Housing Act 1996

1996 CHAPTER 52

PART III

LANDLORD AND TENANT

CHAPTER I

TENANTS' RIGHTS

Appointment of manager

85 Appointment of manager by the court.

(1) Section 24 of the [M1]Landlord and Tenant Act 1987 (appointment of manager by the court) is amended as follows.

(2) In subsection (2) (circumstances in which order may be made), in paragraph (a) (breach of obligation by landlord), omit sub-paragraph (ii) (requirement that circumstances likely to continue).

(3) In that subsection, after paragraph (a), and before the word "or" following that paragraph, insert—

"(ab) where the court is satisfied—

(i) that unreasonable service charges have been made, or are proposed or likely to be made, and

(ii) that it is just and convenient to make the order in all the circumstances of the case;

(ac) where the court is satisfied—

(i) that the landlord has failed to comply with any relevant provision of a code of practice approved by the Secretary of State under section 87 of the [M2]Leasehold Reform, Housing

Changes to legislation: *Housing Act 1996, Section 85 is up to date with all changes known to be in force on or before 09 July 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*

and Urban Development Act 1993 (codes of management practice), and

(ii) that it is just and convenient to make the order in all the circumstances of the case;".

(4) After that subsection insert—

"(2A) For the purposes of subsection (2)(ab) a service charge shall be taken to be unreasonable—

(a) if the amount is unreasonable having regard to the items for which it is payable,

(b) if the items for which it is payable are of an unnecessarily high standard, or

(c) if the items for which it is payable are of an insufficient standard with the result that additional service charges are or may be incurred.

In that provision and this subsection "service charge" means a service charge within the meaning of section 18(1) of the [M3]Landlord and Tenant Act 1985, other than one excluded from that section by section 27 of that Act (rent of dwelling registered and not entered as variable).".

(5) The above amendments apply to applications for an order under section 24 of the [M4]Landlord and Tenant Act 1987 which are made after this section comes into force.

In relation to any such application the reference in the inserted subsection (2)(ab) to service charges which have been made includes services charges made before that date.

(6) After subsection (9) insert—

"(9A) The court shall not vary or discharge an order under subsection (9) on a landlord's application unless it is satisfied—

(a) that the variation or discharge of the order will not result in a recurrence of the circumstances which led to the order being made, and

(b) that it is just and convenient in all the circumstances of the case to vary or discharge the order.".

Marginal Citations

M1 1987 c. 31.
M2 1993 c. 28.
M3 1985 c. 70.
M4 1987 c. 31.

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Changes and effects yet to be applied to :

– specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by S.I. 2019/110 reg. 5

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

– Act savings and transitional provisions for amendments by S.I. 2022/1166 by S.I. 2022/1172 Regulations

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

– s. 124(1A) inserted by 2016 c. 22 Sch. 7 para. 20(2)
– s. 124(6) inserted by 2016 c. 22 Sch. 7 para. 20(6)
– s. 124A124B inserted by 2016 c. 22 Sch. 7 para. 21
– s. 125A(3A)(3B) inserted by 2016 c. 22 Sch. 7 para. 22(3)
– s. 130A inserted by 2016 c. 22 Sch. 8 para. 7
– s. 133(1A) inserted by 2016 c. 22 Sch. 8 para. 9(2)
– s. 143J(3A) inserted by 2016 c. 22 Sch. 8 para. 13(2)
– s. 143J(7)(a) words omitted by S.I. 2022/1166 reg. 25(11)(b) (This amendment comes into force immediately after 2016 c. 22, s. 120 and Sch. 8 para. 13(3) come into force)
– s. 143GA143GB inserted by 2016 c. 22 Sch. 8 para. 10
– s. 143MA(3A)-(3D) inserted by 2016 c. 22 Sch. 7 para. 27(3)
– s. 143MB inserted by 2016 c. 22 Sch. 7 para. 28
– Sch. 2 para. 10A(1A) inserted by 2024 c. 22 Sch. 13 para. 6(3)
– Sch. 2 para. 10A(6) inserted by 2024 c. 22 Sch. 13 para. 6(6)