

Form of Publicity Notice

Please copy this format when producing your publicity notice. Do not insert hand written or typed responses on this document. Please do not include the italicised instructions on your notice.

LP/ /

RESTRICTIVE COVENANT APPLICATION: PUBLICITY NOTICE

1. TAKE NOTICE that an application under section 84 of the Law of Property Act 1925 to [discharge/modify/discharge or modify] *[please select one option here.]* a restrictive covenant affecting the land referred to below has been made to the Lands Tribunal. If you are legally entitled to the benefit of the covenant and you wish to object to the application, you should object within 28 days of the date of this notice.

2. The application relates to land at

.....

3. The applicant is

.....

of

.....

.....

4. The covenant contained in a *[insert type of document/instrument, eg conveyance]* dated *[insert date of instrument]* made between *[insert names of all parties to the instrument]* in respect of which the application is made contains the following restriction:

[e.g. to use the land as a private dwelling house only. Please note that the restriction must be set out in full and not paraphrased or abrvd]

.....

.....

Set out either 5A or 5B or both; do not combine the two into one.

5A. The application seeks the **discharge** of the restriction on the following grounds *[delete grounds that do not apply. Please do not add additional information]:*

- (a) that the restriction ought to be deemed obsolete;
- (aa) that unless discharged the covenant would impede the use of the land as *[insert planned use e.g. the land to be used for offices]*; that such use is a reasonable use; that in impeding that use the restriction does not secure to the persons entitled to the benefit of it any practical benefits of substantial value or advantage; and that money will be an adequate compensation for the loss or disadvantage (if any) which any such person will suffer from the discharge;
- (b) that the persons of full age and capacity entitled to the benefit of the restriction have agreed, expressly or by implication, by their acts or omissions to the discharge of the restriction;
- (c) that the proposed discharge will not injure the persons entitled to the benefit of the restriction.

5B. The application seeks the **modification** of the restriction so as to permit *[insert planned use e.g. the land to be used for offices]*..... Modification is sought on the

following grounds *[delete grounds that do not apply. Please do not add additional information]*:

- (a) that the restriction ought to be deemed obsolete;
- (aa) that unless modified the covenant would impede the use of the land as *[insert planned use]*.....; that such use is a reasonable use; that in impeding that use the restriction does not secure to the persons entitled to the benefit of it any practical benefits of substantial value or advantage; and that money will be an adequate compensation for the loss or disadvantage (if any) which any such person will suffer from the modification;
- (b) that the persons of full age and capacity entitled to the benefit of the restriction have agreed, expressly or by implication, by their acts or omissions to the modification of the restriction;
- (c) that the proposed modification will not injure the persons entitled to the benefit of the restriction.

6. You may inspect the application, plan and other documents at *[address conveniently near application land]*during office working hours. A copying charge may be payable if copies are required.

7. If you are a person legally entitled to the benefit of the restrictive covenant and you wish to object to the application, contact the **The Registrar, Lands Tribunal, Procession House, 55 Ludgate Hill, London EC4M 7JW** (or telephone 020 7029 9780) and ask for a form of objection (Form LPD). The form should then be completed and signed and posted to the Tribunal and to the applicant(s) or their solicitors **within 28 days of the date of this notice.**

8. Persons who lodge objections become parties to the case, and, provided they are entitled to object, they may appear at the hearing of the application, if there is one. In asking the Lands Tribunal to discharge or modify a restrictive covenant, the applicant may be seeking to have a property right removed from someone who is entitled to the benefit of that covenant. For this reason, successful objectors may normally expect to have their legal costs paid by the unsuccessful applicant. Likewise, although they will usually pay their own costs, unsuccessful objectors will not normally be ordered to pay the costs of successful applicants. However, an objector who acts unreasonably may be required to pay some or all of the applicant’s costs if they behaved unreasonably in the course of the proceedings, in rejecting a reasonable offer to settle made by the applicant, or in objecting to the proposed change. The applicant may rely on a lack of objections, or a failure on the part of any particular person to object, in support of the application. If you are unsure of your position you should seek legal advice.

9. *[Signed]* Dated

Status *[Applicant/ Applicant’s Solicitor/Agent]*.....

Address.....

.....

Phone no..... Fax no.....