

## SCHEDULES

### SCHEDULE 1

Section 9.

#### CONDUCT OF PROCEEDINGS BY THE REVERSIONER ON BEHALF OF OTHER LANDLORDS

##### Commencement Information

**II** Sch. 1 wholly in force at 1.11.1993 see s. 188(2) and S.I. 1993/2134, art. 5

#### PART I

#### THE REVERSIONER

##### *Freeholder to be reversioner*

1 Subject to paragraphs 2 to 4, [<sup>F1</sup>in a case to which section 9(2) applies,] the reversioner in respect of any premises is the person who owns the freehold of those premises.

##### Textual Amendments

**F1** Words in Sch. 1 Pt. I para. 1 inserted (1.10.1996) by 1996 c. 52, s. 107, Sch. 10 para.14; S.I. 1996/2212, art. 2(2) (with savings in art. 2(2), Sch. para. 4)

##### *Replacement of freeholder by other relevant landlord*

2 The court may, on the application of all the relevant landlords of any premises, appoint to be the reversioner in respect of those premises (in place of the person designated by paragraph 1) such person as may have been determined by agreement between them.

3 If it appears to the court, on the application of a relevant landlord of any premises—  
(a) that the respective interests of the relevant landlords of those premises, the absence or incapacity of the person referred to in paragraph 1 or other special circumstances require that some person other than the person there referred to should act as the reversioner in respect of the premises, or  
(b) that the person referred to in that paragraph is unwilling to act as the reversioner,

the court may appoint to be the reversioner in respect of those premises (in place of the person designated by paragraph 1) such person as it thinks fit.

4 The court may also, on the application of any of the relevant landlords or of the nominee purchaser, remove the reversioner in respect of any premises and appoint

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another person in his place, if it appears to the court proper to do so by reason of any delay or default, actual or apprehended, on the part of the reversioner.

- 5 A person appointed by the court under any of paragraphs 2 to 4—
- (a) must be a relevant landlord; but
  - (b) may be so appointed on such terms and conditions as the court thinks fit.

## [<sup>F2</sup>PART IA

### THE REVERSIONER: PREMISES WITH MULTIPLE FREEHOLDERS

#### Textual Amendments

- F2** Sch. 1 Pt. 1A inserted (1.10.1996) by 1996 c. 52, s. 107, Sch. 10 para.15; S.I. 1996/2212, art. 2(2) (with savings in art. 2(2), Sch. para. 4)

#### *Initial reversioner*

- <sup>F3</sup>5A Subject to paragraphs 5B to 5D, in a case to which section 9(2A) applies, the reversioner in respect of any premises is the person specified in the initial notice in accordance with section 13(2A) as the recipient.

#### Textual Amendments

- F3** Sch. 1 Pt. 1A inserted (1.10.1996) by 1996 c. 52, s. 107, Sch. 10 para.15; S.I. 1996/2212, art. 2(2) (with savings in art. 2(2), Sch. para. 4)

#### *Change of reversioner*

- <sup>F4</sup>5B The court may, on the application of all the relevant landlords of any premises, appoint to be the reversioner in respect of those premises (in place of the person designated by paragraph 5A) such person as may have been determined by agreement between them.

#### Textual Amendments

- F4** Sch. 1 Pt. 1A inserted (1.10.1996) by 1996 c. 52, s. 107, Sch. 10 para.15; S.I. 1996/2212, art. 2(2) (with savings in art. 2(2), Sch. para. 4)

- <sup>F5</sup>5C If it appears to the court, on the application of a relevant landlord of any premises—
- (a) that the respective interests of the relevant landlords of those premises, the absence or incapacity of the person referred to in paragraph 5A or other special circumstances require that some person other than the person there referred to should act as the reversioner in respect of the premises, or
  - (b) that the person referred to in that paragraph is unwilling to act as the reversioner,
- the court may appoint to be the reversioner in respect of those premises (in place of the person designated by paragraph 5A) such person as it thinks fit.

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#### Textual Amendments

**F5** Sch. 1 Pt. 1A inserted (1.10.1996) by 1996 c. 52, s. 107, **Sch. 10 para.15**; S.I. 1996/2212, **art. 2(2)** (with savings in **art. 2(2)**, **Sch. para. 4**)

**F6** 5D The court may also, on the application of any of the relevant landlords or of the nominee purchaser, remove the reversioner in respect of any premises and appoint another person in his place, if it appears to the court proper to do so by reason of any delay or default, actual or apprehended, on the part of the reversioner.

#### Textual Amendments

**F6** Sch. 1 Pt. 1A inserted (1.10.1996) by 1996 c. 52, s. 107, **Sch. 10 para.15**; S.I. 1996/2212, **art. 2(2)** (with savings in **art. 2(2)**, **Sch. para. 4**)

**F7** 5E A person appointed by the court under any of paragraphs 5B to 5D—  
 (a) must be a relevant landlord; but  
 (b) may be so appointed on such terms and conditions as the court thinks fit.]

#### Textual Amendments

**F7** Sch. 1 Pt. 1A inserted (1.10.1996) by 1996 c. 52, s. 107, **Sch. 10 para.15**; S.I. 1996/2212, **art. 2(2)** (with savings in **art. 2(2)**, **Sch. para. 4**)

## PART II

### CONDUCT OF PROCEEDINGS ON BEHALF OF OTHER LANDLORDS

#### *Acts of reversioner binding on other landlords*

- 6 (1) Without prejudice to the generality of section 9(3)—
- (a) any notice given by or to the reversioner under this Chapter or section 74(3) following the giving of the initial notice shall be given or received by him on behalf of all the relevant landlords; and
  - (b) the reversioner may on behalf and in the name of all or (as the case may be) any of those landlords—
    - (i) deduce, evidence or verify the title to any property;
    - (ii) negotiate and agree with the nominee purchaser the terms of acquisition;
    - (iii) execute any conveyance for the purpose of transferring any interest to the nominee purchaser;
    - (iv) receive the price payable for the acquisition of any interest;
    - (v) take or defend any legal proceedings under this Chapter in respect of matters arising out of the initial notice.
- (2) Subject to paragraph 7—
- (a) the reversioner's acts in relation to matters within the authority conferred on him by section 9(3), and

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- (b) any determination of the court or a leasehold valuation tribunal under this Chapter in proceedings between the reversioner and the nominee purchaser, shall be binding on the other relevant landlords and on their interests in the specified premises or any other property; but in the event of dispute the reversioner or any of the other relevant landlords may apply to the court for directions as to the manner in which the reversioner should act in the dispute.
- (3) If any of the other relevant landlords cannot be found, or his identity cannot be ascertained, the reversioner shall apply to the court for directions and the court may make such order as it thinks proper with a view to giving effect to the rights of the participating tenants and protecting the interests of other persons, but subject to any such directions—
  - (a) the reversioner shall proceed as in other cases;
  - (b) any conveyance executed by the reversioner on behalf of that relevant landlord which identifies the interest to be conveyed shall have the same effect as if executed in his name; and
  - (c) any sum paid as the price for the acquisition of that relevant landlord's interest, and any other sum payable to him by virtue of Schedule 6, shall be paid into court.
- (4) The reversioner, if he acts in good faith and with reasonable care and diligence, shall not be liable to any of the other relevant landlords for any loss or damage caused by any act or omission in the exercise or intended exercise of the authority conferred on him by section 9(3).

*Other landlords acting independently*

- 7 (1) Notwithstanding anything in section 9(3) or paragraph 6, any of the other relevant landlords shall, at any time after the giving by the reversioner of a counter-notice under section 21 and on giving notice of his intention to do so to both the reversioner and the nominee purchaser, be entitled—
  - (a) to deal directly with the nominee purchaser in connection with any of the matters mentioned in sub-paragraphs (i) to (iii) of paragraph 6(1)(b) so far as relating to the acquisition of any interest of his;
  - (b) to be separately represented in any legal proceedings in which his title to any property comes in question, or in any legal proceedings relating to the terms of acquisition so far as relating to the acquisition of any interest of his.
- (2) If the nominee purchaser so requires by notice given to the reversioner and any of the other relevant landlords, that landlord shall deal directly with the nominee purchaser for the purpose of deducing, evidencing or verifying the landlord's title to any property.
- (3) Any of the other relevant landlords may by notice given to the reversioner require him to apply to a leasehold valuation tribunal for the determination by the tribunal of any of the terms of acquisition so far as relating to the acquisition of any interest of the landlord.
- (4) Any of the other relevant landlords may also, on giving notice to the reversioner and the nominee purchaser, require that the price payable for the acquisition of his interest shall be paid by the nominee purchaser to him, or to a person authorised by him to receive it, instead of to the reversioner; but if, after being given proper notice of the time and method of completion with the nominee purchaser, either—

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- (a) he fails to notify the reversioner of the arrangements made with the nominee purchaser to receive payment, or
- (b) having notified the reversioner of those arrangements, the arrangements are not duly implemented,

the reversioner shall be authorised to receive the payment for him, and the reversioner's written receipt for the amount payable shall be a complete discharge to the nominee purchaser.

*Obligations of other landlords to reversioner*

- 8 (1) It shall be the duty of each of the other relevant landlords—
- (a) (subject to paragraph 7) to give the reversioner all such information and assistance as he may reasonably require; and
  - (b) after being given proper notice of the time and method of completion with the nominee purchaser, to ensure that all deeds and other documents that ought on his part to be delivered to the nominee purchaser on completion are available for the purpose, including in the case of registered land the land certificate and any other documents necessary to perfect the nominee purchaser's title;

and, if any of the other relevant landlords fails to comply with this sub-paragraph, that relevant landlord shall indemnify the reversioner against any liability incurred by the reversioner in consequence of the failure.

- (2) Each of the other relevant landlords shall make such contribution as shall be just to the costs and expenses properly incurred by the reversioner in pursuance of section 9(3) which are not recoverable or not recovered from the nominee purchaser or any other person.

*Applications made by other landlords under section 23(1)*

- 9 The authority given to the reversioner by section 9(3) shall not extend to the bringing of proceedings under section 23(1) on behalf of any of the other relevant landlords, or preclude any of those landlords from bringing proceedings under that provision on his own behalf.

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