



Landlord and Tenant Act 1987

1987 CHAPTER 31

PART IV

VARIATION OF LEASES

Applications relating to flats

35 Application by party to lease for variation of lease.

- (1) Any party to a long lease of a flat may make an application to [^{F1}the appropriate tribunal] for an order varying the lease in such manner as is specified in the application.
- (2) The grounds on which any such application may be made are that the lease fails to make satisfactory provision with respect to one or more of the following matters, namely—
 - (a) the repair or maintenance of—
 - (i) the flat in question, or
 - (ii) the building containing the flat, or
 - (iii) any land or building which is let to the tenant under the lease or in respect of which rights are conferred on him under it;
 - [^{F2}(b) the insurance of the building containing the flat or of any such land or building as is mentioned in paragraph (a)(iii);]
 - (c) the repair or maintenance of any installations (whether they are in the same building as the flat or not) which are reasonably necessary to ensure that occupiers of the flat enjoy a reasonable standard of accommodation;
 - (d) the provision or maintenance of any services which are reasonably necessary to ensure that occupiers of the flat enjoy a reasonable standard of accommodation (whether they are services connected with any such installations or not, and whether they are services provided for the benefit of those occupiers or services provided for the benefit of the occupiers of a number of flats including that flat);

Changes to legislation: Landlord and Tenant Act 1987, Section 35 is up to date with all changes known to be in force on or before 08 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (e) the recovery by one party to the lease from another party to it of expenditure incurred or to be incurred by him, or on his behalf, for the benefit of that other party or of a number of persons who include that other party;
 - (f) the computation of a service charge payable under the lease.
 - [^{F3}(g) such other matters as may be prescribed by regulations made by the Secretary of State.]
- (3) For the purposes of subsection (2)(c) and (d) the factors for determining, in relation to the occupiers of a flat, what is a reasonable standard of accommodation may include—
- (a) factors relating to the safety and security of the flat and its occupiers and of any common parts of the building containing the flat; and
 - (b) other factors relating to the condition of any such common parts.
- [^{F4}(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.]
- (4) For the purposes of subsection (2)(f) a lease fails to make satisfactory provision with respect to the computation of a service charge payable under it if—
- (a) it provides for any such charge to be a proportion of expenditure incurred, or to be incurred, by or on behalf of the landlord or a superior landlord; and
 - (b) other tenants of the landlord are also liable under their leases to pay by way of service charges proportions of any such expenditure; and
 - (c) the aggregate of the amounts that would, in any particular case, be payable by reference to the proportions referred to in paragraphs (a) and (b) would [^{F5}either exceed or be less than] the whole of any such expenditure.
- (5) [^{F6}Procedure regulations under Schedule 12 to the Commonhold and Leasehold Reform Act 2002][^{F7}and Tribunal Procedure Rules] shall make provision—
- (a) for requiring notice of any application under this Part to be served by the person making the application, and by any respondent to the application, on any person who the applicant, or (as the case may be) the respondent, knows or has reason to believe is likely to be affected by any variation specified in the application, and
 - (b) for enabling persons served with any such notice to be joined as parties to the proceedings.
- [^{F8}(6) For the purposes of this Part a long lease shall not be regarded as a long lease of a flat if—
- (a) the demised premises consist of or include three or more flats contained in the same building; or
 - (b) the lease constitutes a tenancy to which Part II of the Landlord and Tenant Act 1954 applies.]
- (8) In this section “service charge” has the meaning given by section 18(1) of the 1985 Act.
- [^{F9}(9) For the purposes of this section and sections 36 to 39, “appropriate tribunal” means—
- (a) if one or more of the long leases concerned relates to property in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and

Changes to legislation: Landlord and Tenant Act 1987, Section 35 is up to date with all changes known to be in force on or before 08 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) if one or more of the long leases concerned relates to property in Wales, a leasehold valuation tribunal.]

Textual Amendments

- F1** Words in s. 35(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 75\(a\)](#) (with Sch. 3)
- F2** S. 35(2)(b) substituted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. [162\(2\)](#); S.I. 2002/1912, art. [2\(b\)\(i\)](#) (subject to Sch. 2); S.I. 2002/3012, art. [2\(b\)\(i\)](#) (subject to Sch. 2)
- F3** S. 35(2)(g) inserted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. [162\(3\)](#); S.I. 2002/1912, art. [2\(b\)\(i\)](#) (subject to Sch. 2); S.I. 2002/3012, art. [2\(b\)\(i\)](#) (subject to Sch. 2)
- F4** S. 35(3A) inserted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. [162\(4\)](#); S.I. 2002/1912, art. [2\(b\)\(i\)](#) (subject to Sch. 2) S.I. 2002/3012, art. [2\(b\)\(i\)](#) (subject to Sch. 2)
- F5** Words in s. 35(4) substituted (1.11.1993) by [1993 c. 28](#), s. [86](#); S.I. 1993/2134, arts. [2](#), [5](#) (subject to savings in Sch. 1 para. 3)
- F6** Words in s. 35(5) substituted (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), ss. [163\(2\)\(b\)](#), [181\(1\)](#); S.I. 2003/1986, art. [2\(a\)](#); S.I. 2004/669, art. [2\(a\)](#)
- F7** Words in s. 35(5) inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 75\(b\)](#) (with Sch. 3)
- F8** S. 35(6) substituted for subsections (6) and (7) by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 119, [Sch. 13 para. 5](#)
- F9** S. 35(9) inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 75\(c\)](#) (with Sch. 3)

Modifications etc. (not altering text)

- C1** Ss. 35, 36 modified (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. [181\(1\)](#), [Sch. 7 para. 10](#); S.I. 2003/1986, art. [2\(a\)](#); S.I. 2004/669, art. [2\(a\)](#)

Changes to legislation:

Landlord and Tenant Act 1987, Section 35 is up to date with all changes known to be in force on or before 08 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 24(2)(abb) inserted by [2002 c. 15 Sch. 10 para. 14](#)