



Commonhold and Leasehold Reform Act 2002

2002 CHAPTER 15

PART 2

LEASEHOLD REFORM

CHAPTER 5

OTHER PROVISIONS ABOUT LEASES

Variation of leases

162 Grounds for application by party to lease

- (1) Section 35 of the 1987 Act (application by party to lease for variation of lease) is amended as follows.
- (2) In subsection (2) (grounds for application), for paragraph (b) substitute—
 - “(b) the insurance of the building containing the flat or of any such land or building as is mentioned in paragraph (a)(iii);”.
- (3) After paragraph (f) of that subsection insert—
 - “(g) such other matters as may be prescribed by regulations made by the Secretary of State.”
- (4) After subsection (3) insert—
 - “(3A) For the purposes of subsection (2)(e) the factors for determining, in relation to a service charge payable under a lease, whether the lease makes satisfactory provision include whether it makes provision for an amount to be payable (by way of interest or otherwise) in respect of a failure to pay the service charge by the due date.”

Status: This is the original version (as it was originally enacted).

- (5) In section 53(2)(b) of the 1987 Act (regulations subject to negative Parliamentary procedure), after “section 20(4)” insert “or 35(2)(g)”.

163 Transfer of jurisdiction of court to tribunal

- (1) Part 4 of the 1987 Act (variation of leases) is amended as follows.
- (2) In section 35 (application by party to lease for variation of lease)—
- (a) in subsection (1), for “the court” substitute “a leasehold valuation tribunal”, and
 - (b) in subsection (5), for “Rules of court” substitute “Procedure regulations under Schedule 12 to the Commonhold and Leasehold Reform Act 2002”.
- (3) In section 36(1) (application by respondent for variation of other leases), for “court” substitute “tribunal”.
- (4) In section 37(1) (application by majority of parties for variation of leases), for “the court” substitute “a leasehold valuation tribunal”.
- (5) In section 38 (orders varying leases)—
- (a) in subsections (1) to (5), for “court” (in each place) substitute “tribunal”,
 - (b) in subsection (6)—
 - (i) for “The court” substitute “A tribunal”, and
 - (ii) for “the court” substitute “the tribunal”,
 - (c) in subsections (7) to (9), for “The court” substitute “A tribunal”, and
 - (d) in subsection (10)—
 - (i) for “the court”, in the first place, substitute “a tribunal”, and
 - (ii) for “the court”, in the other two places, substitute “the tribunal”.
- (6) In section 39 (applications by third parties for orders varying leases)—
- (a) in subsection (3)(b), for “the court” substitute “a leasehold valuation tribunal”,
 - (b) in subsection (4), for “The court” substitute “A tribunal”, and
 - (c) in subsection (5)(b), for “court” substitute “tribunal”.
- (7) In section 40(1) (variation of insurance provisions of dwelling other than flat), for “the court” substitute “a leasehold valuation tribunal”.
- (8) In consequence of the preceding provisions, in section 52(2)(a) of the 1987 Act (jurisdiction of county courts), for “, 3 and 4” substitute “and 3”.