

*Changes to legislation: There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, SCHEDULE 9. (See end of Document for details)*

## 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.

##### **Commencement Information**

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

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 ”.

##### **Commencement Information**

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

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 ”.

##### **Commencement Information**

**I3** Sch. 9 wholly in force at 30.3.2004; Sch. 9 not in force at Royal Assent see s. 181(1); Sch. 9 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); Sch. 9 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

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).”

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**Commencement Information**

**I4** Sch. 9 wholly in force at 30.3.2004; Sch. 9 not in force at Royal Assent see s. 181(1); Sch. 9 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); Sch. 9 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

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”.

**Commencement Information**

**I5** Sch. 9 wholly in force at 30.3.2004; Sch. 9 not in force at Royal Assent see s. 181(1); Sch. 9 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); Sch. 9 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

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.”

**Commencement Information**

**I6** Sch. 9 wholly in force at 30.3.2004; Sch. 9 not in force at Royal Assent see s. 181(1); Sch. 9 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); Sch. 9 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

*Service charges*

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

**Commencement Information**

**I7** Sch. 9 wholly in force at 30.3.2004; Sch. 9 not in force at Royal Assent see s. 181(1); Sch. 9 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); Sch. 9 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

*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”.

**Commencement Information**

**I8** Sch. 9 wholly in force at 30.3.2004; Sch. 9 not in force at Royal Assent see s. 181(1); Sch. 9 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); Sch. 9 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

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### *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—
- “(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.”

#### **Commencement Information**

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

### *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”.

#### **Commencement Information**

- I10** Sch. 9 wholly in force at 30.3.2004; Sch. 9 not in force at Royal Assent see s. 181(1); Sch. 9 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); Sch. 9 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

### *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”.

#### **Commencement Information**

- I11** Sch. 9 wholly in force at 30.3.2004; Sch. 9 not in force at Royal Assent see s. 181(1); Sch. 9 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); Sch. 9 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

### *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”.

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*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”.

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**I13** Sch. 9 wholly in force at 30.3.2004; Sch. 9 not in force at Royal Assent see s. 181(1); Sch. 9 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); Sch. 9 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

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