



Landlord and Tenant Act 1987

1987 CHAPTER 31

PART II

APPOINTMENT OF MANAGERS BY [F1A F1... TRIBUNAL]

24 Appointment of manager by [F1a F2... tribunal].

- (1) [F3The appropriate tribunal] may, on an application for an order under this section, by order (whether interlocutory or final) appoint a manager to carry out in relation to any premises to which this Part applies—
 - (a) such functions in connection with the management of the premises, or
 - (b) such functions of a receiver,or both, as [F1the tribunal] thinks fit.
- (2) [F4The appropriate tribunal] may only make an order under this section in the following circumstances, namely—
 - (a) where [F1the tribunal] is satisfied—
 - (i) that [F5any relevant person] either is in breach of any obligation owed by him to the tenant under his tenancy and relating to the management of the premises in question or any part of them or (in the case of an obligation dependent on notice) would be in breach of any such obligation but for the fact that it has not been reasonably practicable for the tenant to give him the appropriate notice, and
 - [F6(ii)
 - (iii) that it is just and convenient to make the order in all the circumstances of the case;
 - [F7(ab) where [F1the tribunal] is satisfied—
 - (i) that unreasonable service charges have been made, or are proposed or likely to be made, and
 - (ii) that it is just and convenient to make the order in all the circumstances of the case;
 - [where the tribunal is satisfied—

Status: Point in time view as at 01/07/2013. This version of this provision has been superseded.

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- ^{F8}(aba) (i) that unreasonable variable administration charges have been made, or are proposed or likely to be made, and
- (ii) that it is just and convenient to make the order in all the circumstances of the case;]
- (ac) where [^{F1}the tribunal] is satisfied—
 - (i) that [^{F5}any relevant person] has failed to comply with any relevant provision of a code of practice approved by the Secretary of State under section 87 of the ^{M1}Leasehold Reform, Housing and Urban Development Act 1993 (codes of management practice), and
 - (ii) that it is just and convenient to make the order in all the circumstances of the case; or]
 - (b) where [^{F1}the tribunal] is satisfied that other circumstances exist which make it just and convenient for the order to be made.

[^{F9}(2ZA) In this section “relevant person” means a person—

- (a) on whom a notice has been served under section 22, or
- (b) in the case of whom the requirement to serve a notice under that section has been dispensed with by an order under subsection (3) of that section.]

[^{F10}(2A) For the purposes of subsection (2)(ab) a service charge shall be taken to be unreasonable—

- (a) if the amount is unreasonable having regard to the items for which it is payable,
- (b) if the items for which it is payable are of an unnecessarily high standard, or
- (c) if the items for which it is payable are of an insufficient standard with the result that additional service charges are or may be incurred.

In that provision and this subsection “service charge” means a service charge within the meaning of section 18(1) of the ^{M2}Landlord and Tenant Act 1985, other than one excluded from that section by section 27 of that Act (rent of dwelling registered and not entered as variable).]

[^{F11}(2B) In subsection (2)(aba) “variable administration charge” has the meaning given by paragraph 1 of Schedule 11 to the Commonhold and Leasehold Reform Act 2002.]

- (3) The premises in respect of which an order is made under this section may, if [^{F1}the tribunal] thinks fit, be either more or less extensive than the premises specified in the application on which the order is made.
- (4) An order under this section may make provision with respect to—
 - (a) such matters relating to the exercise by the manager of his functions under the order, and
 - (b) such incidental or ancillary matters,
 as [^{F1}the tribunal] thinks fit; and, on any subsequent application made for the purpose by the manager, [^{F1}the tribunal] may give him directions with respect to any such matters.
- (5) Without prejudice to the generality of subsection (4), an order under this section may provide—
 - (a) for rights and liabilities arising under contracts to which the manager is not a party to become rights and liabilities of the manager;

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- (b) for the manager to be entitled to prosecute claims in respect of causes of action (whether contractual or tortious) accruing before or after the date of his appointment;
 - (c) for remuneration to be paid to the manager by [^{F12}any relevant person] , or by the tenants of the premises in respect of which the order is made or by all or any of those persons;
 - (d) for the manager's functions to be exercisable by him (subject to subsection (9)) either during a specified period or without limit of time.
- (6) Any such order may be granted subject to such conditions as [^{F1}the tribunal] thinks fit, and in particular its operation may be suspended on terms fixed by [^{F1}the tribunal].
- (7) In a case where an application for an order under this section was preceded by the service of a notice under section 22, [^{F1}the tribunal] may, if it thinks fit, make such an order notwithstanding—
- (a) that any period specified in the notice in pursuance of subsection (2)(d) of that section was not a reasonable period, or
 - (b) that the notice failed in any other respect to comply with any requirement contained in subsection (2) of that section or in any regulations applying to the notice under section 54(3).
- (8) The ^{M3}Land Charges Act 1972 and the [^{F13}Land Registration Act 2002] shall apply in relation to an order made under this section as they apply in relation to an order appointing a receiver or sequestrator of land.
- (9) [^{F14}The appropriate tribunal] may, on the application of any person interested, vary or discharge (whether conditionally or unconditionally) an order made under this section; and if the order has been protected by an entry registered under the ^{M4}Land Charges Act 1972 or the [^{F13}Land Registration Act 2002], [^{F1}the tribunal] may by order direct that the entry shall be cancelled.
- [^{F15}(9A) the [^{F16}tribunal] shall not vary or discharge an order under subsection (9) on [^{F17}the application of any relevant person] unless it is satisfied—
- (a) that the variation or discharge of the order will not result in a recurrence of the circumstances which led to the order being made, and
 - (b) that it is just and convenient in all the circumstances of the case to vary or discharge the order.]
- (10) An order made under this section shall not be discharged by [^{F18}the appropriate tribunal] by reason only that, by virtue of section 21(3), the premises in respect of which the order was made have ceased to be premises to which this Part applies.
- (11) References in this [^{F19}Part] to the management of any premises include references to the repair, maintenance [^{F20}, improvement] or insurance of those premises.

Textual Amendments

- F1** Words in s. 24 substituted (1.9.1997) by 1996 c. 52, s. 86(2); S.I. 1997/1851, art. 2(b) (subject to Sch. para. 2)
- F2** Words in s. 24 heading omitted (1.7.2013) by virtue of The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, Sch. 1 para. 71(a) (with Sch. 3)
- F3** Words in s. 24(1) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, Sch. 1 para. 71(b) (with Sch. 3)

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- F4** Words in s. 24(2) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 71\(b\)](#) (with Sch. 3)
- F5** Words in s. 24(2) substituted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. [160\(4\)\(a\)](#); S.I. 2002/1912, [art. 2\(b\)\(i\)](#) (subject to Sch. 2); S.I. 2002/3012, [art. 2\(b\)\(i\)](#) (subject to Sch. 2)
- F6** S. 24(2)(a)(ii) omitted (24.9.1996) by virtue of 1996 c. 52, [ss. 85\(2\)\(5\)](#), 232(2) and expressed to be repealed (1.10.1996) by 1996 c. 52, s. 227, [Sch. 19 Pt. III](#); S.I. 1996/2212, [art. 2\(2\)](#) (with Sch.)
- F7** S. 24(2)(ab)(ac) inserted (24.9.1996) by 1996 c. 52, [ss. 85\(3\)\(5\)](#), 232(2)
- F8** S. 24(2)(aba) inserted (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. [181\(1\)](#), [Sch. 11 para. 8\(2\)](#); S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); S.I. 2004/669, art. 2(c)(i) (with Sch. 2)
- F9** S. 24(2ZA) inserted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. [160\(4\)\(b\)](#); S.I. 2002/1912, [art. 2\(b\)\(i\)](#) (subject to Sch. 2); S.I. 2002/3012, [art. 2\(b\)\(i\)](#) (subject to Sch. 2)
- F10** S. 24(2A) inserted (24.9.1996) by 1996 c. 52, [ss. 85\(4\)\(5\)](#), 232(2)
- F11** S. 24(2B) inserted (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. [181\(1\)](#), [Sch. 11 para. 8\(3\)](#); S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); S.I. 2004/669, art. 2(c)(i) (with Sch. 2)
- F12** Words in s. 24(5) substituted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. [160\(4\)\(c\)](#); S.I. 2002/1912, [art. 2\(b\)\(i\)](#) (subject to Sch. 2); S.I. 2002/3012, [art. 2\(b\)\(i\)](#) (subject to Sch. 2)
- F13** Words in s. 24(8)(9) substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. [136\(2\)](#), [Sch. 11 para. 20](#) (with s. 129); S.I. 2003/1725, art. 2(1)
- F14** Words in s. 24(9) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 71\(b\)](#) (with Sch. 3)
- F15** S. 24(9A) inserted (24.9.1996) by 1996 c. 52, [ss. 85\(6\)](#), 232(2)
- F16** Word in s. 24(9A) substituted (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. 9](#); S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); S.I. 2004/669, art. 2(c)(i) (with Sch. 2)
- F17** Words in s. 24(9A) substituted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. [160\(4\)\(d\)](#); S.I. 2002/1912, [art. 2\(b\)\(i\)](#) (subject to Sch. 2); S.I. 2002/3012, [art. 2\(b\)\(i\)](#) (subject to Sch. 2)
- F18** Words in s. 24(10) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 71\(c\)](#) (with Sch. 3)
- F19** Word in s. 24(11) substituted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. [160\(4\)\(e\)](#); S.I. 2002/1912, [art. 2\(b\)\(i\)](#) (subject to Sch. 2); S.I. 2002/3012, [art. 2\(b\)\(i\)](#) (subject to Sch. 2)
- F20** Word in s. 24(11) inserted (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. [181\(1\)](#), [Sch. 9 para. 8](#); S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

Marginal Citations

- M1** 1993 c. 28.
M2 1985 c. 70.
M3 1972 c. 61.
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