# SCHEDULES

## SCHEDULE 11

Section 158

## ADMINISTRATION CHARGES

### PART 1

### [F1 ADMINISTRATION CHARGES]

**Textual Amendments**

**F1** Sch. 11 Pt. 1 heading substituted (30.6.2022 for specified purposes, 1.4.2023 in so far as not already in force) by Leasehold Reform (Ground Rent) Act 2022 (c. 1), **ss. 18(2)**, 25(2) (with s. 23); S.I. 2022/694, regs. 2, 3, 4

*Meaning of "administration charge"*

1 (1) In this Part of this Schedule "administration charge" means an amount payable by a tenant of a dwelling as part of or in addition to the rent which is payable, directly or indirectly—

(a) for or in connection with the grant of approvals under his lease, or applications for such approvals,

(b) for or in connection with the provision of information or documents by or on behalf of the landlord or a person who is party to his lease otherwise than as landlord or tenant,

(c) in respect of a failure by the tenant to make a payment by the due date to the landlord or a person who is party to his lease otherwise than as landlord or tenant, or

(d) in connection with a breach (or alleged breach) of a covenant or condition in his lease.

(2) But an amount payable by the tenant of a dwelling the rent of which is registered under Part 4 of the Rent Act 1977 (c. 42) is not an administration charge, unless the amount registered is entered as a variable amount in pursuance of section 71(4) of that Act.

(3) In this Part of this Schedule "variable administration charge" means an administration charge payable by a tenant which is neither—

(a) specified in his lease, nor

(b) calculated in accordance with a formula specified in his lease.

(4) An order amending sub-paragraph (1) may be made by the appropriate national authority.

**Changes to legislation:** *There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, SCHEDULE 11. (See end of Document for details)*

**Commencement Information**

**I1** Sch. 11 wholly in force at 30.3.2004; Sch. 11 not in force at Royal Assent see s. 181(1); Sch. 11 in force at 30.3.2003 for E. by S.I. 2003/1986, **art. 2(c)(i)** (with Sch. 2); Sch. 11 in force at 30.3.2004 for W. by S.I. 2004/669, **art. 2(c)(i)** (with Sch. 2)

*Reasonableness of administration charges*

2 A variable administration charge is payable only to the extent that the amount of the charge is reasonable.

**Commencement Information**

**I2** Sch. 11 wholly in force at 30.3.2004; Sch. 11 not in force at Royal Assent see s. 181(1); Sch. 11 in force at 30.3.2003 for E. by S.I. 2003/1986, **art. 2(c)(i)** (with Sch. 2); Sch. 11 in force at 30.3.2004 for W. by S.I. 2004/669, **art. 2(c)(i)** (with Sch. 2)

*No administration charge payable for certain rents*

**[**[F2]2A (1) No administration charge is payable for, in connection with or in respect of, the payment of a relevant rent.

(2) A "relevant rent" is a rent (or any part of a rent) which, by virtue of the Leasehold Reform (Ground Rent) Act 2022, is permitted only to be a peppercorn rent.

(3) "Peppercorn rent" has the same meaning as in that Act (see section 4(3) of that Act).**]**

**Textual Amendments**

**F2** Sch. 11 para. 2A and cross-heading inserted (30.6.2022 for specified purposes, 1.4.2023 in so far as not already in force) by Leasehold Reform (Ground Rent) Act 2022 (c. 1), **ss. 18(3)**, 25(2) (with s. 23); S.I. 2022/694, regs. 2, 3, 4

***[**[F3]*Application for order varying lease**]***

3 (1) Any party to a lease of a dwelling may apply to **[**[F4]the appropriate tribunal**]** for an order varying the lease in such manner as is specified in the application on the grounds that—

(a) any administration charge specified in the lease is unreasonable, [F5]...

(b) any formula specified in the lease in accordance with which any administration charge is calculated is unreasonable.**[**[F6], or

(c) an administration charge specified in the lease is not payable because of paragraph 2A.**]**

(2) If the grounds on which the application was made are established to the satisfaction of the tribunal, it may make an order varying the lease in such manner as is specified in the order.

(3) The variation specified in the order may be—

(a) the variation specified in the application, or

(b) such other variation as the tribunal thinks fit.

(4) The tribunal may, instead of making an order varying the lease in such manner as is specified in the order, make an order directing the parties to the lease to vary it in such manner as is so specified.

(5) The tribunal may by order direct that a memorandum of any variation of a lease effected by virtue of this paragraph be endorsed on such documents as are specified in the order.

(6) Any such variation of a lease shall be binding not only on the parties to the lease for the time being but also on other persons (including any predecessors in title), whether or not they were parties to the proceedings in which the order was made.

**Textual Amendments**

**F3** Sch. 11 para. 3 cross-heading inserted (30.6.2022 for specified purposes, 1.4.2023 in so far as not already in force) by Leasehold Reform (Ground Rent) Act 2022 (c. 1), **ss. 18(4)**, 25(2) (with s. 23); S.I. 2022/694, regs. 2, 3, 4

**F4** Words in Sch. 11 para. 3(1) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 147(a)** (with Sch. 3)

**F5** Word in Sch. 11 para. 3(1)(a) omitted (30.6.2022 for specified purposes, 1.4.2023 in so far as not already in force) by virtue of Leasehold Reform (Ground Rent) Act 2022 (c. 1), **ss. 18(5)(a)**, 25(2) (with s. 23); S.I. 2022/694, regs. 2, 3, 4

**F6** Sch. 11 para. 3(1)(c) and word inserted (30.6.2022 for specified purposes, 1.4.2023 in so far as not already in force) by Leasehold Reform (Ground Rent) Act 2022 (c. 1), **ss. 18(5)(b)**, 25(2) (with s. 23); S.I. 2022/694, regs. 2, 3, 4

**Commencement Information**

**I3** Sch. 11 wholly in force at 30.3.2004; Sch. 11 not in force at Royal Assent see s. 181(1); Sch. 11 in force at 30.9.2003 for E. by S.I. 2003/1986, **art. 2(c)(i)** (with Sch. 2); Sch. 11 in force at 30.3.2004 for W. by S.I. 2004/669, **art. 2(c)(i)** (with Sch. 2)

*Notice in connection with demands for administration charges*

4 (1) A demand for the payment of an administration charge must be accompanied by a summary of the rights and obligations of tenants of dwellings in relation to administration charges.

(2) The appropriate national authority may make regulations prescribing requirements as to the form and content of such summaries of rights and obligations.

(3) A tenant may withhold payment of an administration charge which has been demanded from him if sub-paragraph (1) is not complied with in relation to the demand.

(4) Where a tenant withholds an administration charge under this paragraph, any provisions of the lease relating to non-payment or late payment of administration charges do not have effect in relation to the period for which he so withholds it.

**Commencement Information**

**I4** Sch. 11 wholly in force at 30.3.2004; Sch. 11 not in force at Royal Assent see s. 181(1); Sch. 11 in force at 30.9.2003 for E. by S.I. 2003/1986, **art. 2(c)(i)** (with Sch. 2); Sch. 11 in force at 30.3.2004 for W. by S.I. 2004/669, **art. 2(c)(i)** (with Sch. 2)

*Liability to pay administration charges*

5 (1) An application may be made to **[**[F7]the appropriate tribunal**]** for a determination whether an administration charge is payable and, if it is, as to—

(a) the person by whom it is payable,

(b) the person to whom it is payable,

(c) the amount which is payable,

(d) the date at or by which it is payable, and

(e) the manner in which it is payable.

(2) Sub-paragraph (1) applies whether or not any payment has been made.

(3) The jurisdiction conferred on **[**[F8]the appropriate tribunal**]** in respect of any matter by virtue of sub-paragraph (1) is in addition to any jurisdiction of a court in respect of the matter.

(4) No application under sub-paragraph (1) may be made in respect of a matter which—

(a) has been agreed or admitted by the tenant,

(b) has been, or is to be, referred to arbitration pursuant to a post-dispute arbitration agreement to which the tenant is a party,

(c) has been the subject of determination by a court, or

(d) has been the subject of determination by an arbitral tribunal pursuant to a post-dispute arbitration agreement.

(5) But the tenant is not to be taken to have agreed or admitted any matter by reason only of having made any payment.

(6) An agreement by the tenant of a dwelling (other than a post-dispute arbitration agreement) is void in so far as it purports to provide for a determination—

(a) in a particular manner, or

(b) on particular evidence,

of any question which may be the subject matter of an application under sub-paragraph (1).

**Textual Amendments**

**F7** Words in Sch. 11 para. 5(1) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 147(a)** (with Sch. 3)

**F8** Words in Sch. 11 para. 5(3) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 147(a)** (with Sch. 3)

**Commencement Information**

**I5** Sch. 11 wholly in force at 30.3.2004; Sch. 11 not in force at Royal Assent see s. 181(1); Sch. 11 in force at 30.9.2003 for E. by S.I. 2003/1986, **art. 2(c)(i)** (with Sch. 2); Sch. 11 in force at 30.3.2004 for W. by S.I. 2004/669, **art. 2(c)(i)** (with Sch. 2)

*Limitation of administration charges: costs of proceedings*

[F9 5A (1) A tenant of a dwelling in England may apply to the relevant court or tribunal for an order reducing or extinguishing the tenant's liability to pay a particular administration charge in respect of litigation costs.

(2) The relevant court or tribunal may make whatever order on the application it considers to be just and equitable.

(3) In this paragraph—

(a) "litigation costs" means costs incurred, or to be incurred, by the landlord in connection with proceedings of a kind mentioned in the table, and

(b) "the relevant court or tribunal" means the court or tribunal mentioned in the table in relation to those proceedings.

| ***Proceedings to which costs relate*** | ***"The relevant court or tribunal"*** |
|---|---|
| Court proceedings | The court before which the proceedings are taking place or, if the application is made after the proceedings are concluded, the county court |
| First-tier Tribunal proceedings | The First-tier Tribunal |
| Upper Tribunal proceedings | The Upper Tribunal |
| Arbitration proceedings | The arbitral tribunal or, if the application is made after the proceedings are concluded, the county court.] |

**Textual Amendments**

**F9** Sch. 11 para. 5A and heading inserted (6.4.2017) by Housing and Planning Act 2016 (c. 22), **ss. 131**, 216(3); S.I. 2017/281, reg. 4(h) (with reg. 6)

*Interpretation*

6 (1) This paragraph applies for the purposes of this Part of this Schedule.

(2) "Tenant" includes a statutory tenant.

(3) "Dwelling" and "statutory tenant" (and "landlord" in relation to a statutory tenant) have the same meanings as in the 1985 Act.

(4) "Post-dispute arbitration agreement", in relation to any matter, means an arbitration agreement made after a dispute about the matter has arisen.

(5) "Arbitration agreement" and "arbitral tribunal" have the same meanings as in Part 1 of the Arbitration Act 1996 (c. 23).

[F10(6) "Appropriate tribunal" means—

(a) in relation to premises in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and

(b) in relation to premises in Wales, a leasehold valuation tribunal.]

**Textual Amendments**

**F10** Sch. 11 para. 6(6) inserted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 147(b)** (with Sch. 3)

**Commencement Information**

**I6** Sch. 11 wholly in force at 30.3.2004; Sch. 11 not in force at Royal Assent see s. 181(1); Sch. 11 in force at 30.9.2003 for E. by S.I. 2003/1986, **art. 2(c)(i)** (with Sch. 2); Sch. 11 in force at 30.3.2004 for W. by S.I. 2004/669, **art. 2(c)(i)** (with Sch. 2)

## PART 2

### AMENDMENTS OF LANDLORD AND TENANT ACT 1987

7 The 1987 Act has effect subject to the following amendments.

**Commencement Information**

**I7** Sch. 11 wholly in force at 30.3.2004; Sch. 11 not in force at Royal Assent see s. 181(1); Sch. 11 in force at 30.9.2003 for E. by S.I. 2003/1986, **art. 2(c)(i)** (with Sch. 2); Sch. 11 in force at 30.3.2004 for W. by S.I. 2004/669, **art. 2(c)(i)** (with Sch. 2)

8 (1) Section 24 (appointment of manager by leasehold valuation tribunal) is amended as follows.

(2) In subsection (2), after paragraph (ab) insert—

"(aba) where the tribunal is satisfied—

(i) that unreasonable variable administration 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;".

(3) After subsection (2A) insert—

"(2B) In subsection (2)(aba) "variable administration charge" has the meaning given by paragraph 1 of Schedule 11 to the Commonhold and Leasehold Reform Act 2002."

**Commencement Information**

**I8** Sch. 11 wholly in force at 30.3.2004; Sch. 11 not in force at Royal Assent see s. 181(1); Sch. 11 in force at 30.9.2003 for E. by S.I. 2003/1986, **art. 2(c)(i)** (with Sch. 2); Sch. 11 in force at 30.3.2004 for W. by S.I. 2004/669, **art. 2(c)(i)** (with Sch. 2)

9 In section 46 (interpretation of provisions concerning information to be furnished to tenants), insert at the end—

"(3) In this Part "administration charge" has the meaning given by paragraph 1 of Schedule 11 to the Commonhold and Leasehold Reform Act 2002."

**Commencement Information**

**I9** Sch. 11 wholly in force at 30.3.2004; Sch. 11 not in force at Royal Assent see s. 181(1); Sch. 11 in force at 30.9.2003 for E. by S.I. 2003/1986, **art. 2(c)(i)** (with Sch. 2); Sch. 11 in force at 30.3.2004 for W. by S.I. 2004/669, **art. 2(c)(i)** (with Sch. 2)

10 (1) Section 47 (landlord's name and address to be contained in demands for rent etc.) is amended as follows.

(2) In subsection (2), after "service charge" insert " or an administration charge ".

(3) In subsection (3), after "service charges" insert " or (as the case may be) administration charges ".

**Commencement Information**

**I10** Sch. 11 wholly in force at 30.3.2004; Sch. 11 not in force at Royal Assent see s. 181(1); Sch. 11 in force at 30.9.2003 for E. by S.I. 2003/1986, **art. 2(c)(i)** (with Sch. 2); Sch. 11 in force at 30.3.2004 for W. by S.I. 2004/669, **art. 2(c)(i)** (with Sch. 2)

11 (1) Section 48 (notification by landlord of address for service of notices) is amended as follows.

(2) In subsection (2), for "or service charge" substitute " , service charge or administration charge ".

(3) In subsection (3)—

(a) for "or service charge" substitute " , service charge or administration charge ", and

(b) for "or (as the case may be) service charges" substitute " , service charges or (as the case may be) administration charges ".

**Commencement Information**

**I11** Sch. 11 wholly in force at 30.3.2004; Sch. 11 not in force at Royal Assent see s. 181(1); Sch. 11 in force at 30.9.2003 for E. by S.I. 2003/1986, **art. 2(c)(i)** (with Sch. 2); Sch. 11 in force at 30.3.2004 for W. by S.I. 2004/669, **art. 2(c)(i)** (with Sch. 2)

**Changes to legislation:**
There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, SCHEDULE 11.