

Status: Point in time view as at 09/02/2017.

Changes to legislation: Housing and Regeneration Act 2008, Cross Heading: Landlord and Tenant Act 1987 (c. 31) is up to date with all changes known to be in force on or before 19 June 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)

SCHEDULES

SCHEDULE 12

SERVICE CHARGES: PROVISION OF INFORMATION AND DESIGNATED ACCOUNTS

Landlord and Tenant Act 1987 (c. 31)

11 The Landlord and Tenant Act 1987 is amended as follows.

Commencement Information

II Sch. 12 para. 11 in force at 1.12.2008 for specified purposes by [S.I. 2008/3068](#), [art. 4\(7\)](#) (with [arts. 6-13](#))

12 (1) Section 42A (service charge contributions to be held in designated account) is amended as follows.

(2) In subsection (2)—

(a) for paragraph (b) substitute—

“(b) any other sums held in the account are sums standing to the credit of one or more other trust funds,” and

(b) for “Secretary of State” substitute “appropriate national authority”.

(3) After subsection (2) insert—

“(2A) The appropriate national authority may by regulations ensure that a payee who holds more than one trust fund in the same designated account cannot move any of those funds to another designated account unless conditions specified in the regulations are met.”

(4) In subsection (3)(a)—

(a) after “subsection (1) is” insert “, or regulations under subsection (2A) are,” and

(b) for “them” substitute “such documents”.

(5) In subsections (5), (6), (7) and (8) for “this section” substitute “subsection (3)”.

(6) After subsection (9) insert—

“(9A) Regulations under subsection (2A) may include provision about —

(a) the circumstances in which a contributing tenant who has reasonable grounds for believing that the payee has not complied with a duty imposed on him by the regulations may withhold payment of a service charge,

(b) the period for which payment may be so withheld,

(c) the amount of service charge that may be so withheld;

and the regulations may provide that any provisions of the contributing tenant's tenancy relating to non-payment or late payment of service charge

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do not have effect in relation to the period for which the payment is so withheld.”

(7) In subsection (10)—

- (a) after “this section” insert “ or in regulations under subsection (2A) ”, and
- (b) for “Secretary of State” substitute “ appropriate national authority ”.

(8) After subsection (10) insert—

“(10A) Regulations under this section may—

- (a) make different provision for different cases, including different provision for different areas,
- (b) contain such supplementary, incidental, consequential, transitional, transitory or saving provision as the appropriate national authority considers appropriate.

(10B) Regulations under this section are to be made by statutory instrument which—

- (a) in the case of regulations made by the Secretary of State, is to be subject to annulment in pursuance of a resolution of either House of Parliament, and
- (b) in the case of regulations made by the Welsh Ministers, is to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

(9) In subsection (11)—

(a) after “section—” insert—

““the appropriate national authority”—

- (a) in relation to England, means the Secretary of State, and
- (b) in relation to Wales, means the Welsh Ministers,” and
- (b) in the definition of “relevant financial institution” for “Secretary of State” substitute “ appropriate national authority ”.

Commencement Information

I2 Sch. 12 para. 12 in force at 1.12.2008 for specified purposes by [S.I. 2008/3068](#), [art. 4\(7\)](#) (with [arts. 6-13](#))

13 (1) Section 53 (regulations and orders) is amended as follows.

(2) In subsection (2)(b) omit “or 42A”.

(3) After subsection (2) insert—

“(3) This section does not apply to any power to make regulations under section 42A.”

Commencement Information

I3 Sch. 12 para. 13 in force at 1.12.2008 for specified purposes by [S.I. 2008/3068](#), [art. 4\(7\)](#) (with [arts. 6-13](#))

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