

Leasehold and Freehold Reform Act 2024

2024 CHAPTER 22

PART 4

REGULATION OF LEASEHOLD

Insurance

PROSPECTIVE

60 Duty to provide information about insurance to tenants

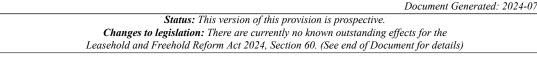
- (1) The Schedule to the LTA 1985 (rights in relation to insurance) is amended as follows.
- (2) After paragraph 1 insert—

"Duty to provide information

- 1A (1) Sub-paragraph (2) applies where a service charge payable by a tenant of a dwelling consists of or includes an amount payable directly or indirectly for insurance.
 - (2) The landlord must—
 - (a) obtain specified information about the insurance, including by requesting the information from another person, and
 - (b) within a specified period after insurance is effected in relation to the dwelling, provide that information to the tenant.

"Specified" means specified in regulations made by the appropriate authority.

(3) Regulations under sub-paragraph (2) may provide for circumstances in which a specified period is to be extended.



- (4) Paragraph 1B makes further provision about requests by the landlord under sub-paragraph (2)(a). (5) The appropriate authority may by regulations make provision as to the form and manner in which the information is to be provided. (6) For the purposes of this paragraph, insurance is "effected" in relation to a dwelling whenever an insurance policy is purchased or renewed in relation to the dwelling. (7) The landlord may charge the tenant for the costs of complying with the duty in sub-paragraph (2). (8) The appropriate authority may by regulations provide for exceptions to the duty in sub-paragraph (2) by reference to— (a) descriptions of landlord; (b) descriptions of insurance; (c) any other matter. (9) In this paragraph, "information" includes a document containing information and a copy of such a document. (10) Regulations under this paragraph are to be made by statutory instrument; (a) (b) may make provision generally or only in relation to specific cases; may make different provision for different purposes; (c) may include supplementary, incidental, transitional or saving (d) provision. (11) A statutory instrument containing regulations under this paragraph is subject to the negative procedure. Requests by landlord under paragraph 1A: further provision 1B(1) Sub-paragraph (2) applies where a landlord requests information from another person under paragraph 1A(2)(a). (2) That person must provide the landlord with any of the information requested that is within the person's possession. (3) A person ("A") must request information from another person ("B") if the information has been requested from A under (a) paragraph 1A(2)(a) or this sub-paragraph, (b) A does not possess the information when the request is made, and A believes that B possesses the information. (c)
 - (4) B must provide A with any of the information requested that is within B's possession.
 - (5) A person must provide information they are required to provide under this paragraph before the end of a specified period beginning with the day on which a request for the information is made.

- (6) In this paragraph, "specified" means specified in regulations made by the appropriate authority.
- (7) A person who provides information to another person under this paragraph may charge that person for the costs of doing so.
- (8) The appropriate authority may by regulations—
 - (a) provide for how a request is to be made under paragraph 1A(2)(a) or this paragraph;
 - (b) provide that a request 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 subparagraph (3) must be made;
 - (d) provide for circumstances in which a duty to comply with a request under paragraph 1A(2)(a) or this paragraph does not apply;
 - (e) make provision as to how information requested is to be provided.
- (9) Regulations under this paragraph—
 - (a) are to be made by statutory instrument;
 - (b) may make provision generally or only in relation to specific cases;
 - (c) may make different provision for different purposes;
 - (d) may include supplementary, incidental, transitional or saving provision.
- (10) A statutory instrument containing regulations under this paragraph is subject to the negative procedure.

Enforcement of duty to provide information

- 1C (1) A tenant may make an application to the appropriate tribunal on the ground that the landlord failed to comply with a requirement under paragraph 1A.
 - (2) On an application made under sub-paragraph (1), the tribunal may make one or both of the following orders—
 - (a) an order that the landlord comply with the requirement before the end of a period specified in regulations made by the appropriate authority;
 - (b) an order that the landlord pay damages to the tenant for the failure.
 - (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 paragraph 1B.
 - (4) On an application made under sub-paragraph (3), the tribunal may make one or both of the following orders—
 - (a) an order that D comply with the requirement before the end of a period specified in regulations made by the appropriate authority;
 - (b) an order that D pay damages to C for the failure.
 - (5) Damages under this paragraph may not exceed £5,000.

- (6) The appropriate authority may by regulations amend the amount in subparagraph (5) if the appropriate authority considers it expedient to do so to reflect changes in the value of money.
 - (7) Regulations under this paragraph—
 - (a) are to be made by statutory instrument;
 - (b) may make provision generally or only in relation to specific cases;
 - (c) may make different provision for different purposes;
 - (d) may include supplementary, incidental, transitional or saving provision.
 - (8) A statutory instrument containing regulations under this paragraph is subject to the negative procedure."
- (3) Omit paragraphs 2 to 6.
- (4) In paragraph 9(1)—
 - (a) for "Paragraphs 2 to 8" substitute "Paragraphs 1A to 8";
 - (b) for the words from "in which case" to "does not", substitute "in which case paragraphs 1A, 1B, 7 and 8 apply but paragraph 1C does not."

Commencement Information

II S. 60 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 60.