



Leasehold and Freehold Reform Act 2024

2024 CHAPTER 22

PART 5

REGULATION OF ESTATE MANAGEMENT

Appointment of substitute manager by Tribunal

PROSPECTIVE

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;

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 92. (See end of Document for details)

- (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).
- (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.

Commencement Information

- II** S. 92 not in force at Royal Assent, see s. 124(3)

Status:

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Changes to legislation:

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