



Commonhold and Leasehold Reform Act 2002

2002 CHAPTER 15

PART 2

LEASEHOLD REFORM

CHAPTER 5

OTHER PROVISIONS ABOUT LEASES

Insurance

164 Insurance otherwise than with landlord's insurer

- (1) This section applies where a long lease of a house requires the tenant to insure the house with an insurer nominated or approved by the landlord ("the landlord's insurer").
- (2) The tenant is not required to effect the insurance with the landlord's insurer if—
 - (a) the house is insured under a policy of insurance issued by an authorised insurer,
 - (b) the policy covers the interests of both the landlord and the tenant,
 - (c) the policy covers all the risks which the lease requires be covered by insurance provided by the landlord's insurer,
 - (d) the amount of the cover is not less than that which the lease requires to be provided by such insurance, and
 - (e) the tenant satisfies subsection (3).
- (3) To satisfy this subsection the tenant—
 - (a) must have given a notice of cover to the landlord before the end of the period of fourteen days beginning with the relevant date, and

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Changes to legislation: There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Cross Heading: Insurance. (See end of Document for details)

- (b) if (after that date) he has been requested to do so by a new landlord, must have given a notice of cover to him within the period of fourteen days beginning with the day on which the request was given.
- (4) For the purposes of subsection (3)—
- (a) if the policy has not been renewed the relevant date is the day on which it took effect and if it has been renewed it is the day from which it was last renewed, and
 - (b) a person is a new landlord on any day if he acquired the interest of the previous landlord under the lease on a disposal made by him during the period of one month ending with that day.
- (5) A notice of cover is a notice specifying—
- (a) the name of the insurer,
 - (b) the risks covered by the policy,
 - (c) the amount and period of the cover, and
 - (d) such further information as may be prescribed.
- (6) A notice of cover—
- (a) must be in the prescribed form, and
 - (b) may be sent by post.
- (7) If a notice of cover is sent by post, it may be addressed to the landlord at the address specified in subsection (8).
- (8) That address is—
- (a) the address last furnished to the tenant as the landlord’s address for service in accordance with section 48 of the 1987 Act (notification of address for service of notices on landlord), or
 - (b) if no such address has been so furnished, the address last furnished to the tenant as the landlord’s address in accordance with section 47 of the 1987 Act (landlord’s name and address to be contained in demands for rent).
- (9) But the tenant may not give a notice of cover to the landlord at the address specified in subsection (8) if he has been notified by the landlord of a different address in England and Wales at which he wishes to be given any such notice.
- (10) In this section—
- “authorised insurer”, in relation to a policy of insurance, means a person who may carry on in the United Kingdom the business of effecting or carrying out contracts of insurance of the sort provided under the policy without contravening the prohibition imposed by section 19 of the Financial Services and Markets Act 2000 (c. 8),
 - “house” has the same meaning as for the purposes of Part 1 of the 1967 Act,
 - “landlord” and “tenant” have the same meanings as in Chapter 1 of this Part,
 - “long lease” has the meaning given by sections 76 and 77 of this Act, and
 - “prescribed” means prescribed by regulations made by the appropriate national authority.

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Commencement Information

- II** S. 164 wholly in force at 31.5.2005; s. 164 not in force at Royal Assent see s. 181(1); s. 164 in force for specified purposes at 26.7.2002 for E. by S.I. 2002/1912, art. 2(c); s. 164 in force for specified purposes at 1.1.2003 for W. by S.I. 2002/3012, art. 2(c); s. 164 in force so far as not already in force at 28.2.2005 for E. by S.I. 2004/3056, art. 3(c); s. 164 in force so far as not already in force at 31.5.2005 for W. by S.I. 2005/1353, art. 2(c)

VALID FROM 28/02/2005

165 Extension of right to challenge landlord's choice of insurer

- (1) Paragraph 8 of the Schedule to the 1985 Act (right to challenge landlord's nomination of insurer) is amended as follows.
- (2) In sub-paragraphs (1) and (2), after “nominated” insert “ or approved ”.
- (3) In sub-paragraph (4), after “nominate” (in both places) insert “ or approve ”.

Commencement Information

- I2** S. 165 wholly in force at 31.5.2005; s. 165 not in force at Royal Assent see s. 181(1); s. 165 in force at 28.2.2005 for E. by S.I. 2004/3056, art. 3(d); s. 165 in force at 31.5.2005 for W. by S.I. 2005/1353, art. 2(d)

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