



Leasehold Reform, Housing and Urban Development Act 1993

1993 CHAPTER 28

PART I

LANDLORD AND TENANT

CHAPTER VI

MISCELLANEOUS

Compulsory acquisition of landlord's interest

85 Amendment of Part III of Landlord and Tenant Act 1987.

- (1) Part III of the ^{M1}Landlord and Tenant Act 1987 (compulsory acquisition by tenants of their landlord's interest) shall be amended as follows.
- (2) In section 25 (compulsory acquisition of landlord's interest by qualifying tenants)—
 - (a) for subsection (2)(c) there shall be substituted—

“(c) the total number of flats held by such tenants is not less than two-thirds of the total number of flats contained in the premises.”; and
 - (b) subsection (3) shall be omitted.
- (3) In section 27(4) (meaning of requisite majority in relation to qualifying tenants), for “more than 50 per cent.” there shall be substituted “not less than two-thirds”.
- (4) In section 29(2) (conditions for making acquisition orders), the words from “and (c)” onwards shall be omitted.

Status: Point in time view as at 22/04/2014.

Changes to legislation: Leasehold Reform, Housing and Urban Development Act 1993, Chapter VI is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- I1** S. 85 wholly in force at 1.11.1993 (subject to transitional provisions and savings in Sch. 1 to S.I. 1993/2134) see s. 188(2) and S.I. 1993/2134, art. 5(b)

Marginal Citations

- M1** 1987 c. 31.

Variation of leases

86 Variation of leases under Part IV of Landlord and Tenant Act 1987.

In section 35(4) of the Landlord and Tenant Act 1987 (variation of lease on grounds that it fails to make satisfactory provision with respect to the computation of a service charge), in paragraph (c), for “exceed” there shall be substituted “ either exceed or be less than ”.

Commencement Information

- I2** S. 86 wholly in force at 1.11.1993 (subject to transitional provisions and savings in Sch. 1 to S.I. 1993/2134) see s. 188(2), and S.I. 1993/2134, art. 5(b)

Codes of practice

87 Approval by Secretary of State of codes of management practice.

- (1) The Secretary of State may, if he considers it appropriate to do so, by order—
 - (a) approve any code of practice—
 - (i) which appears to him to be designed to promote desirable practices in relation to any matter or matters directly or indirectly concerned with the management of residential property by relevant persons; and
 - (ii) which has been submitted to him for his approval;
 - (b) approve any modifications of any such code which have been so submitted; or
 - (c) withdraw his approval for any such code or modifications.
- (2) The Secretary of State shall not approve any such code or any modifications of any such code unless he is satisfied that arrangements have been made for the text of the code or the modifications to be published in such manner as he considers appropriate for bringing the provisions of the code or the modifications to the notice of those likely to be affected by them (which, in the case of modifications of a code, may include publication of a text of the code incorporating the modifications).
- (3) The power of the Secretary of State under this section to approve a code of practice which has been submitted to him for his approval includes power to approve a part of any such code; and references in this section to a code of practice may accordingly be read as including a reference to a part of a code of practice.
- (4) At any one time there may be two or more codes of practice for the time being approved under this section.

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- (5) A code of practice approved under this section may make different provision with respect to different cases or descriptions of cases, including different provision for different areas.
- (6) Without prejudice to the generality of subsections (1) and (5)—
- (a) a code of practice approved under this section may, in relation to any such matter as is referred to in subsection (1), make provision in respect of relevant persons who are under an obligation to discharge any function in connection with that matter as well as in respect of relevant persons who are not under such an obligation; and
 - (b) any such code may make provision with respect to—
 - (i) the resolution of disputes with respect to residential property between relevant persons and the tenants of such property;
 - (ii) competitive tendering for works in connection with such property; and
 - (iii) the administration of trusts in respect of amounts paid by tenants by way of service charges.
- (7) A failure on the part of any person to comply with any provision of a code of practice for the time being approved under this section shall not of itself render him liable to any proceedings; but in any proceedings before a court or tribunal—
- (a) any code of practice approved under this section shall be admissible in evidence; and
 - (b) any provision of any such code which appears to the court or tribunal to be relevant to any question arising in the proceedings shall be taken into account in determining that question.
- (8) For the purposes of this section—
- (a) “relevant person” means any landlord of residential property or any person who discharges management functions in respect of such property, and for this purpose “management functions” includes functions with respect to the provision of services or the repair, maintenance [^{F1}, improvement] or insurance of such property;
 - (b) “residential property” means any building or part of a building which consists of one or more dwellings let on leases, but references to residential property include—
 - (i) any garage, outhouse, garden, yard and appurtenances belonging to or usually enjoyed with such dwellings,
 - (ii) any common parts of any such building or part, and
 - (iii) any common facilities which are not within any such building or part; and
 - (c) “service charge” means an amount payable by a tenant of a dwelling as part of or in addition to the rent—
 - (i) which is payable, directly or indirectly, for services, repairs, maintenance [^{F2}, improvements] or insurance or any relevant person’s costs of management, and
 - (ii) the whole or part of which varies or may vary according to the costs or estimated costs incurred or to be incurred by any relevant person in connection with the matters mentioned in sub-paragraph (i).

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- (9) This section applies in relation to dwellings let on licences to occupy as it applies in relation to dwellings let on leases, and references in this section to landlords and tenants of residential property accordingly include references to licensors and licensees of such property.

Textual Amendments

- F1** Word in s. 87(8)(a) 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. 11\(a\)](#); S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); S.I. 2004/669, art. 2(c)(i) (with Sch. 2)
- F2** Word in s. 87(8)(c)(i) 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. 11\(b\)](#); S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

Jurisdiction of^{F3} ... tribunals in relation to enfranchisement etc. of Crown land

Textual Amendments

- F3** Words in s. 88 cross-heading omitted (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 116](#) (with Sch. 3)

88 Jurisdiction of^{F4} ... tribunals in relation to enfranchisement etc. of Crown land.

- (1) This section applies where any tenant under a lease from the Crown is proceeding with a view to acquiring the freehold or an extended lease of a house and premises in circumstances in which, but for the existence of any Crown interest in the land subject to the lease, he would be entitled to acquire the freehold or such an extended lease under Part I of the ^{M2}Leasehold Reform Act 1967.

(2) Where—

- (a) this section applies in accordance with subsection (1), and
- (b) any question arises in connection with the acquisition of the freehold or an extended lease of the house and premises which is such that, if the tenant were proceeding as mentioned in that subsection in pursuance of a claim made under Part I of that Act, [^{F5}the appropriate tribunal]^{F6} ... would have jurisdiction to determine it in proceedings under that Part, and
- (c) it is agreed between—
 - (i) the appropriate authority and the tenant, and
 - (ii) all other persons (if any) whose interests would fall to be represented in proceedings brought under that Part for the determination of that question by such a tribunal,

that that question should be determined by such a tribunal,

[^{F5}the appropriate tribunal] shall have jurisdiction to determine that question.

^{F7}(3)

^{F7}(4)

^{F7}(5)

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(6) For the purposes of this section “lease from the Crown” means a lease of land in which there is, or has during the subsistence of the lease been, a Crown interest superior to the lease; and “Crown interest” and “the appropriate authority” in relation to a Crown interest mean respectively—

- (a) an interest comprised in the Crown Estate, and the Crown Estate Commissioners;
- (b) an interest belonging to Her Majesty in right of the Duchy of Lancaster, and the Chancellor of the Duchy;
- (c) an interest belonging to the Duchy of Cornwall, and such person as the Duke of Cornwall or the possessor for the time being of the Duchy appoints;
- (d) any other interest belonging to a government department or held on behalf of Her Majesty for the purposes of a government department, and the Minister in charge of that department.

[^{F8}(6A) For the purposes of subsection (2), “appropriate tribunal” means—

- (a) in relation to a house and premises in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
- (b) in relation to a house and premises in Wales, a leasehold valuation tribunal.]

^{F9}(7)

Textual Amendments

- F4** Words in s. 88 heading omitted (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 117\(a\)](#) (with Sch. 3)
- F5** Words in s. 88(2) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 117\(b\)](#) (with Sch. 3)
- F6** Words in s. 88(2)(b) repealed (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. 181(1), [Sch. 14](#); [S.I. 2003/1986](#), art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2); [S.I. 2004/669](#), art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2)
- F7** S. 88(3)-(5) repealed (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. 181(1), [Sch. 14](#); [S.I. 2003/1986](#), art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2); [S.I. 2004/669](#), art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2)
- F8** S. 88(6A) inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 117\(c\)](#) (with Sch. 3)
- F9** S. 88(7) repealed (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. 181(1), [Sch. 14](#); [S.I. 2003/1986](#), art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2); [S.I. 2004/669](#), art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2)

Commencement Information

- I3** S. 88 wholly in force; s. 88 not in force at Royal Assent see s. 188(2); s. 88 in force for certain purposes at 2.9.1993 by [S.I. 1993/2134](#), art. 3; s. 88 in force at 1.11.1993 in so far as it was not already in force, by [S.I. 1993/2134](#), art. 5(a)

Marginal Citations

- M2** 1967 c. 88.

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Provision of accommodation for persons with mental disorders

89 Avoidance of provisions preventing occupation of leasehold property by persons with mental disorders.

- (1) Any agreement relating to a lease of any property which comprises or includes a dwelling (whether contained in the instrument creating the lease or not and whether made before the creation of the lease or not) shall be void in so far as it would otherwise have the effect of prohibiting or imposing any restriction on—
- (a) the occupation of the dwelling, or of any part of the dwelling, by persons with mental disorders (within the meaning of the ^{M3}Mental Health Act 1983), or
 - (b) the provision of accommodation within the dwelling for such persons.
- (2) Subsection (1) applies to any agreement made after the coming into force of this section.

Marginal Citations

M3 1983 c. 20.

Status:

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Changes to legislation:

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