

Changes to legislation: There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, SCHEDULE 13. (See end of Document for details)

SCHEDULES

SCHEDULE 13

Section 176

LEASEHOLD VALUATION TRIBUNALS: AMENDMENTS

Leasehold Reform Act 1967 (c. 88)

1 The 1967 Act has effect subject to the following amendments.

Commencement Information

I1 Sch. 13 para. 1 wholly in force at 30.3.2004; para. 1 not in force at Royal Assent see s. 181(1); para. 1 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); para. 1 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

2 In section 9 (costs of enfranchisement), after subsection (4) insert—

“(4A) Subsection (4) above does not require a person to bear the costs of another person in connection with an application to a leasehold valuation tribunal.”

Commencement Information

I2 Sch. 13 para. 2 wholly in force at 30.3.2004; para. 2 not in force at Royal Assent see s. 181(1); para. 2 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); para. 2 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

3 In section 14 (costs of lease extension), after subsection (2) insert—

“(2A) Subsection (2) above does not require a person to bear the costs of another person in connection with an application to a leasehold valuation tribunal.”

Commencement Information

I3 Sch. 13 para. 3 wholly in force at 30.3.2004; para. 3 not in force at Royal Assent see s. 181(1); para. 3 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); para. 3 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

4 In section 20 (county court), after subsection (4) insert—

“(4A) Where the court certifies particulars of delay or default to the Lands Tribunal under subsection (4)(b) above, the Lands Tribunal may make any order as to costs of proceedings before the Lands Tribunal which the court may make in relation to proceedings in the court.”

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Commencement Information

I4 Sch. 13 para. 4 wholly in force at 30.3.2004; para. 4 not in force at Royal Assent see s. 181(1); para. 4 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); para. 4 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

- 5 In section 21 (leasehold valuation tribunals), after subsection (2) insert—
- “(2A) For the purposes of this Part of this Act a matter is to be treated as determined by (or on appeal from) a leasehold valuation tribunal—
- (a) if the decision on the matter is not appealed against, at the end of the period for bringing an appeal; or
 - (b) if that decision is appealed against, at the time when the appeal is disposed of.
- (2B) An appeal is disposed of—
- (a) if it is determined and the period for bringing any further appeal has ended; or
 - (b) if it is abandoned or otherwise ceases to have effect.”

Commencement Information

I5 Sch. 13 para. 5 wholly in force at 30.3.2004; para. 5 not in force at Royal Assent see s. 181(1); para. 5 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); para. 5 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

- 6 In paragraph 8 of Schedule 2 (county court), after sub-paragraph (1) insert—
- “(1A) Where the court certifies particulars of delay or default to the Lands Tribunal under sub-paragraph (1)(b) above, the Lands Tribunal may make any order as to costs of proceedings before the Lands Tribunal which the court may make in relation to proceedings in the court.”

Commencement Information

I6 Sch. 13 para. 6 wholly in force at 30.3.2004; para. 6 not in force at Royal Assent see s. 181(1); para. 6 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); para. 6 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

Housing Act 1980 (c. 51)

- 7 (1) Section 142 of the Housing Act 1980 (role of leasehold valuation tribunals under 1967 Act) is amended as follows.
- (2) In subsection (1), for “rent assessment committee constituted under Schedule 10 to the 1977 Act” substitute “leasehold valuation tribunal”.
 - (3) In subsection (3), for “Part 2 of that Schedule” substitute “Schedule 22 to this Act”.

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Commencement Information

- I7** Sch. 13 para. 7 wholly in force at 30.3.2004; para. 7 not in force at Royal Assent see s. 181(1); para. 7 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); para. 7 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

Landlord and Tenant Act 1987 (c. 31)

- 8 The 1987 Act has effect subject to the following amendments.

Commencement Information

- I8** Sch. 13 para. 8 wholly in force at 30.3.2004; para. 8 not in force at Royal Assent see s. 181(1); para. 8 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); para. 8 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

- 9 In section 24(9A) (appointment of manager), for “court” substitute “ tribunal ”.

Commencement Information

- I9** Sch. 13 para. 9 wholly in force at 30.3.2004; para. 9 not in force at Royal Assent see s. 181(1); para. 9 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); para. 9 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

- 10 In section 47(3) (landlord’s name and address to be contained in demands for rent etc.), after “court” insert “ or tribunal ”.

Commencement Information

- I10** Sch. 13 para. 10 wholly in force at 30.3.2004; para. 10 not in force at Royal Assent see s. 181(1); para. 10 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); para. 10 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

- 11 In section 48(3) (notification by landlord of address for service of notices), after “court” insert “ or tribunal ”.

Commencement Information

- I11** Sch. 13 para. 11 wholly in force at 30.3.2004; para. 11 not in force at Royal Assent see s. 181(1); para. 11 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); para. 11 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)

- 12 The 1993 Act has effect subject to the following amendments.

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Commencement Information

I12 Sch. 13 para. 12 wholly in force at 30.3.2004; para. 12 not in force at Royal Assent see s. 181(1); para. 12 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); para. 12 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

13 (1) Section 70 (approval by leasehold valuation tribunal of estate management scheme) is amended as follows.

(2) For subsection (6) substitute—

“(6) Where the application is to be considered in an oral hearing, the tribunal shall afford to any person making representations under subsection (4)(b) about the application an opportunity to appear at the hearing.”

(3) After subsection (10) insert—

“(10A) Any person who makes representations under subsection (4)(b) about an application for the approval of a scheme may appeal from a decision of the tribunal in proceedings on the application.”

Commencement Information

I13 Sch. 13 para. 13 wholly in force at 30.3.2004; para. 13 not in force at Royal Assent see s. 181(1); para. 13 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); para. 13 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

14 In section 88(2) (jurisdiction of leasehold valuation tribunals in cases of Crown enfranchisement), for “rent assessment committee constituted for the purposes of this section” substitute “leasehold valuation tribunal”.

Commencement Information

I14 Sch. 13 para. 14 wholly in force at 30.3.2004; para. 14 not in force at Royal Assent see s. 181(1); para. 14 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); para. 14 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

15 In section 91(1) (jurisdiction of leasehold valuation tribunals), for “such a rent assessment committee” substitute “a leasehold valuation tribunal”.

Commencement Information

I15 Sch. 13 para. 15 wholly in force at 30.3.2004; para. 15 not in force at Royal Assent see s. 181(1); para. 15 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); para. 15 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

Housing Act 1996 (c. 52)

16 In section 81 of the Housing Act 1996 (restriction on termination of tenancy for failure to pay service charge), after subsection (5) insert—

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“(5A) Any order of a court to give effect to a determination of a leasehold valuation tribunal shall be treated as a determination by the court for the purposes of this section.”

Commencement Information

I16 Sch. 13 para. 16 wholly in force at 31.5.2005; para. 16 not in force at Royal Assent see s. 181(1); para. 16 in force at 28.2.2005 for E. by S.I. 2004/3056, art. 3(i); para. 16 in force at 31.5.2005 for W. by S.I. 2005/1353, art. 2(i)

Changes to legislation:

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