

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2005 No. (W.)

**LANDLORD AND TENANT,
WALES**

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

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 2 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).

2005 No. (W.)

**LANDLORD AND TENANT,
WALES**

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

Made 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.

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) —

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- (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.
- (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.

- (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 subparagraph (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)

Date

The Presiding Officer of the National Assembly

(3) 1998 c.38.

YR ATODLEN

Rheoliad 3

SCHEDULE

Regulation 3

FFURF AR HYSBYSIAD SY'N GALW AM DALU RHENT

FORM OF RENT DEMAND NOTICE

DEDDF CYFUNDALIAD A DIWYGIO CYFRAITH LESDDALIAD 2002, ADRAN 166

COMMONHOLD AND LEASEHOLD REFORM ACT 2002, SECTION 166

HYSBYSIAD I DDEILIAID LESOEDD HIR O RENT SY'N DDYLEDUS

NOTICE TO LONG LEASEHOLDERS OF RENT DUE

At:

To:

(rhowch enw'r lesddeilia(i)d) **(nodyn 1)**

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

Rhoddir yr hysbysiad hwn ynglŷn â:

This notice is given in respect of :

(rhowch gyfeiriad y fangre, gan gynnwys y cod post, y mae'r les hir yn ymwneud â hi)

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

Mae'n ei gwneud yn ofynnol i chi dalu rhent o:

It requires you to pay rent of :

£

(rhowch y swm) ar:

(insert the sum) on:

/ /

(rhowch y dyddiad - rhaid rhoi pob dyddiad ar ffurf rhifau yn hytrach na geiriau - e.e. 26/12/2005 fyddai 26 Rhagfyr 2005) **(Nodyn 2)**

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

Mae'r rhent yn daladwy am y cyfnod canlynol:

The rent is payable in respect of the following period:

fesul wythnos	<input type="checkbox"/>	per week
fesul mis calendr	<input type="checkbox"/>	per calander month
fesul chwarter	<input type="checkbox"/>	per quarter
fesul unrhyw gyfnod arall	<input type="checkbox"/>	any other period

(TICIWCH y blwch priodol)

(TICK the appropriate box)

Yn unol â thelerau eich les mae/yr oedd y swm o:

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

£

(rhowch y swm) yn ddyledus ar:

(insert the sum) is/was due on:

/ /

(rhowch y dyddiad y mae/yr oedd rhent yn ddyledus yn unol â'r les - rhaid rhoi pob dyddiad ar ffurf rhifau yn hytrach na geiriau - e.e. 26/12/2005 fyddai 26 Rhagfyr 2005) (Nodyn 3)

(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)

Dylid talu:

Payment should be made to:

(rhowch enw'r landlord(iaid) neu, os yw taliad i'w wneud i asiant, enw'r asiant) yn:

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

(rhowch y cyfeiriad gan gynnwys y cod post)

(insert address including postcode)

Mae'r hysbysiad hwn yn cael ei roi gan:

This notice is given by:

(rhowch enw'r landlord(iaid) ac, os nad yw wedi'i roi uchod, ei gyfeiriad gan gynnwys y cod post)

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

NODIADAU AR GYFER LESDDDEILIAID

Darllenwch yr hysbysiad hwn yn ofalus. Mae'n nodi swm y rhent sy'n ddyledus gennych a'r dyddiad erbyn pryd y mae rhaid i chi ei dalu. Fe'ch cynghorir i ofyn am gymorth ar unwaith, os na allwch dalu, neu os ydych yn herio'r swm. Mae'r rhai sy'n gallu'ch helpu yn cynnwys canolfan cyngor ar bopeth, canolfan cynghori ar dai, canolfan gyfraith a chyfreithiwr. Dangoswch yr hysbysiad hwn a chopi o'ch les i bwy bynnag a fydd yn eich helpu.

Mae'n bosibl y gall y landlord hawlio symiau ychwanegol oddi wrthyh os na fyddwch yn talu erbyn y dyddiad a bennir yn yr hysbysiad hwn. Mae gennych hawl i herio rhesymoldeb unrhyw symiau ychwanegol mewn tribiwnlys prisio lesddaliadau.

Mae Adran 167 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 a'r rheoliadau a wnaed odani yn atal eich landlord rhag peri i chi fforffedu'ch les am beidio â thalu rhent, taliadau gwasanaeth neu daliadau gweinyddu (neu gyfuniad ohonynt) os yw'r swm sy'n ddyledus yn £350 neu lai, neu os nad oes dim o'r swm sydd heb ei dalu wedi aros heb ei glirio am fwy na thair blynedd.

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.

NODIADAU AR GYFER LANDLORDIAID

1. Os anfonwch yr hysbysiad hwn drwy'r post, cyfeiriwch ef at y lesddeiliad yn yr annedd y mae'r taliad yn ddyledus ar ei chyfer, oni bai bod y landlord wedi'ch hysbysu'n ysgrifenedig o gyfeiriad gwahanol yng Nghymru a Lloegr lle mae'n dymuno bod hysbysiadau o dan adran 166 o Ddeddf Cyfundaliad a Diwygio Cyfraith Lesddaliad 2002 yn cael eu rhoi iddo.

2. Rhaid i'r dyddiad hwn beidio â bod *naill ai'n* llai na 30 niwrnod nac yn fwy na 60 niwrnod ar ôl y diwrnod y mae'r hysbysiad hwn yn cael ei roi *na* bod cyn y diwrnod y byddai'r lesddeiliad wedi bod yn atebol i wneud y taliad yn unol â'r les.

3. Ticiwch y bocs a cynhwyswch y datganiad hwn ddim ond os nad yw'r dyddiad ar gyfer talu yr un fath â'r dyddiad a benderfynwyd yn unol â'r les.

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 he 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.