



Leasehold and Freehold Reform Act 2024

2024 CHAPTER 22

PART 5

REGULATION OF ESTATE MANAGEMENT

Key definitions

72 Meaning of “estate management” etc

- (1) This section has effect for the purposes of this Part.
- (2) “Estate management” means—
 - (a) the provision of services,
 - (b) the carrying out of maintenance, repairs or improvements,
 - (c) the effecting of insurance, or
 - (d) the making of payments,for the benefit of one or more dwellings.
- (3) “Estate manager” means a body of persons (whether incorporated or not)—
 - (a) which carries out, or is required to carry out, estate management, and
 - (b) which recovers the costs of carrying out estate management by means of relevant obligations.
- (4) A reference to an estate manager in relation to a managed dwelling means an estate manager which carries out, or is required to carry out, estate management in relation to that dwelling.
- (5) “Managed dwelling” means a dwelling in relation to which an estate manager carries out, or is required to carry out, estate management.
- (6) “Relevant obligation”, in relation to a dwelling, means any of the following obligations (whether or not the obligation arises before this section comes into force)—
 - (a) a rentcharge which—

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- (i) is charged on or issues out of the land which comprises the dwelling or a building of which the dwelling forms part, and
 - (ii) is an estate rentcharge by virtue of section 2(4)(b) and (5) of the Rentcharges Act 1977 (“the RA 1977”);
 - (b) an obligation under a lease of the dwelling;
 - (c) any other obligation that—
 - (i) runs with the land which comprises the dwelling or a building of which the dwelling forms part, or
 - (ii) otherwise (whether in law or in equity) binds an owner for the time being of the land which comprises the dwelling;
 - (d) any other obligation—
 - (i) to which an owner of the dwelling is subject, and
 - (ii) to which any immediate successor in title of that owner will become subject, if an arrangement to which the estate manager and that owner are parties is performed.
- (7) The arrangements that are within subsection (6)(d) include an arrangement under which the owner is required (in particular by a limitation on transfer of title to the dwelling or on registration of a transfer of title) to ensure that any immediate successor in title to the owner enters into an obligation.
- (8) “Estate management charge” means an amount in relation to which each of the following applies—
- (a) the amount is payable by an owner of a managed dwelling;
 - (b) the amount is payable for the purpose of meeting, or contributing towards, relevant costs (see subsection (11)) in relation to that dwelling;
 - (c) payment of the amount is required by, or enforceable through, a relevant obligation.
- (9) But none of the following is an estate management charge—
- (a) an amount payable under a scheme established in accordance with section 19 of the LRA 1967 or Chapter 4 of Part 1 of the LRHUDA 1993 (estate management schemes following enfranchisement);
 - (b) rent reserved under a lease;
 - (c) a service charge (which has the meaning given in section 18 of the LTA 1985);
 - (d) an administration charge (see section 83);
 - (e) a charge payable by a unit-holder of a commonhold unit to meet the expenses of a commonhold association.
- (10) For the purposes of subsection (9)(e)—
- (a) “unit-holder”, “commonhold unit” and “commonhold association” have the same meaning as in Part 1 of the CLRA 2002 (see section 1(3) of that Act);
 - (b) the expenses of a commonhold association include the building safety expenses of the association (within the meaning given in section 38A of the CLRA 2002).
- (11) “Relevant costs”, in relation to a dwelling, means costs which are incurred by an estate manager in carrying out estate management for the benefit of the dwelling or for the benefit of the dwelling and other dwellings.

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- (12) Costs are relevant costs in relation to an estate management charge whether they are incurred, or to be incurred, in the period for which the charge is payable or in an earlier or later period.

Limitation of estate management charges

73 Estate management charges: general limitations

- (1) A charge demanded as an estate management charge is payable—
- (a) only to the extent that the amount of the charge reflects relevant costs;
 - (b) only to the extent not otherwise limited under this Part.
- (2) Sections 74 to 76 set out circumstances in which costs that would otherwise be relevant costs—
- (a) are not relevant costs, or
 - (b) are relevant costs only to a limited extent.

74 Limitation of estate management charges: reasonableness

- (1) Costs incurred by an estate manager are relevant costs—
- (a) only to the extent that they are reasonably incurred, and
 - (b) where they are incurred in the provision of services or the carrying out of works, only if the services or works are of a reasonable standard.
- (2) Where an estate management charge is payable before relevant costs are incurred—
- (a) no greater amount than is reasonable is so payable, and
 - (b) after the costs have been incurred, any necessary adjustment must be made to the charge (by repayment, reduction of subsequent charges or otherwise).

75 Limitation of estate management charges: consultation requirements

- (1) This section applies to works if costs incurred by an estate manager in carrying out those works exceed an appropriate amount.
- (2) An “appropriate amount” is an amount set by regulations made by the Secretary of State.
- (3) Regulations under subsection (2) may make provision for either or both of the following to be an appropriate amount—
- (a) an amount specified in, or determined in accordance with, the regulations;
 - (b) an amount which results in the relevant contribution of any one or more persons being an amount specified in, or determined in accordance with, the regulations.
- (4) The “relevant contribution” is the amount which an owner of a managed dwelling may be required to contribute by the payment of an estate management charge to the relevant costs incurred in carrying out the works.
- (5) Where this section applies to works, the relevant contribution is limited in accordance with subsection (9) or (10) (or both) unless the consultation requirements have, in relation to the works, been either—

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- (a) complied with, or
 - (b) dispensed with by (or on appeal from) the appropriate tribunal.
- (6) The “consultation requirements” are requirements specified in regulations made by the Secretary of State.
- (7) Regulations under subsection (6) may, among other things, include provision requiring an estate manager to—
- (a) provide details of proposed works to owners of managed dwellings;
 - (b) obtain estimates for proposed works;
 - (c) invite owners of managed dwellings to propose the names of persons from which the estate manager should try to obtain other estimates;
 - (d) have regard to observations made by owners of managed dwellings in relation to proposed works and estimates;
 - (e) give reasons in specified circumstances for carrying out works.
- (8) The appropriate tribunal may make a determination under subsection (5)(b) that all or any of the consultation requirements are to be dispensed with only if the tribunal is satisfied that it is reasonable to dispense with the requirements.
- (9) Where an appropriate amount is set by virtue of subsection (3)(a), the relevant contribution of an owner of a managed dwelling is limited to the appropriate amount.
- (10) Where an appropriate amount is set by virtue of subsection (3)(b), the relevant contribution of an owner of a managed dwelling whose relevant contribution would otherwise exceed the amount specified or determined in accordance with the regulations is limited to that amount.
- (11) A statutory instrument containing regulations under this section is subject to the negative procedure.

76 Limitation of estate management charges: time limits

- (1) Costs incurred by an estate manager in relation to a managed dwelling are not relevant costs for the purposes of an estate management charge payable by an owner of the dwelling if—
- (a) they were incurred more than 18 months before a demand for payment of the charge in relation to those costs is served on that owner, and
 - (b) that owner was not given a future demand notice in respect of the costs before the end of the period of 18 months beginning with the date on which the costs were incurred.
- (2) A “future demand notice” is a notice in writing that—
- (a) relevant costs have been incurred, and
 - (b) the owner will subsequently be required to contribute to the costs by the payment of an estate management charge.
- (3) A future demand notice must—
- (a) be in the specified form,
 - (b) contain the specified information, and
 - (c) be given in a specified manner.

“Specified” means specified in regulations made by the Secretary of State.

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- (4) The regulations may, among other things, specify as information to be contained in a future demand notice—
 - (a) an amount estimated as the amount of the costs incurred (an “estimated costs amount”);
 - (b) an amount which the owner is expected to be required to contribute to the costs (an “expected contribution”);
 - (c) a date on or before which it is expected that payment of the estate management charge will be demanded (an “expected demand date”).
- (5) Regulations that include provision by virtue of subsection (4) may also provide for a relevant rule to apply in a case where—
 - (a) the owner has been given a future demand notice in respect of relevant costs, and
 - (b) a demand for payment of an estate management charge as a contribution to those costs is served on the owner more than 18 months after the costs were incurred.
- (6) The relevant rules are—
 - (a) in a case where a future demand notice is required to contain an estimated costs amount, that the owner is liable to pay the charge only to the extent it reflects relevant costs that do not exceed the estimated costs amount;
 - (b) in a case where a future demand notice is required to contain an expected contribution, that the owner is liable to pay the charge only to the extent it does not exceed the expected contribution;
 - (c) in a case where a future demand notice is required to contain an expected demand date, that, if the demand is served after the expected demand date, the owner is not liable to pay the charge to the extent it reflects any of the costs.
- (7) Regulations that provide for the relevant rule in subsection (6)(c) to apply may also provide that, in a case set out in the regulations, the rule is to apply as if, for the expected demand date, there were substituted a later date determined in accordance with the regulations.
- (8) A statutory instrument containing regulations under this section is subject to the negative procedure.

77 Determination of tribunal as to estate management charges

- (1) An application may be made to the appropriate tribunal for a determination as to whether an estate management charge is payable and, if it is, as to—
 - (a) the person by which it is payable,
 - (b) the person to which it is payable,
 - (c) the amount which is payable,
 - (d) the date on or by which it is payable, and
 - (e) the manner in which it is payable.
- (2) Subsection (1) applies whether or not any payment has been made.
- (3) An application may also be made to the appropriate tribunal for a determination as to whether, if costs were incurred for services, repairs, maintenance, improvements, insurance or management of any specified description, an estate management charge would be payable for the costs and, if it would, as to—

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- (a) the person by which it would be payable,
 - (b) the person to which it would be payable,
 - (c) the amount which would be payable,
 - (d) the date on or by which it would be payable, and
 - (e) the manner in which it would be payable.
- (4) No application under subsection (1) or (3) may be made in respect of a matter which—
- (a) relates to a managed dwelling, and has been agreed or admitted by every owner of the dwelling,
 - (b) has been, or is to be, referred to arbitration pursuant to a post-dispute arbitration agreement to which every owner of the dwelling is a party,
 - (c) has been the subject of determination by a court, or
 - (d) has been the subject of determination by an arbitral tribunal pursuant to a post-dispute arbitration agreement.
- (5) But an owner of a managed dwelling is not to be taken to have agreed or admitted any matter by reason only of having made any payment.
- (6) An agreement (other than a post-dispute arbitration agreement) is void in so far as it purports to provide for a determination—
- (a) in a particular manner, or
 - (b) on particular evidence,
- of any question which may be the subject of an application under subsection (1) or (3).

Rights relating to estate management charges

78 Demands for payment

- (1) A person may not demand the payment of an estate management charge unless the demand—
- (a) is in the specified form,
 - (b) contains the specified information, and
 - (c) is provided in a specified manner.

“Specified” means specified in regulations made by the Secretary of State.

- (2) Accordingly, where a demand for payment of an estate management charge does not comply with subsection (1), a provision of a deed, lease, contract or other arrangement or instrument relating to non-payment or late payment of estate management charges does not have effect in relation to that charge.
- (3) The Secretary of State may by regulations provide for exceptions from subsection (1) by reference to—
- (a) descriptions of person making the demand;
 - (b) descriptions of estate management charge;
 - (c) any other matter.
- (4) A statutory instrument containing regulations under this section is subject to the negative procedure.

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79 Annual reports

- (1) Subsection (2) applies where—
 - (a) an estate manager carries out estate management, and
 - (b) an owner of the managed dwelling is or may be required to pay estate management charges in respect of the management carried out.
- (2) The estate manager must, on or before the report date for an accounting period, provide the owner with a report under this section.
- (3) The Secretary of State may by regulations make provision as to—
 - (a) the information to be contained in the report;
 - (b) the form of the report;
 - (c) the manner in which the report is to be provided.
- (4) An “accounting period” is—
 - (a) a period of 12 months agreed between the estate manager and the owner for the purposes of this section, or
 - (b) if no such period is agreed, a period of 12 months beginning with 1 April.
- (5) The “report date” for an accounting period is the final day of the period of one month beginning with the day after the final day of the accounting period.
- (6) The Secretary of State may by regulations provide for exceptions from the duty in subsection (1) by reference to—
 - (a) descriptions of estate manager;
 - (b) descriptions of estate management charge;
 - (c) any other matter.
- (7) A statutory instrument containing regulations under this section is subject to the negative procedure.

80 Right to request information

- (1) An owner of a managed dwelling may require an estate manager carrying out estate management in relation to the dwelling to provide information specified in regulations made by the Secretary of State.
- (2) The Secretary of State may specify information only if it relates to estate management.
- (3) The estate manager must provide the owner with any of the information requested that is within their possession.
- (4) The estate manager must request information from another person if—
 - (a) the information has been requested from the estate manager under subsection (1),
 - (b) the estate manager does not possess the information when the request is made, and
 - (c) the estate manager believes that the other person possesses the information.
- (5) That person must provide the estate manager with any of the information requested that is within their possession.
- (6) A person (“A”) must request information from another person (“B”) if—

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- (a) the information has been requested from A under subsection (4) or this subsection,
 - (b) A does not possess the information when the request is made, and
 - (c) A believes that B possesses the information.
- (7) B must provide A with any of the information requested that is within B’s possession.
- (8) The Secretary of State may by regulations—
- (a) provide for how a request is to be made under this section;
 - (b) provide that a request under this section may not be made until the end of a particular period, or until another condition is met;
 - (c) make provision as to the period within which a request under subsection (4) or (6) must be made;
 - (d) provide for circumstances in which a duty to comply with a request under this section does not apply.
- (9) Section 81 makes further provision about requests under this section.
- (10) A statutory instrument containing regulations under this section is subject to the negative procedure.

81 Requests under section 80: further provision

- (1) Subsections (2) to (6) apply where a person (“R”) requests information under section 80 from another person (“P”).
- (2) R may request that P provide the information to R by allowing R access to premises where R may inspect the information and make and remove a copy of the information.
- (3) P must provide information which P is required to provide under section 80—
 - (a) before the end of a specified period beginning with the day the request is made, and
 - (b) if R has made a request under subsection (2), by allowing R the access requested during a specified period.

“Specified” means specified in regulations made by the Secretary of State.

- (4) P may charge R for the costs of doing anything required under section 80 or this section.
- (5) But, if P is an estate manager, P may not charge an owner of a managed dwelling for the costs of allowing the owner access to premises to inspect information (but may charge for the making of copies).
- (6) The costs referred to in subsection (4) may be relevant costs for the purposes of an estate management charge (whether charged to an owner of that dwelling or another dwelling).
- (7) Regulations under subsection (3) may provide for circumstances in which a specified period is to be extended.
- (8) The Secretary of State may by regulations make further provision as to how information requested under section 80 is to be provided.

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- (9) A statutory instrument containing regulations under this section is subject to the negative procedure.

82 Enforcement of sections 78 to 81

- (1) An owner of a managed dwelling may make an application to the appropriate tribunal on the ground that—
- (a) a person demanded the payment of an estate management charge otherwise than in accordance with section 78(1);
 - (b) an estate manager failed to provide a report in accordance with section 79.
- (2) On an application made under subsection (1), the tribunal may make one or more of the following orders—
- (a) an order that an estate manager must, before the end of the period of 14 days beginning with the day after the date of the order—
 - (i) demand the payment of an estate management charge in accordance with section 78(1);
 - (ii) provide a report in accordance with section 79;
 - (b) an order that an estate manager pay damages to the owner for the failure;
 - (c) any other order which the tribunal considers consequential on an order under paragraph (a) or (b).
- (3) A person (“C”) may make an application to the appropriate tribunal on the ground that another person (“D”) failed to comply with a requirement under section 80 or 81.
- (4) On an application made under subsection (3), the tribunal may make one or more of the following orders—
- (a) an order that D comply with the requirement before the end of the period of 14 days beginning with the day after the date of the order;
 - (b) an order that D pay damages to C for the failure;
 - (c) any other order which the tribunal considers consequential on an order under paragraph (a) or (b).
- (5) Damages under this section may not exceed £5,000.
- (6) The appropriate authority may by regulations amend the amount in subsection (5) if the appropriate authority considers it expedient to do so to reflect changes in the value of money.
- (7) A statutory instrument containing regulations under this section is subject to the negative procedure.

Administration charges

83 Meaning of “administration charge”

- (1) For the purposes of this Part, “administration charge” means an amount payable, directly or indirectly, by an owner of a dwelling—
- (a) for or in connection with—
 - (i) the grant of approvals in connection with a relevant obligation, or
 - (ii) applications for such approvals;

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- (b) for or in connection with the provision of information or documents by or on behalf of an estate manager;
 - (c) for or in connection with—
 - (i) the sale or transfer of land to which a relevant obligation relates, or
 - (ii) the creation of an interest in or right over that land;
 - (d) in respect of a failure by the owner to make a payment by the due date under a relevant obligation;
 - (e) in connection with a breach (or alleged breach) of a relevant obligation.
- (2) But “administration charge” does not include an amount payable by a tenant of a dwelling in a case where all of the following conditions are met—
- (a) the tenant’s lease specifies that only a person who has attained a minimum age may occupy the dwelling;
 - (b) the amount is payable under a term of the tenant’s lease or is otherwise payable in connection with the tenant’s lease;
 - (c) the amount is payable if—
 - (i) the tenant’s lease is granted, assigned or terminated,
 - (ii) a lease of the dwelling which is inferior to the tenant’s lease is granted, assigned or terminated, or
 - (iii) there is a change in the person or persons occupying the dwelling;
 - (d) the amount is fixed or is calculated by a method determinable in advance;
 - (e) any other conditions specified in regulations made by the appropriate authority.
- (3) The appropriate authority may by regulations make provision (including provision amending this Act) so as to amend the definition of “administration charge”.
- (4) A statutory instrument containing regulations under this section (whether alone or with other provision) is subject to the affirmative procedure.

84 Duty of estate managers to publish administration charge schedules

- (1) If an estate manager expects to charge an administration charge, the estate manager must produce and publish an administration charge schedule.
- (2) An “administration charge schedule” is a document setting out—
 - (a) the administration charges the estate manager considers may be payable, and
 - (b) for each charge—
 - (i) its amount, or
 - (ii) if it is not possible to determine its amount before it becomes payable, how its amount will be determined if it becomes payable.
- (3) The estate manager—
 - (a) may revise a published administration charge schedule, and
 - (b) must publish a revised schedule.
- (4) The estate manager must provide a person with the administration charge schedule for the time being published setting out the charges that may be payable by that person.
- (5) The appropriate authority may by regulations make provision as to—
 - (a) the form of an administration charge schedule;

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- (b) the content of an administration charge schedule;
 - (c) how an administration charge schedule must be published;
 - (d) how an administration charge schedule is to be provided to owners of dwellings.
- (6) A statutory instrument containing regulations under this section is subject to the negative procedure.

85 Enforcement of section 84

- (1) An owner of a dwelling may make an application to the appropriate tribunal on the ground that an estate manager has not complied with section 84 or regulations made under it.
- (2) The tribunal may make one or both of the following orders—
- (a) an order that the manager comply with section 84 or regulations made under it before the end of the period of 14 days beginning with the day after the date of the order;
 - (b) an order that the manager pay damages to the owner for the failure.
- (3) Damages under subsection (2)(b) may not exceed £1,000.
- (4) The appropriate authority may by regulations amend the amount in subsection (3) if the appropriate authority considers it expedient to do so to reflect changes in the value of money.
- (5) A statutory instrument containing regulations under this section is subject to the negative procedure.

86 Limitation of administration charges

- (1) An administration charge is payable only to the extent that the amount of the charge is reasonable.
- (2) An administration charge is payable to an estate manager only if—
- (a) its amount appeared for the required period on an administration charge schedule published under section 84, or
 - (b) its amount was determined in accordance with a method that appeared on the published administration charge schedule for the required period.
- (3) “The required period” is the period of 28 days ending with the day on which the administration charge is demanded to be paid.
- (4) An administration charge is not payable to an estate manager if—
- (a) the charge relates to the same matter as, or a matter of a similar nature to, a matter for which an administration charge is payable by another person to the estate manager,
 - (b) the amount of the charge is different from the charge payable by that other person, and
 - (c) it is not reasonable for the amount of the charge to be different.

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87 Determination of tribunal as to administration charges

- (1) An application may be made to the appropriate tribunal for a determination as to whether an administration charge is payable and, if it is, as to—
 - (a) the person by which it is payable,
 - (b) the person to which it is payable,
 - (c) the amount which is payable,
 - (d) the date on or by which it is payable, and
 - (e) the manner in which it is payable.
- (2) Subsection (1) applies whether or not any payment has been made.
- (3) No application under subsection (1) may be made in respect of a matter which—
 - (a) relates to a dwelling, and has been agreed or admitted by every owner of the dwelling,
 - (b) has been, or is to be, referred to arbitration pursuant to a post-dispute arbitration agreement to which every owner of the dwelling is a party,
 - (c) has been the subject of determination by a court, or
 - (d) has been the subject of determination by an arbitral tribunal pursuant to a post-dispute arbitration agreement.
- (4) But an owner of a dwelling is not to be taken to have agreed or admitted any matter by reason only of having made any payment.
- (5) An agreement (other than a post-dispute arbitration agreement) is void in so far as it purports to provide for a determination—
 - (a) in a particular manner, or
 - (b) on particular evidence,
 of any question which may be the subject matter of an application under subsection (1).

Codes of management practice

88 Codes of management practice: extension to estate managers

In section 87 of the LRHUDA 1993 (codes of management practice)—

- (a) in subsection (6)(b)(i), before “tenants” insert “owners or”;
- (b) in subsection (8)(b), omit “let on leases”.

Appointment of substitute manager by Tribunal

89 Notices of complaint

- (1) An owner of a managed dwelling may give a notice of complaint to an estate manager.
- (2) A notice of complaint is a notice that—
 - (a) sets out one or more complaints listed in subsection (3) in relation to the estate manager,
 - (b) states that, if the complaints are not remedied by the end of the qualifying period (see subsection (7)), the owner may make an application under section 90 (application to appoint substitute manager), and

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- (c) contains any other information specified in regulations made by the Secretary of State.
- (3) The complaints are—
- (a) that the estate manager—
 - (i) is in breach of an obligation in relation to the dwelling, or
 - (ii) in the case of an obligation dependent on notice, would be in breach of such an obligation but for the fact that it has not been reasonably practicable to give the estate manager the appropriate notice;
 - (b) that sums payable by way of estate management charges by the owner, or, if the owner is a tenant or sub-tenant, by the landlord or superior landlord, are not being applied in an efficient or effective manner;
 - (c) that an estate management charge payable, or proposed or likely to be payable, by the owner, or, if the owner is a tenant or sub-tenant, by the landlord or superior landlord, is unreasonable;
 - (d) that an administration charge payable, or proposed or likely to be payable, by the owner, or, if the owner is a tenant or sub-tenant, by the landlord or superior landlord, is unreasonable;
 - (e) that the estate manager has failed to comply with a relevant provision of a code of practice approved under section 87 of the LRHUDA 1993 (codes of management practice).
- (4) A notice of complaint may be given jointly by two or more persons if each of those persons is entitled to give a notice to the estate manager (whether or not in respect of the same dwelling).
- (5) For that purpose, it is not necessary for every complaint set out in the notice, or every part of each complaint, to apply in relation to each dwelling owned by each of the persons giving the notice.
- (6) The Secretary of State may by regulations make provision for determining when a notice of complaint is given.
- (7) In this section and sections 90 to 93—
“notice of complaint” means a notice of complaint under this section;
“qualifying period”, in relation to a notice of complaint, means the period of six months beginning with the date on which the notice is given.
- (8) A statutory instrument containing regulations under this section is subject to the negative procedure.

90 Appointment of substitute manager

- (1) The appropriate tribunal may, on the application of an owner of a managed dwelling, by order appoint a person to carry out, in place of an estate manager, such functions in connection with the estate management relating to that dwelling as the tribunal thinks fit.
- (2) Section 91 sets out conditions that must be met for a person to make an application.
- (3) Section 92 sets out criteria the appropriate tribunal must consider in deciding whether to make an appointment order.
- (4) Section 93 makes further provision in relation to appointment orders.

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- (5) In this section and sections 91 to 93—
 “appointment order” means an order under subsection (1);
 “substitute manager” means a person appointed under an appointment order.

91 Conditions for applying for appointment order

- (1) An owner of a managed dwelling may make an application for an appointment order in relation to an estate manager only if—
- (a) the owner has given a notice of complaint to the estate manager,
 - (b) the qualifying period in relation to that notice has ended,
 - (c) the owner has, after the end of the qualifying period but before the application is made, given further notice to the estate manager (a “final warning notice”), and
 - (d) the condition in subsection (5) is met in relation to the final warning notice.
- (2) If the owner gave the notice of complaint jointly with other persons, the owner may not make an application for an appointment order unless—
- (a) the owner does so jointly with each of those other persons that remain owners of managed dwellings in relation to the estate manager, and
 - (b) the final warning notice was given jointly by the owner and each of those other persons.
- (3) The owner, or the owners acting jointly in accordance with subsection (2), may make an application jointly with an owner of a managed dwelling who did not give the notice of complaint to the estate manager (a “joined applicant”), if the final warning notice was given jointly by the owner or owners and the joined applicant.
- (4) A final warning notice must—
- (a) specify—
 - (i) the name of the person (or persons) giving the notice,
 - (ii) the address of their dwelling (or the addresses of each of their dwellings), and
 - (iii) if different, an address (or addresses) at which a person may give notice to that person (or one or more of those persons) in connection with the application,
 - (b) state that the person or persons giving the notice intend to make an application for an appointment order in respect of the dwelling specified in the notice,
 - (c) specify the grounds on which the appropriate tribunal would be asked to make such an order and the matters that would be relied on by the person or persons for the purpose of establishing those grounds,
 - (d) where those matters are capable of being remedied by the estate manager, require the estate manager, within a reasonable period specified in the notice, to take specified steps for the purpose of remedying them,
 - (e) state that, if those matters are remedied, the person or persons will not make an application, and
 - (f) contain any other information specified in regulations made by the Secretary of State.
- (5) The condition in this subsection is met if—

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- (a) the matters specified in the final warning notice were not capable of being remedied, or
 - (b) the period specified in the final warning notice for the matters to be remedied has expired without the estate manager having taken the required steps to remedy them.
- (6) The appropriate tribunal may by order dispense with a requirement in subsection (1), (2) or (3) if the tribunal is satisfied in light of the urgency of the case that it would not be reasonably practicable for the requirement to be satisfied.
- (7) But the tribunal may, when so ordering, direct that such other notices are given, or such other steps are taken, as it thinks fit.
- (8) If the tribunal makes an order under subsection (6), an application for an appointment order may be made only if any notices required to be given, and any other steps required to be taken, by virtue of the order have been given or taken.
- (9) The Secretary of State may by regulations make provision for determining when a notice under this section is given.
- (10) A statutory instrument containing regulations under this section is subject to the negative procedure.

92 Criteria for determining whether to make appointment order

- (1) The appropriate tribunal may not make an appointment order in relation to an estate manager if the estate manager is specified, or is of a description specified, in regulations made by the Secretary of State.
- (2) The appropriate tribunal may make an appointment order only if the tribunal is satisfied that—
- (a) it is just and convenient to make the order in all the circumstances of the case, and
 - (b) either—
 - (i) those circumstances include those set out in subsection (3), or
 - (ii) there are other circumstances that make it just and convenient for the order to be made.
- (3) The circumstances are—
- (a) that the estate manager is—
 - (i) in breach of an obligation in relation to a dwelling, or
 - (ii) in the case of an obligation dependent on notice, would be in breach of the obligation but for the fact that it has not been reasonably practicable to give the estate manager the appropriate notice;
 - (b) that an estate management charge payable, or proposed or likely to be payable, is unreasonable;
 - (c) that an administration charge payable, or proposed or likely to be payable, is unreasonable;
 - (d) that the estate manager has failed to comply with a relevant provision of a code of practice approved under section 87 of the LRHUDA 1993 (codes of management practice);
 - (e) that the estate manager has breached regulations under section 100(1) of this Act (requirement to be member of redress scheme).

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- (4) For the purposes of subsection (3)(b), an estate management charge is to be taken to be unreasonable if—
- (a) the amount is unreasonable having regard to the items for which it is payable,
 - (b) the items for which it is payable are of an unnecessarily high standard, or
 - (c) the items for which it is payable are of an insufficient standard with the result that additional charges are or may be incurred.
- (5) An appointment order may be made despite the fact that—
- (a) a period specified in a final warning notice was not a reasonable period, or
 - (b) a final warning notice otherwise failed to comply with a requirement under section 91(4).
- (6) A statutory instrument containing regulations under this section is subject to the negative procedure.

93 Appointment orders: further provision

- (1) An appointment order may—
- (a) make provision with respect to such matters relating to the exercise by the substitute manager of their functions under the order, and such incidental or ancillary matters, as the tribunal thinks fit, including—
 - (i) for rights and liabilities arising under contracts or other arrangements to which the substitute manager is not party to become rights and liabilities of the substitute manager;
 - (ii) for the substitute manager to be entitled to prosecute claims in respect of causes of action (whether contractual or tortious) accruing before or after the date of their appointment;
 - (iii) for remuneration to be paid to the substitute manager by the estate manager;
 - (iv) for the substitute manager's functions to be exercisable during a specified period;
 - (b) be subject to such conditions as the tribunal thinks fit;
 - (c) be subject to suspension on terms set by the tribunal.
- (2) The appropriate tribunal may, on the application of any interested person or of its own motion, vary or discharge (whether conditionally or unconditionally) an appointment order.
- (3) The tribunal may not vary or discharge an appointment order unless the tribunal is satisfied that—
- (a) the variation or discharge will not result in a recurrence of the circumstances which led to the appointment order being made, and
 - (b) it is just and convenient in all the circumstances of the case to vary or discharge the order.
- (4) In deciding—
- (a) the terms of an appointment order, or
 - (b) whether or how to vary or discharge an appointment order,
- the appropriate tribunal must have regard to whether the estate manager in relation to which the order is made has breached regulations under section 100(1) (requirement to be member of redress scheme).

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Sales information requests

94 Estate management: sales information requests

- (1) An owner of a managed dwelling may give a sales information request to the estate manager.
- (2) A “sales information request” is a document in a specified form, and given in a specified manner, setting out—
 - (a) that the owner is contemplating selling the dwelling,
 - (b) information that the owner requests from the estate manager for the purpose of the contemplated sale, and
 - (c) any other specified information.
- (3) An owner of a managed dwelling may request information in a sales information request only if the information is specified in regulations made by the appropriate authority.
- (4) The appropriate authority may specify information for the purposes of subsection (3) only if the information—
 - (a) relates to estate management, estate managers, estate management charges or relevant obligations, and
 - (b) could reasonably be expected to assist a prospective purchaser in deciding whether to purchase a dwelling.
- (5) The appropriate authority may by regulations provide that a sales information request may not be given until the end of a particular period, or until another condition is met.
- (6) In this section and sections 95 to 97—
 - (a) a reference to purchasing a dwelling is a reference to becoming an owner of the dwelling, and references to selling a dwelling are to be read accordingly;
 - (b) “sales information request” has the meaning given in subsection (2);
 - (c) “specified” means specified in, or determined in accordance with, regulations made by the appropriate authority.
- (7) A statutory instrument containing regulations under this section is subject to the negative procedure.

95 Effect of sales information request

- (1) An estate manager who has been given a sales information request by the owner of a managed dwelling must provide the owner with any of the information requested that is within the estate manager’s possession.
- (2) The estate manager must request information from another person if—
 - (a) the information has been requested from the estate manager in a sales information request,
 - (b) the estate manager does not possess the information when the request is made, and
 - (c) the estate manager believes that the other person possesses the information.
- (3) That person must provide the estate manager with any of the information requested that is within that person’s possession.

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- (4) A person (“A”) must request information from another person (“B”) if—
- (a) the information has been requested from A in a request under subsection (2) or this subsection (an “onward request”),
 - (b) A does not possess the information when the request is made, and
 - (c) A believes that B possesses the information.
- (5) B must provide A with any of the information requested that is within B’s possession.
- (6) A person who is required to provide information under this section must do so before the end of a specified period beginning with the day on which the request for the information is made.
- (7) A person who—
- (a) has been given a sales information request or an onward request, and
 - (b) as a result of not possessing the information requested, does not provide the information before the end of a specified period beginning with the day on which the request is made,
- must give the person making the request a negative response confirmation.
- (8) A “negative response confirmation” is a document in a specified form, and given in a specified manner, setting out—
- (a) that the person is unable to provide the information requested because it is not in the person’s possession;
 - (b) a description of what action the person has taken to determine whether the information is in the person’s possession;
 - (c) any onward requests the person has made and the persons to whom they were made;
 - (d) an explanation of why the person was unable to obtain the information, including details of any negative response confirmation received by the person;
 - (e) any other specified information.
- (9) A person who is required to give a negative response confirmation must do so before the end of a specified period beginning with the day after the day on which the period referred to in subsection (7)(b) ends.
- (10) The appropriate authority may by regulations—
- (a) provide that an onward request may not be made until the end of a particular period, or until another condition is met;
 - (b) provide for how an onward request is to be made;
 - (c) make provision as to the period within which an onward request must be made;
 - (d) provide for circumstances in which a duty to comply with a sales information request or an onward request does not apply;
 - (e) make provision as to how information requested in a sales information request or an onward request is to be provided;
 - (f) make provision for circumstances in which a period specified for the purposes of subsection (6), (7) or (9) is to be extended.
- (11) In this section and sections 96 and 97, “onward request” has the meaning given in subsection (4)(a).

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- (12) A statutory instrument containing regulations under this section is subject to the negative procedure.

96 Charges for provision of information

- (1) Subject to any regulations under subsection (2), a person (“P”) may charge another person for—
- (a) determining whether information requested in a sales information request or an onward request is in P’s possession;
 - (b) providing or obtaining information under section 95.
- (2) The appropriate authority may by regulations—
- (a) limit the amount that may be charged under subsection (1);
 - (b) prohibit a charge under subsection (1) in specified circumstances or unless specified requirements are met.
- (3) If an estate manager charges the owner of a managed dwelling under subsection (1), the charge—
- (a) is an administration charge for the purposes of this Part, and
 - (b) is not to be treated as an estate management charge for the purposes of this Part.
- (4) For the purposes of this Part, the costs of—
- (a) determining whether information requested in a sales information request or an onward request is in a person’s possession, or
 - (b) providing or obtaining information under section 95,
- are not to be regarded as relevant costs to be taken into account in determining the amount of any estate management charge.
- (5) A statutory instrument containing regulations under this section is subject to the negative procedure.

97 Enforcement of sections 95 and 96

- (1) A person who makes a sales information request or an onward request (“C”) may make an application to the appropriate tribunal on the ground that another person (“D”) failed to comply with a requirement under section 95 or 96 in relation to the request.
- (2) The tribunal may make one or more of the following orders—
- (a) an order that D comply with the requirement before the end of a period specified by the tribunal;
 - (b) an order that D pay damages to C for the failure;
 - (c) if D charged C in excess of a limit specified in regulations under section 96(2)(a), an order that D repay the amount charged in excess of the limit to C;
 - (d) if D charged C in breach of regulations under section 96(2)(b), an order that D repay the amount charged to C.
- (3) Damages under subsection (2)(b) may not exceed £5,000.

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- (4) The appropriate authority may by regulations amend the amount in subsection (3) if the appropriate authority considers it expedient to do so to reflect changes in the value of money.
- (5) A statutory instrument containing regulations under this section is subject to the negative procedure.

General

98 Part 5: Crown application

- (1) Sections 94 to 97 (sales information requests) bind the Crown.
- (2) The other provisions of this Part—
 - (a) apply in relation to estate management carried out by, or on behalf of, a government department and otherwise bind the Crown in relation to such estate management, and
 - (b) bind the Crown in relation to other estate management only if carried out by, or on behalf of, a person other than the Crown.

99 Interpretation of Part 5

- (1) In this Part—
 - “administration charge” has the meaning given in section 83;
 - “the appropriate authority” means—
 - (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers;
 - “the appropriate tribunal” means—
 - (a) in relation to a dwelling in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal;
 - (b) in relation to a dwelling in Wales, a leasehold valuation tribunal;
 - “arbitration agreement”, “arbitration proceedings” and “arbitral tribunal” have the same meaning as in Part 1 of the Arbitration Act 1996;
 - “costs” includes overheads;
 - “dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;
 - “estate management” has the meaning given in section 72 (see section 72(2));
 - “estate management charge” has the meaning given in section 72 (see section 72(8) and (9));
 - “estate manager” has the meaning given in section 72 (see section 72(3) and (4));
 - “information” includes a document containing information, and a copy of such a document;
 - “long lease” has the meaning given in section 77(2) of the LRHUDA 1993;
 - “managed dwelling” has the meaning given in section 72 (see section 72(5));

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“post-dispute arbitration agreement”, in relation to any matter, means an arbitration agreement made after a dispute about the matter has arisen;

“relevant costs” has the meaning given in section 72 (see section 72(11) and (12));

“relevant obligation” has the meaning given in section 72 (see section 72(6) and (7));

“rentcharge” has the same meaning as in the RA 1977 (see section 1 of that Act).

- (2) For the purposes of this Part, a person is an “owner” of a dwelling if—
- (a) the person owns freehold land which comprises the dwelling,
 - (b) the person is a tenant of the dwelling under a long lease, or
 - (c) where the dwelling is part of a building—
 - (i) the person owns freehold land which comprises the building, or
 - (ii) the person is a tenant of the building under a long lease.