

**Changes to legislation:** Housing Act 1996, Part IV is up to date with all changes known to be in force on or before 18 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

## SCHEDULES

### SCHEDULE 6

#### AMENDMENTS OF PART I OF THE LANDLORD AND TENANT ACT 1987

#### PART IV

##### CONSEQUENTIAL AMENDMENTS

- 1 In section 4(2) of the <sup>M1</sup>Landlord and Tenant Act 1987 (relevant disposals: excluded disposals), in paragraph (aa) (disposals by way of security for a loan) omit the words “consisting of the creation of an estate or interest”.

##### Marginal Citations

**M1** 1987 c. 31.

- 2 Before section 19 of the Landlord and Tenant Act 1987, under the heading “*Supplementary provisions*”, insert—

##### **The requisite majority of qualifying tenants.**

“18A(1) In this Part “the requisite majority of qualifying tenants of the constituent flats” means qualifying tenants of constituent flats with more than 50 per cent. of the available votes.

- (2) The total number of available votes shall be determined as follows—
- (a) where an offer notice has been served under section 5, that number is equal to the total number of constituent flats let to qualifying tenants on the date when the period specified in that notice as the period for accepting the offer expires;
  - (b) where a notice is served under section 11A without a notice having been previously served under section 5, that number is equal to the total number of constituent flats let to qualifying tenants on the date of service of the notice under section 11A;
  - (c) where a notice is served under section 12A, 12B or 12C without a notice having been previously served under section 5 or section 11A, that number is equal to the total number of constituent flats let to qualifying tenants on the date of service of the notice under section 12A, 12B or 12C, as the case may be.
- (3) There is one available vote in respect of each of the flats so let on the date referred to in the relevant paragraph of subsection (2), which shall be attributed to the qualifying tenant to whom it is let.

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- (4) The persons constituting the requisite majority of qualifying tenants for one purpose may be different from the persons constituting such a majority for another purpose.”.
- 3 (1) Section 20(1) of the <sup>M2</sup>Landlord and Tenant Act 1987 (interpretation of Part I) is amended as follows.
- (2) For the definition of “acceptance notice” substitute—
- ““acceptance notice” has the meaning given by section 6(3);”.
- (3) For the definition of “constituent flat” substitute—
- ““constituent flat” shall be construed in accordance with section 5(1) or 11(2), as the case may require;”.
- (4) Omit the definition of “the new landlord”.
- (5) After that definition insert—
- ““the nominated person” means the person or persons for the time being nominated by the requisite majority of the qualifying tenants of the constituent flats for the purposes of section 6, 12A, 12B or 12C, as the case may require;”.
- (6) For the definition of “the protected interest” substitute—
- ““the protected interest” means the estate, interest or other subject-matter of an offer notice;”.
- (7) After that definition insert—
- ““the protected period” has the meaning given by section 6(4);”.
- (8) For the definition of “purchase notice” substitute—
- ““purchase notice” has the meaning given by section 12B(2);”.
- (9) After that definition insert—
- ““purchaser” has the meaning given by section 11(3);”.
- (10) In the definition of “the requisite majority” for “section 5(6) and (7)” substitute “section 18A ”.

#### **Marginal Citations**

**M2** 1987 c. 31.

- 4 In section 20(2) of the Landlord and Tenant Act 1987, omit the words “or counter-offer” in each place where they occur.
- 5 In Part III of the Landlord and Tenant Act 1987 (compulsory acquisition by tenants of their landlord’s interest), in section 31 (determination of terms by rent assessment committees)—
- (a) for “rent assessment committee”, wherever occurring, substitute “leasehold valuation tribunal ”;
- (b) for “such a committee” or “the committee”, wherever occurring, substitute “ the tribunal ”; and

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(c) omit subsection (5).

6 In section 52(1) of the Landlord and Tenant Act 1987 (jurisdiction of county courts) for “rent assessment committee” substitute “ leasehold valuation tribunal ”.

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**Textual Amendments**

**F1** Sch. 6 para. 7 repealed (30.9.2003 for E., 30.3.2004 for W.) by **Commonhold and Leasehold Reform Act 2002 (c. 15), s. 181(1), Sch. 14; S.I. 2003/1986, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2)**

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**Textual Amendments**

**F2** Sch. 6 para. 8 repealed (30.9.2003 for E., 30.3.2004 for W.) by **Commonhold and Leasehold Reform Act 2002 (c. 15), s. 181(1), Sch. 14; S.I. 2003/1986, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2)**

9 In section 54(4) of the Landlord and Tenant Act 1987 (saving for power under section 20(4)) for “either of the periods specified in section 5(2)” substitute “ any of the periods specified in section 5A(4) or (5), 5B(5) or (6), 5C(4) or (5), 5D(4) or (5) or 5E(3) ”.

10 In section 60(1) of the Landlord and Tenant Act 1987 (general interpretation), omit the definition of “rent assessment committee”.

11 (1) In Schedule 1 to the Landlord and Tenant Act 1987 (discharge of mortgages, &c), in paragraph 1 (construction of provisions relating to discharge in pursuance of purchase notice)—

- (a) for the words “the new landlord” wherever they appear substitute “ the purchaser ”;
- (b) in the definition of “consideration payable”—
  - (i) for the words “section 12(4)” substitute “ section 12B(7) ”, and
  - (ii) for the words “section 16(2) or (3)” substitute “ section 16(4) or (5) ”;
- (c) in the definition of “nominated person”, for the words “section 12(1)” substitute “ section 12B(2) ”.

(2) In paragraphs 2, 4 and 5 of that Schedule (duty of nominated person to redeem mortgages, payments into court and savings)—

- (a) for the words “section 12(4)(a)” wherever they appear substitute “ section 12B(5)(a) ”;
- (b) for the words “the new landlord” or “the new landlord’s” wherever they appear substitute “ the purchaser ” or “ the purchaser’s ”.

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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](#)