

Status: Point in time view as at 09/02/2017. This version of this cross heading contains provisions that are prospective.

Changes to legislation: Housing and Regeneration Act 2008, Paragraph 15 is up to date with all changes known to be in force on or before 18 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

PROSPECTIVE

Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)

- 15 (1) Section 78 (management audits) is amended as follows.
- (2) In subsection (4) for paragraphs (a) and (b), and the “and” following paragraph (b), substitute—
- “**(a)** he is—
- (i) a member of a body which is a recognised supervisory body for the purposes of Part 42 of the Companies Act 2006;
 - (ii) a qualified surveyor; or
 - (iii) where the landlord is a relevant landlord, a member of the Chartered Institute of Public Finance and Accountancy;
- (b)** he is not any of the following—
- (i) an officer, employee or partner of the landlord or, where the landlord is a company, of an associated company;
 - (ii) a person who is a partner or employee of any such officer or employee;
 - (iii) an agent of the landlord who is a managing agent for any premises to which the audit in question relates; or
 - (iv) an employee or partner of any such agent; and”.

(3) After subsection (5) insert—

“(5A) For the purposes of subsection (4)(b)(i) above a company is associated with a landlord company if it is the landlord's holding company, a subsidiary of the landlord or another subsidiary of the landlord's holding company.

(5B) Subsection (4)(b)(i) does not apply where the landlord is a relevant landlord.

(5C) For the purposes of subsection (4)(b)(iii) above a person is a managing agent for any premises if he has been appointed to discharge any of the landlord's obligations relating to the management by the landlord of the premises.”

(4) After subsection (6) insert—

“(7) In this section—

“holding company” and “subsidiary” have the meanings given by section 1159 of the Companies Act 2006;

“relevant landlord” means—

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- (a) a local authority (within the meaning of the Landlord and Tenant Act 1985);
- (b) a National Park authority; or
- (c) a new town corporation (within the meaning of the Act of 1985).”

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