

SCHEDULES

SCHEDULE 9

Section 150

MEANING OF SERVICE CHARGE AND MANAGEMENT

Loans in respect of service charges

- 1 The Housing Act 1985 (c. 68) has effect subject to the following amendments.
- 2 (1) Section 450A (right to a loan in respect of service charges for repairs in certain cases after exercise of right to buy) is amended as follows.
 - (2) In subsection (2), after “repairs” insert “or improvements”.
 - (3) In subsection (5)(a), after “repairs” insert “or improvements”.
- 3 In section 450B(1)(b) (power to make loan in respect of service charges for repairs in other cases), after “repairs” insert “or improvements”.
- 4 In section 458(1) (minor definitions for purposes of Part 14 of the Act), insert at the end—

““service charge” has the meaning given by section 18(1) of the Landlord and Tenant Act 1985 (c. 70).”
- 5 In section 459 (index of defined expressions for Part 14 of the Act), in the entry relating to “service charge”, for “section 621A” substitute “section 458”.
- 6 In section 621A (meaning of service charge for purposes of the Act), insert at the end—

“(5) But this section does not apply in relation to Part 14.”

Service charges

- 7 In section 18(1)(a) of the 1985 Act (meaning of service charge), after “maintenance” insert “, improvements”.

Appointment of manager

- 8 In section 24(11) of the 1987 Act (appointment of manager by leasehold valuation tribunal: meaning of management), after “maintenance” insert “, improvement”.

Right to acquire landlord’s interest

- 9 (1) Section 29 of that Act (conditions for making orders for compulsory acquisition by tenants of landlord’s interest) is amended as follows.
 - (2) In subsection (2), in paragraph (a), omit “repair, maintenance, insurance or”.
 - (3) After that subsection insert—

Status: This is the original version (as it was originally enacted).

“(2A) The reference in subsection (2) to the management of any premises includes a reference to the repair, maintenance, improvement or insurance of those premises.”

Tenants' right to management audit

- 10 In section 84 of the 1993 Act (interpretation of provisions concerning tenants' right to management audit), in the definition of “management functions”, after “maintenance” insert “, improvement”.

Codes of management practice

- 11 In section 87(8) of that Act (approval by Secretary of State of codes of management practice: meaning of management functions and service charge)—
- (a) in paragraph (a), after “maintenance” insert “, improvement”, and
 - (b) in paragraph (c)(i), after “maintenance” insert “, improvements”.

Right to appoint surveyor

- 12 In paragraph 4(2) of Schedule 4 to the Housing Act 1996 (c. 52) (right of surveyor appointed by tenants' association to inspect premises: meaning of management functions), after “maintenance” insert “, improvement”.

Power to amend certain provisions

- 13 An order amending—
- (a) any of the provisions amended by paragraphs 7 to 12, or
 - (b) section 27A(3) of the 1985 Act (as inserted by section 155),
- may be made by the appropriate national authority for or in connection with altering the meaning of “service charge”, “management” or “management functions”.