

Status: Point in time view as at 23/11/1995.

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[^{F1}SCHEDULE

S. 30A

RIGHTS OF TENANTS WITH RESPECT TO INSURANCE

Textual Amendments

F1 Sch. added by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 43(2)

Modifications etc. (not altering text)

C1 Sch. modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 5; S.I. 2003/1986, art. 2(a); S.I. 2004/669, art. 2(a)
Sch. extended to Crown Land (E.) (30.9.2003) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, art. 2(c)(ii)(iii) (subject to savings in Sch. 2); S.I. 2004/669, art. 2(c)(ii)(iii) (subject to savings in Sch. 2)

^{F1} Construction

1 In this Schedule—

“landlord”, in relation to a tenant by whom a service charge is payable which includes an amount payable directly or indirectly for insurance, includes any person who has a right to enforce payment of that service charge;

“relevant policy”, in relation to a dwelling, means any policy of insurance under which the dwelling is insured (being, in the case of a flat, a policy covering the building containing it); and

“tenant” includes a statutory tenant.

Request for summary of insurance cover

- 2 (1) Where a service charge is payable by the tenant of a dwelling which consists of or includes an amount payable directly or indirectly for insurance, the tenant may require the landlord in writing to supply him with a written summary of the insurance for the time being effected in relation to the dwelling.
- (2) If the tenant is represented by a recognised tenants’ association and he consents, the request may be made by the secretary of the association instead of by the tenant and may then be for the supply of the summary to the secretary.
- (3) A request is duly served on the landlord if it is served on—
- (a) an agent of the landlord named as such in the rent book or similar document, or
 - (b) the person who receives the rent on behalf of the landlord;
- and a person on whom a request is so served shall forward it as soon as may be to the landlord.
- (4) The landlord shall, within one month of the request, comply with it by supplying to the tenant or the secretary of the recognised tenants’ association (as the case may require) such a summary as is mentioned in sub-paragraph (1), which shall include—
- (a) the insured amount or amounts under any relevant policy, and
 - (b) the name of the insurer under any such policy, and

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- (c) the risks in respect of which the dwelling or (as the case may be) the building containing it is insured under any such policy.
- (5) In sub-paragraph (4)(a) “the insured amount or amounts”, in relation to a relevant policy, means—
- (a) in the case of a dwelling other than a flat, the amount for which the dwelling is insured under the policy; and
 - (b) in the case of a flat, the amount for which the building containing it is insured under the policy and, if specified in the policy, the amount for which the flat is insured under it.
- (6) The landlord shall be taken to have complied with the request if, within the period mentioned in sub-paragraph (4), he instead supplies to the tenant or the secretary (as the case may require) a copy of every relevant policy.
- (7) In a case where two or more buildings are insured under any relevant policy, the summary or copy supplied under sub-paragraph (4) or (6) so far as relating to that policy need only be of such parts of the policy as relate—
- (a) to the dwelling, and
 - (b) if the dwelling is a flat, to the building containing it.

Request to inspect insurance policy etc.

- 3 (1) This paragraph applies where a tenant, or the secretary of a recognised tenants’ association, has obtained either—
- (a) such a summary as is referred to in paragraph 2(1), or
 - (b) a copy of any relevant policy or of any such parts of any relevant policy as relate to the premises referred to in paragraph 2(7)(a) or (b),
- whether in pursuance of paragraph 2 or otherwise.
- (2) The tenant, or the secretary with the consent of the tenant, may within six months of obtaining any such summary or copy as is mentioned in sub-paragraph (1)(a) or (b) require the landlord in writing to afford him reasonable facilities—
- (a) for inspecting any relevant policy,
 - (b) for inspecting any accounts, receipts or other documents which provide evidence of payment of any premiums due under any such policy in respect of the period of insurance which is current when the request is made and the period of insurance immediately preceding that period, and
 - (c) for taking copies of or extracts from any of the documents referred to in paragraphs (a) and (b).
- (3) Any reference in this paragraph to a relevant policy includes a reference to a policy of insurance under which the dwelling in question was insured for the period of insurance immediately preceding that current when the request is made under this paragraph (being, in the case of a flat, a policy covering the building containing it).
- (4) Subsections (3) to (6) of section 22 shall have effect in relation to a request made under this paragraph as they have effect in relation to a request made under that section.

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Request relating to insurance effected by superior landlord

- 4 (1) If a request is made under paragraph 2 in a case where a superior landlord has effected, in whole or in part, the insurance of the dwelling in question and the landlord to whom the request is made is not in possession of the relevant information—
- (a) he shall in turn make a written request for the relevant information to the person who is his landlord (and so on, if that person is not himself the superior landlord),
 - (b) the superior landlord shall comply with that request within a reasonable time, and
 - (c) the immediate landlord shall then comply with the tenant's or secretary's request in the manner provided by sub-paragraphs (4) to (7) of paragraph 2 within the time allowed by that paragraph or such further time, if any, as is reasonable in the circumstances.
- (2) If, in a case where a superior landlord has effected, in whole or in part, the insurance of the dwelling in question, a request under paragraph 3 relates to any policy of insurance effected by the superior landlord—
- (a) the landlord to whom the request is made shall forthwith inform the tenant or secretary of that fact and of the name and address of the superior landlord, and
 - (b) that paragraph shall then apply to the superior landlord in relation to that policy as it applies to the immediate landlord.

VALID FROM 30/09/2003

Effect of change of landlord

- [^{F24A} (1) This paragraph applies where, at a time when a duty imposed on the landlord or a superior landlord by virtue of any of paragraphs 2 to 4 remains to be discharged by him, he disposes of the whole or part of his interest as landlord or superior landlord).
- (2) If the landlord or superior landlord is, despite the disposal, still in a position to discharge the duty to any extent, he remains responsible for discharging it to that extent.
- (3) If the other person is in a position to discharge the duty to any extent, he is responsible for discharging it to that extent.
- (4) Where the other person is responsible for discharging the duty to any extent (whether or not the landlord or superior landlord is also responsible for discharging it to that or any other extent)—
- (a) references to the landlord or superior landlord in paragraphs 2 to 4 are to, or include, the other person so far as is appropriate to reflect his responsibility for discharging the duty to that extent, but
 - (b) in connection with its discharge by that person, paragraphs 2(4) and 3(4) apply as if the reference to the day on which the landlord receives the notice were to the date of the disposal referred to in sub-paragraph (1).]

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Textual Amendments

- F2** Sch. para. 4A and preceding sidenote inserted (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 157, 181(1), Sch. 10 para. 11; S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art 2(c)(i) (subject to Sch. 2)

Effect of assignment on request

- 5 The assignment of a tenancy does not affect the validity of a request made under paragraph 2, 3 or 4 before the assignment; but a person is not obliged to provide a summary or make facilities available more than once for the same dwelling and for the same period.

Failure to comply with paragraph 2, 3 or 4 an offence

- 6 (1) It is a summary offence for a person to fail, without reasonable excuse, to perform a duty imposed on him by or by virtue of paragraph 2, 3 or 4.
- (2) A person committing such an offence is liable on conviction to a fine not exceeding level 4 on the standard scale.

Tenant's right to notify insurers of possible claim

- 7 (1) This paragraph applies to any dwelling in respect of which the tenant pays to the landlord a service charge consisting of or including an amount payable directly or indirectly for insurance.
- (2) Where—
- (a) it appears to the tenant of any such dwelling that damage has been caused—
 - (i) to the dwelling, or
 - (ii) if the dwelling is a flat, to the dwelling or to any other part of the building containing it,
 in respect of which a claim could be made under the terms of a policy of insurance, and
 - (b) it is a term of that policy that the person insured under the policy should give notice of any claim under it to the insurer within a specified period,
- the tenant may, within that specified period, serve on the insurer a notice in writing stating that it appears to him that damage has been caused as mentioned in paragraph (a) and describing briefly the nature of the damage.
- (3) Where—
- (a) any such notice is served on an insurer by a tenant in relation to any such damage, and
 - (b) the specified period referred to in sub-paragraph (2)(b) would expire earlier than the period of six months beginning with the date on which the notice is served,

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the policy in question shall have effect as regards any claim subsequently made in respect of that damage by the person insured under the policy as if for the specified period there were substituted that period of six months.

- (4) Where the tenancy of a dwelling to which this paragraph applies is held by joint tenants, a single notice under this paragraph may be given by any one or more of those tenants.
- (5) The Secretary of State may by regulations prescribe the form of notices under this paragraph and the particulars which such notices must contain.
- (6) Any such regulations—
 - (a) may make different provision with respect to different cases or descriptions of case, including different provision for different areas, and
 - (b) shall be made by statutory instrument.

Right to challenge landlord's choice of insurers

- 8 (1) This paragraph applies to a tenancy of a dwelling which requires the tenant to insure the dwelling with an insurer nominated by the landlord.
- (2) Where, on an application made by the tenant under any such tenancy, the court is satisfied—
 - (a) that the insurance which is available from the nominated insurer for insuring the tenant's dwelling is unsatisfactory in any respect, or
 - (b) that the premiums payable in respect of any such insurance are excessive,the court may make either an order requiring the landlord to nominate such other insurer as is specified in the order or an order requiring him to nominate another insurer who satisfies such requirements in relation to the insurance of the dwelling as are specified in the order.
- (3) A county court shall have jurisdiction to hear and determine any application under this paragraph.

Exception for tenants of certain public authorities]

- 9 (1) Paragraphs 2 to 8 do not apply to a tenant of—
 - a local authority,
 - [^{F3}a National Park authority]
 - a new town corporation, or
 - the Development Board for Rural Wales,unless the tenancy is a long tenancy, in which case paragraphs 2 to 5 and 7 and 8 apply but paragraph 6 does not.
- (2) Subsections (2) and (3) of section 26 shall apply for the purposes of sub-paragraph (1) as they apply for the purposes of subsection (1) of that section.

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TABLE OF DERIVATIONS

1. The following abbreviations are used in this Table:—	Acts of Parliament
1957	= The Housing Act 1957 (c. 56).
1961	= The Housing Act 1961 (c. 65).
1962	= The Landlord and Tenant Act 1962 (c. 50).
1963 (c. 33)	= The London Government Act 1963.
1968 (c. 23)	= The Rent Act, 1968.
1969	= The Housing Act 1969 (c. 33).
1972 (c. 70)	= The Local Government Act 1972.
1974	= The Housing Act 1974 (c. 44).
1975	= The Housing Rents and Subsidies Act 1975 (c. 6).
1976 (c. 80)	= The Rent (Agriculture) Act 1976.
1977 (c. 42)	= The Rent Act 1977.
1980	= The Housing Act 1980 (c. 51).
1980 (c. 65)	= The Local Government, Planning and Land Act 1980.
1981 (c. 64)	= The New Towns Act 1981.
1982 (c. 48)	= The Criminal Justice Act 1982.
1985 (c. 9)	= The Companies Consolidation (Consequential Provisions) Act 1985.
1985(c. 51)	= The Local Government Act 1985.

Subordinate legislation

S.I. 1975/512 = The Isles of Scilly (Housing) Order 1975.

2. The Table does not show the effect of Transfer of Functions Orders.

3. The letter R followed by a number indicates that the provision gives effect to the Recommendation bearing that number in the Law Commissions' Report of the Consolidation of the Housing Acts (Cmnd. 9515).

4. The entry “drafting” indicates a provision of a mechanical or editorial nature affecting the arrangement of the consolidation; for instance, a provision introducing the provisions which follow or introducing a definition to avoid undue repetition of the defining words.

Provision	Derivation
1(1)	1974 s. 121(1).

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(2)	1974 s. 121(1); 1980 s. 144; 1982 (c. 48) ss. 37, 46(1).
(3)	1974 s. 121(9).
2(1), (2)	1974 s. 121(2).
(3)	1974 s. 121(4).
(4)	1974 s. 121(5); 1980 s. 144; 1982 (c. 48) ss. 37, 46(1).
3(1)	1974 s. 122(1), (2).
(2)	1974 s. 122(4).
(3)	1974 s. 122(5); 1980 s. 144; 1982 (c. 48) ss. 37, 46(1).
(4)	1974 s. 122(8), (9)(a).
4(1)	1962 s. 1(1).
(2)	1962 s. 1(2).
(3)	1962 ss. 1(1), 6(1)(a).
Provision	Derivation
5(1)	1962 s. 2(1); 1976 (c. 80) Sch. 8 para. 9; 1977 (c. 42) Sch. 23 para. 31(a), (b).
(2)	1962 s. 2(1); 1968 (c. 23) Sch. 15.
(3)	1962 s. 6(1)(b).
6(1)	1962 s. 3(1).
(2)	1962 s. 3(2).
7(1), (2)	1962 s. 4(1), (3); 1982 (c. 48) ss. 37, 46(1), Sch. 3.
(3)	1962 s. 4(2), (3); 1982 (c. 48) ss. 37, 46(1), Sch. 3.
(4)	1962 s. 4(4).
8(1), (2)	1957 s. 6(2), (3).
(3)	1957 s. 6(1), (2).
(4)	1957 s. 6(1); 1963 (c. 33) Sch. 8 para. 2.
(5)	1957 s. 6(2) proviso.
(6)	1957 s. 189(1) “house” (a).
9(1), (2)	1957 s. 7.
(3)	1957 ss. 7, 189(1) “house” (a).
10	1957 s. 4(1); 1969 s. 71.
11(1)	1961 s. 32(1).

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(2)	1961 s. 32(2).
(3)	1961 s. 32(3).
(4)	1961 s. 32(1), (2).
(5)	1961 s. 32(1).
(6)	1961 s. 32(4).
12(1)	1961 s. 33(7).
(2)	1961 s. 33(6).
13(1)	1961 s. 33(1).
(2)	1961 s. 33(2), (5).
14(1), (2)	1961 s. 33(3).
(3)	1961 s. 33(4).
(4)	1977 (c. 42) ss. 14, 15(3); 1980 s. 80(1)(a)-(c), (2), (3); 1980 (c. 65) s. 155(1); 1981 (c. 64) Sch. 12 para. 24.
(5)	1980 s. 80(1)(d), (e).
15	1961 s. 33(8).
16	1961 s. 32(5).
17(1)	1974 s. 125(1).
(2)	1974 s. 125(2); R.14(i).
18(1)(3)	1980 Sch. 19 para. 1(1).
19(1)	1980 Sch. 19 paras. 2, 3.
(2)	1980 Sch. 19 para. 2.
(3)	180 Sch. 19 para. 11.
(4)	1980 Sch. 19 para. 12.
20(1)	1980 Sch. 19 paras. 2, 4(1).
(2)	1980 Sch. 19 para. 4(2).
(3)	1980 Sch. 19 para. 5(1)(6).
(4)	1980 Sch. 19 para. 5(7).
(5)	1980 Sch. 19 para. 6.
(6)	1980 s. 151(1), (3).
21(1)	1980 Sch. 19 para. 7(1), (5).
(2)	1980 Sch. 19 para. 7(2).
(3)	1980 Sch. 19 para. 9.
(4)	1980 Sch. 19 para. 7(1).
(5), (6)	1980 Sch. 19 para. 7(3)
22(1), (2)	1980 Sch. 19 para. 7(4).

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(3)	1980 Sch. 19 para. 9.
(4)	1980 Sch. 19 para. 7(4).
23(1), (2)	1980 Sch. 19 para. 8(1), (2).
24	1980 Sch. 19 para. 10.
25(1), (2)	1980 Sch. 19 para. 13(1); 1982 (c. 48) ss. 37, 46(1).
26(1)	1980 s. 50(1) “development corporation”, “local authority” ^{F3} “a National Park authority”], Sch. 19 para. 14(1), (2)(a).
(2), (3)	1980 Sch. 3 para. 1(2), (2A), (3), Sch. 19 para. 14(1); 1984 Sch. 1 para. 12, Sch. 11 para. 33(1).
27	1980 Sch. 19 para. 15.
28(1)	drafting.
(2)	1980 Sch. 16 para. 3(2), Sch. 19 para. 17(1); 1985 (c. 9) Sch. 2.
(3)	1980 Sch. 16 para. 3(4), Sch. 19 para. 17(1).
(4)	1980 Sch. 19 para. 17(2).
(5)	1980 Sch. 19 para. 17(2)(b); 1985 (c. 9) Sch. 2.
(6)	1980 Sch. 19 para. 14(1),(2)(b).
29(1)	1980 Sch. 19 para. 20.
(2), (3)	1980 Sch. 19 para. 21(1).
(4)	1980 Sch. 19 para. 20(b).
(5)	1980 Sch. 19 para. 21(2).
(6)	1980 s. 151(1), (3).
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“flat”	1980 Sch. 19 para. 16.
“landlord”	1980 Sch. 19 para. 18.
“tenant”	1980 Sch. 19 para. 19.
31(1)	1975 ss. 11(1), 15(1), (5).
(2)	1975 ss. 11(2), 15(5).
(3)	1975 s. 11(10), (11).
(4)	1975 ss. 11(3), 15(1).
32(1)	1974 ss. 121(9), 122(8), 125(2).
(2)	1961 s. 33(3).

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(3)	1975 s. 11(11) “dwelling”.
33(1)	1962 s. 4(6); 1974 ss. 121(6), 122(6); 1980 Sch. 19 para. 13(2).
(2)	1974 ss. 121(7), 122(7); 1980 Sch. 19 para. 13(3); R.28.
34	1962 s. 5(2); 1968 (c. 23) Sch. 15; 1972 (c. 70) s. 222(1); 1974 s. 121(8); 1977 (c. 42) s. 149(2), Sch. 23 para. 32, Sch. 24 para. 30.
35(1), (2)	1972 s. 103; 1975 s. 17(11), Sch. 5 para. 7(1); S.I. 1972/1204; S.I. 1975/512; R.29.
36	1961 s. 32(5); 1974 ss. 121(9), 125(2); 1975 s. 11(11) “new letting”; drafting.
37	1962 s. 6(1)(a); 1974 ss. 121(9), 122(8), 125(2); 1976 (c. 80) Sch. 8 para. 31; 1977 (c. 42) Sch. 23 para. 66; 1980 Sch. 19 para. 18; R.14(i).
38	
“address”	1962 s. 6(2); 1974 ss. 121(3), 122(3), Sch. 13 para. 9.
“co-operative housing association”	1977 (c. 42) s. 15(3)(d); 1980 s. 80(1)(b); drafting.
“dwelling”	1974 s. 129(1) “dwelling”; 1975 s. 16(1) “dwelling”.
“housing association”	1977 (c. 42) s. 15(3)(a); 1980 s. 80(1)(b).
“local authority” [F ³ “a National Park authority”]	1975 ss. 11(11), 16(1) “local authority” [F ³ “a National Park authority”]; 1977 (c. 42) s. 14(1)(a)-(c); 1980 s. 80(1)(c); 1985 (c. 51) Sch. 13 para. 21, Sch. 14 paras. 56, 58 (h).
“local housing authority”	1962 s. 5(2); 1968 (c. 23) Sch. 15; 1974 s. 121(8); S.I. 1975/512; 1977 (c. 42) s. 149(2), Sch. 23 para. 32, Sch. 24 para. 30; 1980 s. 50(1) “local authority” [F ³ “a National Park authority”], Sch. 19 para. 14(1)(a).
“new town corporation”	1977 (c. 42) s. 14(d), (e); 1980 ss. 50(1) “development corporation”, 80(1)(c), Sch. 19 para. 14(1)(a), (c); 1981 (c. 64); Sch. 12 para. 24; drafting.
“protected tenancy”	1962 s. 2(1); 1968 (c. 23) Sch. 15; 1977 (c. 42) Sch. 23 para. 31(b), Sch. 24 para. 30.

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“registered”	1977 (c. 42) s. 15(3)(a); 1980 s. 80(1) (b).
“restricted contract”	1962 s. 2(1); 1977 (c. 42) Sch. 23 para. 31(a).
“urban development corporation”	1977 (c. 42) s. 14(1)(g); 1980 s. 80(1) (c); 1980 (c. 65) s. 155(1).
39	drafting.
40	drafting.

Textual Amendments

- F3** Words in Sch. para. 9 inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 25(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

Modifications etc. (not altering text)

- C2** Sch. para. 9(1) amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 24** (as substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 4, 5, **Sch. 2 para. 61** and as amended by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 61, **Sch. 4 para. 3(a)(ii)**)
Sch. para. 9(1) extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 23(c)** (with ss. 54(5) (7), 55(5), Sch. 17 paras. 22(1), 23(2))
Sch. para. 9(1) modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 10(c)**

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