

**EXPLANATORY MEMORANDUM TO THE  
LEASEHOLD HOUSES (NOTICE OF INSURANCE COVER) (ENGLAND)  
(AMENDMENT) REGULATIONS 2005**

**S.I. 2005 No. 177**

1. This explanatory memorandum has been prepared by the Office of the Deputy Prime Minister and is laid before Parliament by Command of Her Majesty. This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Description**

2.1 These Regulations correct an error in paragraph 10 of the Schedule to the Leasehold Houses (Notice of Insurance Cover) (England) Regulations 2004 (S.I. 2004/3097) (“the 2004 Regulations”). That Schedule contains the prescribed form of notice of insurance cover. Paragraph 10 of the Schedule reflects the requirement in regulation 3(j) of the 2004 Regulations that a notice of cover must specify that the tenant has no reason to believe that the cover does not cover the landlord’s interests.

2.2 These Regulations remove square brackets which gave the misleading impression that paragraph 10 of the Schedule to the 2004 Regulations did not need to be included in a notice of cover.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3. The error that has prompted these amending Regulations is regretted. As an amending instrument correcting an error, the Regulations are being issued, free of charge, to all known recipients of the 2004 Regulations.

**4. Legislative Background**

4. These Regulations are made under section 164 of the 2002 Act. Subsection (10) of that section defines “prescribed” as meaning prescribed by regulations made by the appropriate national authority. The term “appropriate national authority” is defined in section 179(1) of the 2002 Act.

**5. Extent**

5. These Regulations amend the 2004 Regulations, which apply in respect of houses in England.

**6. European Convention on Human Rights**

6. Not applicable.

## **7. Policy Background**

7. The removal of the square brackets from paragraph 10 of the Schedule to the 2004 Regulations was considered necessary because their presence gave the impression, contrary to regulation 3(j) of those Regulations, that paragraph 10 was optional.

## **8. Impact**

8. The amending Regulations will come into force before 28th February 2005, when the 2004 Regulations come into force. Accordingly, their impact will be negligible.

## **9. Contact**

Ian Fuell at the Office of the Deputy Prime Minister (Tel: 0207 944 3463 or e-mail [ian.fuell@odpm.gov.uk](mailto:ian.fuell@odpm.gov.uk)) can answer any queries regarding the instrument.

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