



# Landlord and Tenant Act 1987

## 1987 CHAPTER 31

### PART IV

#### VARIATION OF LEASES

##### *Applications relating to dwellings other than flats*

- 40 Application for variation of insurance provisions of lease of dwelling other than a flat**
- (1) Any party to a long lease of a dwelling may make an application to the court for an order varying the lease, in such manner as is specified in the application, on the grounds that the lease fails to make satisfactory provision with respect to any matter relating to the insurance of the dwelling, including the recovery of the costs of such insurance.
  - (2) Sections 36 and 38 shall apply to an application under subsection (1) subject to the modifications specified in subsection (3).
  - (3) Those modifications are as follows—
    - (a) in section 36—
      - (i) in subsection (1), the reference to section 35 shall be read as a reference to subsection (1) above, and
      - (ii) in subsection (2), any reference to a flat shall be read as a reference to a dwelling; and
    - (b) in section 38—
      - (i) any reference to an application under section 35 shall be read as a reference to an application under subsection (1) above, and
      - (ii) any reference to an application under section 36 shall be read as a reference to an application under section 36 as applied by subsection (2) above.
  - (4) For the purposes of this section a long lease shall not be regarded as a long lease of a dwelling if the demised premises consist of or include the dwelling and one or more

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*Status: This is the original version (as it was originally enacted).*

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other dwellings; and this section does not apply to a long lease of a dwelling if it constitutes a tenancy to which Part II of the Landlord and Tenant Act 1954 applies (other than an assured tenancy as defined in section 56(1) of the Housing Act 1980).

(5) In this section "dwelling" means a dwelling other than a flat.