



Leasehold Reform, Housing and Urban Development Act 1993

1993 CHAPTER 28

PART I

LANDLORD AND TENANT

CHAPTER IV

ESTATE MANAGEMENT SCHEMES IN CONNECTION WITH ENFRANCHISEMENT

70 Approval by leasehold valuation tribunal of estate management scheme.

- (1) A leasehold valuation tribunal may, on an application made by a landlord for the approval of a scheme submitted by him to the tribunal, approve the scheme as an estate management scheme for such area falling within section 69(1) as is specified in the scheme; but any such application must (subject to section 72) be made within the period of [^{F1}two years beginning with the coming into force of section 118 of the Housing Act 1996].
- (2) A leasehold valuation tribunal shall not approve a scheme as an estate management scheme for any area unless it is satisfied that, in order to maintain adequate standards of appearance and amenity and regulate redevelopment within the area in the event of tenants acquiring the interest of the landlord in any property as mentioned in section 69(1)(a) or (b), it is in the general interest that the landlord should retain such powers of management and have such rights falling within section 69(1)(i) and (ii) as are conferred by the scheme.
- (3) In considering whether to approve a scheme as an estate management scheme for any area, a leasehold valuation tribunal shall have regard primarily to—
 - (a) the benefit likely to result from the scheme to the area as a whole (including houses or premises likely to be acquired from the landlord as mentioned in section 69(1)(a) or (b)); and

Status: Point in time view as at 30/09/2003. This version of this provision has been superseded.

Changes to legislation: Leasehold Reform, Housing and Urban Development Act 1993, Section 70 is up to date with all changes known to be in force on or before 23 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)

- (b) the extent to which it is reasonable to impose, for the benefit of the area, obligations on tenants so acquiring the interest of their landlord;
- but the tribunal shall also have regard to the past development and present character of the area and to architectural or historical considerations, to neighbouring areas and to the circumstances generally.
- (4) A leasehold valuation tribunal shall not consider any application for it to approve a scheme unless it is satisfied that the applicant has, by advertisement or otherwise, given adequate notice to persons interested—
- (a) informing them of the application for approval of the scheme and the provision intended to be made by the scheme, and
 - (b) inviting them to make representations to the tribunal about the application within a time which appears to the tribunal to be reasonable.
- (5) In subsection (4) “persons interested” includes, in particular, in relation to any application for the approval of a scheme for any area (“the scheme area”) within a conservation area—
- (a) each local planning authority within whose area any part of the scheme area falls, and
 - (b) if the whole of the scheme area is in England, the Historic Buildings and Monuments Commission for England.
- [^{F2}(6) Where the application is to be considered in an oral hearing, the tribunal shall afford to any person making representations under subsection (4)(b) about the application an opportunity to appear at the hearing.]
- (7) Subject to the preceding provisions of this section, a leasehold valuation tribunal shall, after considering the application, approve the scheme in question either—
- (a) as originally submitted, or
 - (b) with any relevant modifications proposed or agreed to by the applicant,
- if the scheme (with those modifications, if any) appears to the tribunal—
- (i) to be fair and practicable, and
 - (ii) not to give the landlord a degree of control out of proportion to that previously exercised by him or to that required for the purposes of the scheme.
- (8) In subsection (7) “relevant modifications” means modifications relating to the extent of the area to which the scheme is to apply or to the provisions contained in it.
- (9) If, having regard to—
- (a) the matters mentioned in subsection (3), and
 - (b) the provision which it is practicable to make by a scheme,
- the tribunal thinks it proper to do so, the tribunal may declare that no scheme can be approved for the area in question in pursuance of the application.
- (10) A leasehold valuation tribunal shall not dismiss an application for the approval of a scheme unless—
- (a) it makes such a declaration as is mentioned in subsection (9); or
 - (b) in the opinion of the tribunal the applicant is unwilling to agree to a suitable scheme or is not proceeding in the matter with due despatch.

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- [^{F3}(10A) Any person who makes representations under subsection (4)(b) about an application for the approval of a scheme may appeal from a decision of the tribunal in proceedings on the application.]
- (11) A scheme approved under this section as an estate management scheme for an area shall be a local land charge, notwithstanding section 2(a) or (b) of the ^{M1}Local Land Charges Act 1975 (matters which are not local land charges), and for the purposes of that Act the landlord for that area shall be treated as the originating authority as respects any such charge.
- (12) Where such a scheme is registered in the appropriate local land charges register—
- (a) the provisions of the scheme relating to property of any description shall so far as they respectively affect the persons from time to time occupying or interested in that property be enforceable by the landlord for the time being against them, as if each of them had covenanted with the landlord for the time being to be bound by the scheme; and
 - (b) in relation to any acquisition such as is mentioned in section 69(1)(a) above, section 10 of the ^{M2}Leasehold Reform Act 1967 (rights to be conveyed on enfranchisement) shall have effect subject to the provisions of the scheme, and the price payable under section 9 of that Act shall be adjusted so far as is appropriate (if at all); and
 - (c) in relation to any acquisition such as is mentioned in section 69(1)(b) above, section 34 of, and Schedule 7 to, this Act shall have effect subject to the provisions of the scheme, and any price payable under Schedule 6 to this Act shall be adjusted so far as is appropriate (if at all).
- (13) Section 10 of the Local Land Charges Act 1975 (compensation for non-registration etc.) shall not apply to schemes which, by virtue of subsection (11) above, are local land charges.
- (14) In this section and in section 73 “conservation area” and “local planning authority” have the same meaning as in the ^{M3}Planning (Listed Buildings and Conservation Areas) Act 1990; and in connection with the latter expression—
- (a) the expression “the planning Acts” in the ^{M4}Town and Country Planning Act 1990 shall be treated as including this Act; and
 - (b) paragraphs 4 and 5 of Schedule 4 to the Planning (Listed Buildings and Conservation Areas) Act 1990 (further provisions as to exercise of functions by different authorities) shall apply in relation to functions under or by virtue of this section or section 73 of this Act as they apply in relation to functions under section 69 of that Act.

Textual Amendments

- F1** Words in s. 70(1) substituted (1.4.1997) by 1996 c. 52, s. 118(1)(3); S.I. 1997/618, art. 2(1) (with transitional savings in art. 2, Sch. para. 3)
- F2** S. 70(6) substituted (30.9.2003 for E.) by Commonhold and Leasehold Reform Act 2002 (c. 15), s. 181(1), Sch. 13 para. 13(2); S.I. 2003/1986, art. 2(c)(i) (with Sch. 2)
- F3** S. 70(10A) inserted (30.9.2003 for E.) by Commonhold and Leasehold Reform Act 2002 (c. 15), s. 181(1), Sch. 13 para. 13(3); S.I. 2003/1986, art. 2(c)(i) (with Sch. 2)

Marginal Citations

- M1** 1975 c. 76.

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M2 1967 c. 88.

M3 1990 c. 9.

M4 1990 c. 8.

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