



Leasehold and Freehold Reform Act 2024

2024 CHAPTER 22

PART 5

REGULATION OF ESTATE MANAGEMENT

Appointment of substitute manager by Tribunal

91 Conditions for applying for appointment order

- (1) An owner of a managed dwelling may make an application for an appointment order in relation to an estate manager only if—
 - (a) the owner has given a notice of complaint to the estate manager,
 - (b) the qualifying period in relation to that notice has ended,
 - (c) the owner has, after the end of the qualifying period but before the application is made, given further notice to the estate manager (a “final warning notice”), and
 - (d) the condition in subsection (5) is met in relation to the final warning notice.
- (2) If the owner gave the notice of complaint jointly with other persons, the owner may not make an application for an appointment order unless—
 - (a) the owner does so jointly with each of those other persons that remain owners of managed dwellings in relation to the estate manager, and
 - (b) the final warning notice was given jointly by the owner and each of those other persons.
- (3) The owner, or the owners acting jointly in accordance with subsection (2), may make an application jointly with an owner of a managed dwelling who did not give the notice of complaint to the estate manager (a “joined applicant”), if the final warning notice was given jointly by the owner or owners and the joined applicant.
- (4) A final warning notice must—
 - (a) specify—
 - (i) the name of the person (or persons) giving the notice,

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- (ii) the address of their dwelling (or the addresses of each of their dwellings), and
 - (iii) if different, an address (or addresses) at which a person may give notice to that person (or one or more of those persons) in connection with the application,
 - (b) state that the person or persons giving the notice intend to make an application for an appointment order in respect of the dwelling specified in the notice,
 - (c) specify the grounds on which the appropriate tribunal would be asked to make such an order and the matters that would be relied on by the person or persons for the purpose of establishing those grounds,
 - (d) where those matters are capable of being remedied by the estate manager, require the estate manager, within a reasonable period specified in the notice, to take specified steps for the purpose of remedying them,
 - (e) state that, if those matters are remedied, the person or persons will not make an application, and
 - (f) contain any other information specified in regulations made by the Secretary of State.
- (5) The condition in this subsection is met if—
 - (a) the matters specified in the final warning notice were not capable of being remedied, or
 - (b) the period specified in the final warning notice for the matters to be remedied has expired without the estate manager having taken the required steps to remedy them.
- (6) The appropriate tribunal may by order dispense with a requirement in subsection (1), (2) or (3) if the tribunal is satisfied in light of the urgency of the case that it would not be reasonably practicable for the requirement to be satisfied.
- (7) But the tribunal may, when so ordering, direct that such other notices are given, or such other steps are taken, as it thinks fit.
- (8) If the tribunal makes an order under subsection (6), an application for an appointment order may be made only if any notices required to be given, and any other steps required to be taken, by virtue of the order have been given or taken.
- (9) The Secretary of State may by regulations make provision for determining when a notice under this section is given.
- (10) A statutory instrument containing regulations under this section is subject to the negative procedure.