



# Leasehold and Freehold Reform Act 2024

## 2024 CHAPTER 22

### PART 6

#### LEASEHOLD AND ESTATE MANAGEMENT: REDRESS SCHEMES

##### *Redress schemes: general*

PROSPECTIVE

#### **103 Approval and designation of redress schemes**

- (1) This section applies where the Secretary of State makes regulations under section [100\(1\)](#).
- (2) The Secretary of State must by regulations set out conditions which are to be satisfied before a scheme is approved or designated under section [100\(4\)\(b\)](#).
- (3) The conditions must include conditions requiring the scheme to include provision in accordance with the regulations—
  - (a) for the appointment of an individual to be responsible for overseeing and monitoring the investigation and determination of complaints under the scheme;
  - (b) about the terms and conditions of that individual and the termination of their appointment;
  - (c) about the complaints that may be made under the scheme, which must include provision enabling the making of complaints about non-compliance with any codes of practice that are issued or approved by the Secretary of State;
  - (d) about the time to be allowed for scheme members to resolve matters before a complaint is accepted under the scheme in relation to those matters;
  - (e) about the circumstances in which a complaint may be rejected;
  - (f) about co-operation (which may include the joint exercise of functions) of an individual who is investigating or determining a complaint with persons who

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Leasehold and Freehold Reform Act 2024, Section 103. (See end of Document for details)*

- have functions in relation to other kinds of complaint and with enforcement authorities;
- (g) about the provision of information to the persons mentioned in paragraph (f);
  - (h) if members are required to pay fees in respect of compulsory aspects of the scheme, about the level of those fees;
  - (i) if there are voluntary aspects of the scheme—
    - (i) for fees to be payable in respect of those aspects of the scheme, and
    - (ii) for the fees to be set at a level that, taking one year with another, is sufficient to meet the costs incurred in the administration of, and the investigation and determination of complaints under, those aspects of the scheme;
  - (j) for the individual determining a complaint to be able to require members to provide redress of the following types to the complainant—
    - (i) providing an apology or explanation,
    - (ii) paying compensation, and
    - (iii) taking such other actions in the interests of the complainant as the individual determining the complaint may specify;
  - (k) about the enforcement of the scheme and decisions made under the scheme;
  - (l) for a person to be expelled from the scheme only—
    - (i) in circumstances specified in the regulations,
    - (ii) once steps to secure compliance that are specified in the regulations have been taken, and
    - (iii) once the decision to expel the person has been reviewed by an independent person in accordance with the regulations;
  - (m) for an expulsion to be revoked in circumstances specified in the regulations;
  - (n) prohibiting a person from joining the scheme when the person has been expelled from another redress scheme and the expulsion has not been revoked;
  - (o) for circumstances in which the administration of the scheme is to be transferred to a different administrator;
  - (p) about the closure of the scheme by an administrator of the scheme.
- (4) Conditions set out in regulations under subsection (3)—
- (a) may include conditions requiring an administrator or proposed administrator of a scheme to undertake to do things—
    - (i) on an ongoing basis following approval or designation;
    - (ii) after ceasing to be an administrator of the scheme;
  - (b) in the case of conditions set out in regulations by virtue of subsection (3)(e), may require a scheme to reject complaints by a current or former owner of a dwelling where that owner is of a description specified in the regulations;
  - (c) in the case of conditions set out in regulations by virtue of subsection (3)(o), may—
    - (i) require an approved scheme to provide for the administration of that scheme to be transferred to the lead enforcement authority or a person acting on behalf of the lead enforcement authority in circumstances specified in the regulations, and
    - (ii) where they so require, provide for a scheme whose administration is transferred to be treated as a designated scheme instead of an approved one.

*Status:* This version of this provision is prospective.

*Changes to legislation:* There are currently no known outstanding effects for the Leasehold and Freehold Reform Act 2024, Section 103. (See end of Document for details)

- (5) Subsections (3) and (4) do not limit the conditions that may be set out in regulations under subsection (2).
- (6) The Secretary of State may by regulations make further provision about the approval or designation of redress schemes under section 100(4)(b), including provision—
- (a) about the number of redress schemes that may be approved or designated (which may be one or more);
  - (b) about the making of applications for approval;
  - (c) about the period for which an approval or designation is valid;
  - (d) about the withdrawal of approval or revocation of designation;
  - (e) authorising the approval or designation of a scheme which provides for fees payable by a compulsory member to be calculated by reference to the total of the costs incurred, or to be incurred, in the administration of the compulsory aspects of the scheme and the investigation and determination of complaints under those aspects of the scheme (including costs unconnected with the member in question).
- (7) Regulations under this section may—
- (a) confer functions (including functions involving the exercise of discretion) on the lead enforcement authority, or authorise or require a scheme to do so;
  - (b) provide for the delegation of such functions by the lead enforcement authority, or authorise or require a scheme to provide for that.
- (8) In this section—
- “compulsory aspects”, in relation to a scheme, means aspects of the scheme relating to complaints in relation to which there is a duty to be a member of a redress scheme;
  - “compulsory member”, in relation to a scheme, means a member of the scheme who is subject to a duty to be a member of a redress scheme;
  - “voluntary aspects”, in relation to a scheme, means aspects of the scheme that relate to—
    - (a) complaints under a voluntary jurisdiction,
    - (b) voluntary mediation services, or
    - (c) voluntary members.
- (9) A statutory instrument containing regulations under this section (whether alone or with other provision) is subject to the affirmative procedure.

#### Commencement Information

**11** S. 103 not in force at Royal Assent, see [s. 124\(3\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Leasehold and Freehold Reform Act 2024, Section 103.