

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the Leasehold Reform Act 1967, Paragraph 8. (See end of Document for details)

SCHEDULES

SCHEDULE 2

PROVISIONS SUPPLEMENTARY TO SECTIONS 17 AND 18 OF THIS ACT

- 8 (1) Where a landlord makes an application for possession, and it is made to appear to the court that in relation to matters arising out of that application (including the giving up of possession of the house and premises or the payment of compensation) the landlord or the tenant has been guilty of any unreasonable delay or default, the court may—
- (a) by order revoke or vary, and direct repayment of sums paid under, any provision made by a previous order as to payment of the costs of proceedings taken in the court on or with reference to the application, or, where costs have not been awarded, award costs;
 - (b) certify particulars of the delay or default to the [^{F1}Upper Tribunal] with a view to enabling the Tribunal to exercise a like discretion in relation to costs of proceedings before the Tribunal.
- [^{F2}(1A) Where the court certifies particulars of delay or default to the [^{F3}Upper Tribunal] under sub-paragraph (1)(b) above, the [^{F3}Upper Tribunal] may make any order as to costs of proceedings before the [^{F3}Upper Tribunal] which the court may make in relation to proceedings in the court.]
- (2) ^{F4}
- (3) Where an application for possession is dismissed or withdrawn, and it is made to appear to the court—
- (a) that the application was not made in good faith; or
 - (b) that the landlord had attempted in any material respect to support by misrepresentation or the concealment of material facts a request to the tenant to deliver up possession without an application for possession;
- the court may order that no further application for possession of the house and premises made by the landlord shall be entertained if it is made within the five years beginning with the date of the order.

Textual Amendments

- F1** Words in Sch. 2 para. 8(1)(b) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 86** (with Sch. 5)
- F2** Sch. 2 para. 8(1A) inserted (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. 181(1), **Sch. 13 para. 6**; S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); S.I. 2004/669, art. 2(c)(i) (with Sch. 2)
- F3** Words in Sch. 2 para. 8(1A) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 86** (with Sch. 5)
- F4** Sch. 2 para. 8(2) repealed by [Housing Act 1980 \(c. 51\)](#), **Sch. 26**

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