



# Housing Act 1996

## 1996 CHAPTER 52

### PART III

#### LANDLORD AND TENANT

#### CHAPTER I

#### TENANTS' RIGHTS

#### *Appointment of manager*

#### **85 Appointment of manager by the court.**

- (1) Section 24 of the <sup>M1</sup>Landlord and Tenant Act 1987 (appointment of manager by the court) is amended as follows.
- (2) In subsection (2) (circumstances in which order may be made), in paragraph (a) (breach of obligation by landlord), omit sub-paragraph (ii) (requirement that circumstances likely to continue).
- (3) In that subsection, after paragraph (a), and before the word “or” following that paragraph, insert—
  - “(ab) where the court 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;
  - (ac) where the court is satisfied—
    - (i) that the landlord has failed to comply with any relevant provision of a code of practice approved by the Secretary of State under section 87 of the <sup>M2</sup>Leasehold Reform, Housing

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Changes to legislation: Housing Act 1996, Cross Heading: Appointment of manager is up to date with all changes known to be in force on or before 20 May 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)*

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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;”.

(4) After that subsection insert—

“(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 <sup>M3</sup>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).”.

(5) The above amendments apply to applications for an order under section 24 of the <sup>M4</sup>Landlord and Tenant Act 1987 which are made after this section comes into force.

In relation to any such application the reference in the inserted subsection (2)(ab) to service charges which have been made includes services charges made before that date.

(6) After subsection (9) insert—

“(9A) The court shall not vary or discharge an order under subsection (9) on a landlord’s application 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.”.

#### Marginal Citations

- M1** 1987 c. 31.
- M2** 1993 c. 28.
- M3** 1985 c. 70.
- M4** 1987 c. 31.

## 86 Appointment of manager: transfer of jurisdiction to leasehold valuation tribunal.

(1) Part II of the Landlord and Tenant Act 1987 (appointment of managers by the court) is amended as follows for the purpose of transferring to a leasehold valuation tribunal the jurisdiction of the court under that Part.

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- (2) In the following contexts for “the court”, in the first (or only) place where it occurs, substitute “a leasehold valuation tribunal”: section 21(1), section 22(2)(b), section 22(3), section 23(1), section 24(1), (2), (9) and (10); and in every other context in those sections, except section 21(6), for “the court” substitute “the tribunal”.
- (3) In section 21(6) (exclusion of application under inherent jurisdiction of court) for “any jurisdiction existing apart from this Act” substitute “any jurisdiction”.
- <sup>F1</sup>(4) . . . . .
- <sup>F1</sup>(5) . . . . .
- (6) In section 52 of the <sup>M5</sup>Landlord and Tenant Act 1987 (jurisdiction of county courts), in subsection (2)(a) for “Parts I to IV” substitute “Parts I, III and IV”.

**Textual Amendments**

**F1** S. 86(4)(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](#))

**Commencement Information**

**II** S. 86 wholly in force 1.9.1997; s. 86 not in force at Royal Assent see s. 232(1)-(3); s. 86(4)(5) in force for certain purposes at 23.8.1996 by [S.I. 1996/2212](#), [art. 2\(1\)](#) and s. 86 in force at 1.9.1997 to the extent not already in force by [S.I. 1997/1851](#), [art. 2](#) (subject to the saving in [Sch. para. 2](#))

**Marginal Citations**

**M5** [1987 c. 31](#).

PROSPECTIVE

**87 Text of Part II of the Landlord and Tenant Act 1987, as amended.**

The text of Part II of the Landlord and Tenant Act 1987 as amended by this Act is set out in Schedule 5.

**88 Period after which acquisition order may be made.**

In Part III of the Landlord and Tenant Act 1987 (compulsory acquisition by tenants of their landlord’s interest), in section 29(3) (conditions for making acquisition orders: period since appointment of manager under Part II) for “three years” substitute “two years”.

**Modifications etc. (not altering text)**

**C1** S. 88 restricted (22.8.1996) by [S.I. 1996/2212](#), [art. 2\(2\)](#), [Sch. para. 1](#)

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**Changes to legislation:**

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