12/2005 fyddai 26 Rhagfyr 2005</i>)</p> | | <p>(<i>insert date - all dates must be completed using numbers not words - e.g. 26 December 2005 would be 26/12/2005.</i>)</p> |
| <p>Nid yw'r polisi wedi'i adnewyddu a daeth yn effeithiol ar:</p> | <p>NEU/OR</p> <input type="checkbox"/> / / | <p>The policy has not been renewed and took effect on:</p> |
| <p>(<i>rhowch y dyddiad - rhaid rhoi pob dyddiad ar ffurf rhifau yn hytrach na geiriau - e.e. 26/12/2005 fyddai 26 Rhagyr 2005</i>)</p> | | <p>(<i>insert date - all dates must be completed using numbers not words - e.g. 26 December 2005 would be 26/12/2005.</i>)</p> |
| <p>Rydw i wedi fy modloni</p> | <p>9</p> <input type="checkbox"/> | <p>I am</p> |
| <p>Rydym ni wedi ein bodloni</p> | <input type="checkbox"/> | <p>We are</p> |
| <p>(<i>Ticiwch y blwch priodol</i>) bod y polisi yn gwarchod</p> | | <p>(<i>Tick the appropriate box</i>) satisfied that the policy covers</p> |

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| | | |
|----------------|--------------------------|--------------|
| fy muddiannau | <input type="checkbox"/> | my interest |
| ein buddiannau | <input type="checkbox"/> | our interest |

10

| | | |
|----------------|--------------------------|----|
| Nid oes gennyf | <input type="checkbox"/> | I |
| Nid oes gennym | <input type="checkbox"/> | We |

| | |
|--|---|
| <p><i>(Ticiwch y blwch priodol)</i> reswm dros gredu nad yw'r polisi'n gwarchod eich buddiannau.</p> | <p><i>(Tick the appropriate box)</i> have no reason to believe that the policy does not cover your interests.</p> |
|--|---|

EXPLANATORY NOTE

(This note is not part of the Regulations)

Where a long lease of a house requires the tenant to insure it with an insurer nominated or approved by the landlord, a tenant may avoid that requirement if the provisions of section 164(2)(a) to (d) of the Commonhold and Leasehold Reform Act 2002 relating to the insurer, the interests and risks covered and the amount of the cover, are satisfied and the tenant gives a notice of cover to the landlord within the period specified in that section. A notice of cover must specify the name of the insurer, the risks covered by the policy, the amount and period of the cover and such further information as may be prescribed.

These Regulations prescribe the further information that is to be included in a notice of cover. That information is:

- (a) the address of the house insured under the policy;
- (b) the registered office of the insurer or, if the insurer does not have a registered office, its head office;
- (c) the number of the policy;
- (d) the frequency with which premiums are payable under the policy;
- (e) the amount of any excess payable by the tenant under the policy;
- (f) where an excess is payable, whether it is payable in respect of every claim made under the policy or only in particular circumstances and, if the latter, a brief description of those circumstances;
- (g) whether the policy has been renewed and, if so, the date on which it was last renewed;
- (h) if the policy has not been renewed, the date on which it took effect;
- (i) a statement that the tenant is satisfied that the policy covers the tenants interests; and

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- (j) a statement that the tenant has no reason to believe that the policy does not cover the interests of the landlord.

The notice must be in the form set out in the Schedule to the Regulations or a form substantially to the same effect.