

SCHEDULE 5

regulations 8(h), 9(l) and 10(3)

Leasehold information

Required leasehold documents

- 1.—(1) Subject to sub-paragraph (2), the documents referred to in regulation 8(h)(i) are—
- (a) the lease in the form of—
 - (i) an official copy;
 - (ii) the original lease (or a copy of it in accordance with regulation 6); or
 - (iii) an edited information document if, despite all reasonable efforts and enquiries by the responsible person, the lease can only be obtained by him in that form;
 - (b) such regulations or rules as are made for the purposes of managing the property by—
 - (i) the current lessor or proposed lessor;
 - (ii) such managing agents as are appointed or proposed for appointment by the lessor to manage the property; and
 - (iii) such other persons as manage or are likely to manage the property, and their predecessors (if any);
 - (c) statements or summaries of service charges supplied in respect of the property under section 21 of the Landlord and Tenant Act 1985(1) or otherwise, and relating to the 36 months preceding the first point of marketing; and
 - (d) the most recent requests for payment or financial contribution where made in respect of the property, relating to the 12 months preceding the first point of marketing, towards such of the following as are relevant to the property—
 - (i) service charges;
 - (ii) ground rent;
 - (iii) insurance against damage for the building in which the property is situated (if made separately from the request relating to service charges included under sub-paragraph (i)); and
 - (iv) insurance for any person in respect of personal injury or death caused by or within the building in which the property is situated (if made separately from the request relating to service charges included under sub-paragraph (i)).
- (2) Except for the documents specified in sub-paragraph (1)(a), the documents required by that sub-paragraph are only those which are in the seller's possession, under his control or to which he can reasonably be expected to have access, taking into account the enquiries that it would be reasonable to make of—
- (a) the lessee (unless the seller is the lessee); and
 - (b) the persons described in sub-paragraph (1)(b) and their predecessors (if any).

Required leasehold information

- 2.—(1) Subject to sub-paragraph (2), the matters referred to in regulation 8(h)(ii) are—
- (a) the names and addresses of—
 - (i) the current lessor or proposed lessor;

(1) 1985 c. 70. At the time these Regulations are made, section 152 of the Commonhold and Leasehold Reform Act 2002 (c. 15) which substitutes section 21 of the Landlord and Tenant Act 1985, is not yet fully in force.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (ii) such managing agents as are appointed or proposed for appointment by the lessor to manage the property; and
 - (iii) such other persons as manage or are likely to manage the property;
 - (b) such amendments as are proposed to the following—
 - (i) the lease; and
 - (ii) the regulations or rules described in paragraph 1(1)(b); and
 - (c) where section 20 of the Landlord and Tenant Act 1985(2) applies to any qualifying works or qualifying long term agreement in respect of the property, a summary of—
 - (i) such works or agreements in relation to which a relevant contribution (or any part of a relevant contribution) has not been paid by the first point of marketing;
 - (ii) the total or estimated total cost of such works or agreements;
 - (iii) the expected remaining relevant contribution of a lessee of the property;
 - (iv) the date or estimated date that such works or agreements will be concluded; and
 - (v) the date or estimated date that the remaining relevant contribution will be required of a lessee of the property.
- (2) The information required by sub-paragraph (1) is only that which the seller can reasonably be expected to be aware of, taking into account the enquiries that it would be reasonable to make of—
- (a) the lessee (unless the seller is the lessee); and
 - (b) the persons described in paragraph 1(1)(b)(i) and their predecessors (if any).

Authorised leasehold information

3. The matters referred to in regulation 9(1) are—
- (a) any lease(3) of the property, including those that are superior or inferior to the property interest;
 - (b) any licence relating to the property;
 - (c) any freehold estate to which the lease relates including any proposals to buy a freehold interest relating to the property;
 - (d) the rights or obligations of the lessee under the lease or otherwise, including whether the lessee has complied with such obligations;
 - (e) the rights or obligations of the lessor under the lease or otherwise, including whether the lessor has complied with such obligations;
 - (f) the lessor of the property and any information that might affect the lessee’s relationship with the lessor;
 - (g) any agent of the lessor or other manager of the property and any information that might affect the lessee’s relationship with such persons;
 - (h) the membership or existence of any body of persons corporate or unincorporate which manages the property or building in which the property is situated;
 - (i) the status or memorandum and articles of association of any company related to the management of the property or building in which the property is situated;
 - (j) the rent payable for the property, including whether payments for such rent are outstanding;

(2) Section 20 is substituted by section 151 of the Commonhold and Leasehold Reform Act 2002.

(3) In this case, “lease” does not only mean a long lease - see regulation 3(1).

- (k) any service charges payable in respect of the property, including whether payments for such charges are outstanding;
- (l) any reserve fund relating to the property for necessary works to it or the building in which the property is situated, including whether payments to such a fund are outstanding;
- (m) any planned or recent works to the property or the building in which the property is situated; and
- (n) any responsibility for insuring the property or the building in which the property is situated, including the terms of such insurance and whether payments relating to it are outstanding.

Creation of leasehold interests

4. The matters referred to in regulation 10(3)(e) are—
- (a) the terms of the lease that will or is expected to be granted in order to create the property interest; and
 - (b) estimates of the payment or financial contribution likely to be required of the lessee within 12 months of completion of the sale of the property interest towards—
 - (i) service charges;
 - (ii) ground rent;
 - (iii) insurance against damage for the building in which the property is situated (if not to be included in contributions towards service charges); and
 - (iv) insurance for any person in respect of personal injury or death caused by or within the building in which the property is situated (if not to be included in contributions towards service charges).