



Landlord and Tenant Act 1987

1987 CHAPTER 31

PART IV

VARIATION OF LEASES

Applications relating to dwellings other than flats

40 Application for variation of insurance provisions of lease of dwelling other than a flat.

- (1) Any party to a long lease of a dwelling may make an application to [^{F1}the appropriate tribunal] for an order varying the lease, in such manner as is specified in the application, on the grounds that the lease fails to make satisfactory provision with respect to any matter relating to the insurance of the dwelling, including the recovery of the costs of such insurance.
- (2) Sections 36 and 38 shall apply to an application under subsection (1) subject to the modifications specified in subsection (3).
- (3) Those modifications are as follows—
 - (a) in section 36—
 - (i) in subsection (1), the reference to section 35 shall be read as a reference to subsection (1) above, and
 - (ii) in subsection (2), any reference to a flat shall be read as a reference to a dwelling; and
 - (b) in section 38—
 - (i) any reference to an application under section 35 shall be read as a reference to an application under subsection (1) above, and
 - (ii) any reference to an application under section 36 shall be read as a reference to an application under section 36 as applied by subsection (2) above.

[^{F2}(4) For the purpose of this section, a long lease shall not be regarded as a long lease of a dwelling if—

Changes to legislation: Landlord and Tenant Act 1987, Section 40 is up to date with all changes known to be in force on or before 20 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

- (a) the demised premises consist of three or more dwellings; or
 - (b) the lease constitutes a tenancy to which Part II of the Landlord and Tenant Act 1954 applies.
- (4A) Without prejudice to subsection (4), an application under subsection (1) may not be made by a person who is a tenant under a long lease of a dwelling if, by virtue of that lease and one or more other long leases of dwellings, he is also a tenant from the same landlord of at least two other dwellings.
- (4B) For the purposes of subsection (4A), any tenant of a dwelling who is a body corporate shall be treated as a tenant of any other dwelling held from the same landlord which is let under a long lease to an associated company, as defined in section 20(1).]
- (5) In this section “dwelling” means a dwelling other than a flat.
- [^{F3}(6) For the purposes of subsection (1), “appropriate tribunal” means—
- (a) if one or more of the dwellings concerned is in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
 - (b) if one or more of the dwellings concerned is in Wales, a leasehold valuation tribunal.]

Textual Amendments

- F1** Words in s. 40(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 78\(a\)](#) (with Sch. 3)
- F2** S. 40(4)(4A)(4B) substituted for subsection (4) by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 119, [Sch. 13 para. 6](#)
- F3** S. 40(6) inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 78\(b\)](#) (with Sch. 3)

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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](#)