



# Landlord and Tenant Act 1985

## 1985 CHAPTER 70

### *Service charges*

#### **18 Meaning of “service charge” and “relevant costs”.**

- (1) In the following provisions of this Act “service charge” means an amount payable by a tenant of a [<sup>F1</sup>dwelling] as part of or in addition to the rent—
- (a) which is payable, directly or indirectly, for services, repairs, maintenance or insurance or the landlord’s costs of management, and
  - (b) the whole or part of which varies or may vary according to the relevant costs.
- (2) The relevant costs are the costs or estimated costs incurred or to be incurred by or on behalf of the landlord, or a superior landlord, in connection with the matters for which the service charge is payable.
- (3) For this purpose—
- (a) “costs” includes overheads, and
  - (b) costs are relevant costs in relation to a service charge whether they are incurred, or to be incurred, in the period for which the service charge is payable or in an earlier or later period.

#### **Textual Amendments**

**F1** Word substituted by [Landlord and Tenant Act 1987 \(c. 31, SIF 75:1\)](#), s. 41, [Sch. 2 para. 1](#)

#### **Modifications etc. (not altering text)**

- C1** [S. 18](#) amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 57(7), [Sch. 13 para. 24](#) (as substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, [Sch. 2 para. 61](#)) and [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 79(12)
- C2** [Ss. 18-30](#) modified (1.4.1995) by S.I. 1995/401, art. 18, [Sch. para. 10\(b\)](#)  
[Ss. 18-30](#) extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), [Sch. 13 para. 23\(b\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))

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## 19 Limitation of service charges: reasonableness.

- (1) Relevant costs shall be taken into account in determining the amount of a service charge payable for a period—
  - (a) only to the extent that they are reasonably incurred, and
  - (b) where they are incurred on the provision of services or the carrying out of works, only if the services or works are of a reasonable standard;
 and the amount payable shall be limited accordingly.
- (2) Where a service charge is payable before the relevant costs are incurred, no greater amount than is reasonable is so payable, and after the relevant costs have been incurred any necessary adjustment shall be made by repayment, reduction or subsequent charges or otherwise.
- (3) An agreement by the tenant of a [<sup>F2</sup>dwelling] (other than an arbitration agreement within the meaning of section 32 of the <sup>M1</sup>Arbitration Act 1950) is void in so far as it purports to provide for a determination in a particular manner, or on particular evidence, of any question—
  - (a) whether costs incurred for services, repairs, maintenance, insurance or management were reasonably incurred,
  - (b) whether services or works for which costs were incurred are of a reasonable standard, or
  - (c) whether an amount payable before costs are incurred is reasonable.
- (4) A county court may make a declaration—
  - (a) that any such costs were or were not reasonably incurred,
  - (b) that any such services or works are or are not of a reasonable standard, or
  - (c) that any such amount is or is not reasonable,
 notwithstanding that no other relief is sought in the proceedings.
- [<sup>F3</sup>(5) If a person takes any proceedings in the High Court in pursuance of any of the provisions of this Act relating to service charges and he could have taken those proceedings in the county court, he shall not be entitled to recover any costs.]

### Textual Amendments

- F2** Word substituted by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 41, **Sch. 2 para. 2(a)**
- F3** S. 19(5) added by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 41, **Sch. 2 para. 2(b)**, but is repealed (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 124(3), 125(7), **Sch. 20**

### Modifications etc. (not altering text)

- C3** S. 19 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 24** (as substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 61**) and Housing Act 1988 (c. 50, SIF 61), s. 79(12)
- C4** Ss. 18-30 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 10(b)**  
Ss. 18-30 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 23(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- C5** S. 19(1)(2) excluded by S.I. 1988/1283, art. 2, **Sch. para. 2(a)**
- C6** S. 19(3) excluded by S.I. 1988/1283, art. 2, **Sch. para. 2(b)**
- C7** S. 19(5) excluded by S.I. 1988/1283, art. 2, **Sch. para. 5**

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#### Marginal Citations

M1 1950 c. 27.

[<sup>F4</sup>20

- (1) Where relevant costs incurred on the carrying out of any qualifying works exceed the limit specified in subsection (3), the excess shall not be taken into account in determining the amount of a service charge unless the relevant requirements have been either—
  - (a) complied with, or
  - (b) dispensed with by the court in accordance with subsection (9);and the amount payable shall be limited accordingly.
- (2) In subsection (1) “qualifying works”, in relation to a service charge, means works (whether on a building or on any other premises) to the costs of which the tenant by whom the service charge is payable may be required under the terms of his lease to contribute by the payment of such a charge.
- (3) The limit is whichever is the greater of—
  - (a) £25, or such other amount as may be prescribed by order of the Secretary of State, multiplied by the number of dwellings let to the tenants concerned; or
  - (b) £500, or such other amount as may be so prescribed.
- (4) The relevant requirements in relation to such of the tenants concerned as are not represented by a recognised tenants’ association are—
  - (a) At least two estimates for the works shall be obtained, one of them from a person wholly unconnected with the landlord.
  - (b) A notice accompanied by a copy of the estimates shall be given to each of those tenants or shall be displayed in one or more places where it is likely to come to the notice of all those tenants.
  - (c) The notice shall describe the works to be carried out and invite observations on them and on the estimates and shall state the name and the address in the United Kingdom of the person to whom the observations may be sent and the date by which they are to be received.
  - (d) The date stated in the notice shall not be earlier than one month after the date on which the notice is given or displayed as required by paragraph (b).
  - (e) The landlord shall have regard to any observations received in pursuance of the notice; and unless the works are urgently required they shall not be begun earlier than the date specified in the notice.
- (5) The relevant requirements in relation to such of the tenants concerned as are represented by a recognised tenants’ association are—
  - (a) The landlord shall give to the secretary of the association a notice containing a detailed specification of the works in question and specifying a reasonable period within which the association may propose to the landlord the names of one or more persons from whom estimates for the works should in its view be obtained by the landlord.
  - (b) At least two estimates for the works shall be obtained, one of them from a person wholly unconnected with the landlord.
  - (c) A copy of each of the estimates shall be given to the secretary of the association.

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- (d) A notice shall be given to each of the tenants concerned represented by the association, which shall—
    - (i) describe briefly the works to be carried out,
    - (ii) summarise the estimates,
    - (iii) inform the tenant that he has a right to inspect and take copies of a detailed specification of the works to be carried out and of the estimates,
    - (iv) invite observations on those works and on the estimates, and
    - (v) specify the name and the address in the United Kingdom of the person to whom the observations may be sent and the date by which they are to be received.
  - (e) The date stated in the notice shall not be earlier than one month after the date on which the notice is given as required by paragraph (d).
  - (f) If any tenant to whom the notice is given so requests, the landlord shall afford him reasonable facilities for inspecting a detailed specification of the works to be carried out and the estimates, free of charge, and for taking copies of them on payment of such reasonable charge as the landlord may determine.
  - (g) The landlord shall have regard to any observations received in pursuance of the notice and, unless the works are urgently required, they shall not be begun earlier than the date specified in the notice.
- (6) Paragraphs (d)(ii) and (iii) and (f) of subsection (5) shall not apply to any estimate of which a copy is enclosed with the notice given in pursuance of paragraph (d).
- (7) The requirement imposed on the landlord by subsection (5)(f) to make any facilities available to a person free of charge shall not be construed as precluding the landlord from treating as part of his costs of management any costs incurred by him in connection with making those facilities so available.
- (8) In this section “the tenants concerned” means all the landlord’s tenants who may be required under the terms of their leases to contribute to the costs of the works in question by the payment of service charges.
- (9) In proceedings relating to a service charge the court may, if satisfied that the landlord acted reasonably, dispense with all or any of the relevant requirements.
- (10) An order under this section—
- (a) may make different provision with respect to different cases or descriptions of case, including different provision for different areas, and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F4** S. 20 substituted by [Landlord and Tenant Act 1987 \(c. 31, SIF 75:1\)](#), s. 41, [Sch. 2 para. 3](#)

#### Modifications etc. (not altering text)

**C8** S. 20 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 57(7), [Sch. 13 para. 24](#) (as substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, [Sch. 2 para. 61](#)) and [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 79(12)

**C9** S. 20 excluded by [S.I. 1988/1283](#), art. 2, [Sch. para. 2\(c\)](#)  
Ss. 18-30 modified (1.4.1995) by [S.I. 1995/401](#), art. 18, [Sch. para. 10\(b\)](#)

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Ss. 18-30 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 23(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

VALID FROM 26/07/2002

### [<sup>F5</sup>20ZA Consultation requirements: supplementary

- (1) Where an application is made to a leasehold valuation tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.
- (2) In section 20 and this section—
  - “qualifying works” means works on a building or any other premises, and
  - “qualifying long term agreement” means (subject to subsection (3)) an agreement entered into, by or on behalf of the landlord or a superior landlord, for a term of more than twelve months.
- (3) The Secretary of State may by regulations provide that an agreement is not a qualifying long term agreement—
  - (a) if it is an agreement of a description prescribed by the regulations, or
  - (b) in any circumstances so prescribed.
- (4) In section 20 and this section “the consultation requirements” means requirements prescribed by regulations made by the Secretary of State.
- (5) Regulations under subsection (4) may in particular include provision requiring the landlord—
  - (a) to provide details of proposed works or agreements to tenants or the recognised tenants’ association representing them,
  - (b) to obtain estimates for proposed works or agreements,
  - (c) to invite tenants or the recognised tenants’ association to propose the names of persons from whom the landlord should try to obtain other estimates,
  - (d) to have regard to observations made by tenants or the recognised tenants’ association in relation to proposed works or agreements and estimates, and
  - (e) to give reasons in prescribed circumstances for carrying out works or entering into agreements.
- (6) Regulations under section 20 or this section—
  - (a) may make provision generally or only in relation to specific cases, and
  - (b) may make different provision for different purposes.
- (7) Regulations under section 20 or this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

### Textual Amendments

- F5** Ss. 20, 20ZA substituted (26.7.2002 for E. for certain purposes and otherwise 31.10.2003 and 1.1.2003 for W. for certain purposes and otherwise 30.3.2004) for s. 20 by 2002 c. 15, s. 151; S.I. 2002/1912,

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**art. 2(c)**; S.I. 2002/3012, **art. 2(c)**; S.I. 2003/1986, **art. 3(1)** (subject to art. 3(2)-(7)); S.I. 2004/669, **art. 2(d)** (subject to art. 2(d)(i)-(vi))

#### Modifications etc. (not altering text)

- C10** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 4; S.I. 2003/1986, **art. 2(a)**; S.I. 2004/669, **art. 2(a)**  
Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/669, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/3056, **art. 3(h)** (subject to art. 4 (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, **art. 2(h)** (subject to art. 3)

#### [<sup>F6</sup>20A Limitation of service charges: grant-aided works.

Where relevant costs are incurred or to be incurred on the carrying out of works in respect of which a grant has been or is to be paid under Part XV of the Housing Act <sup>M2</sup>1985 [<sup>F7</sup>or Part VIII of the Local Government and Housing Act <sup>M3</sup>1989] (grants for works of improvement, repair or conversion), the amount of the grant shall be deducted from the costs and the amount of the service charge payable shall be reduced accordingly.

[ In any case where—

- <sup>F8</sup>(2) (a) relevant costs are incurred or to be incurred on the carrying out of works which are included in the external works specified in a group repair scheme, within the meaning of Part VIII of the Local Government and Housing Act 1989, and  
(b) the landlord participated or is participating in that scheme as an assisted participant,

the amount which, in relation to the landlord, is the outstanding balance determined in accordance with subsections (3) and (4) of section 130 of that Act shall be deducted from the costs, and the amount of the service charge payable shall be reduced accordingly.]]

#### Textual Amendments

- F6** S. 20A inserted by Housing and Planning Act 1986 (c. 63, SIF 75:1), s. 24(1), **Sch. 5 para. 9(1)**  
**F7** Words inserted by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194, **Sch. 11 para. 90**  
**F8** S. 20A(2) added by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194, **Sch. 11 para. 90**

#### Modifications etc. (not altering text)

- C11** S. 20A amended by Housing Act 1988 (c. 50, SIF 61), s. 79(12)  
**C12** Ss. 18-30 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 10(b)**  
Ss. 18-30 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 23(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

#### Marginal Citations

- M2** 1985 c.68 (61).  
**M3** 1989 c.42 (61).



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## **[<sup>F9</sup>20B Limitation of service charges: time limit on making demands.**

- (1) If any of the relevant costs taken into account in determining the amount of any service charge were incurred more than 18 months before a demand for payment of the service charge is served on the tenant, then (subject to subsection (2) ), the tenant shall not be liable to pay so much of the service charge as reflects the costs so incurred.
- (2) Subsection (1) shall not apply if, within the period of 18 months beginning with the date when the relevant costs in question were incurred, the tenant was notified in writing that those costs had been incurred and that he would subsequently be required under the terms of his lease to contribute to them by the payment of a service charge.]

### **Textual Amendments**

**F9** Ss. 20B, 20C inserted by [Landlord and Tenant Act 1987 \(c. 31, SIF 75:1\)](#), s. 41, **Sch. 2 para. 4**

### **Modifications etc. (not altering text)**

- C13** S. 20B amended by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 79(12)
- C14** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by [2002 c. 15](#), ss. 102, 181(1), **Sch. 7 para. 4**; [S.I. 2003/1986](#), **art. 2(a)**; [S.I. 2004/669](#), **art. 2(a)**  
Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by [2002 c. 15](#), ss. 172, 181(1); [S.I. 2003/1986](#), **art. 2(c)(ii)** (subject to [Sch. 2](#)); [S.I. 2004/669](#), **art. 2(c)(ii)** (subject to [Sch. 2](#)); [S.I. 2004/3056](#), **art. 3(h)** (subject to [art. 4](#) (as amended by [S.I. 2005/193](#), [art. 2](#))); [S.I. 2005/1353](#), **art. 2(h)** (subject to [art. 3](#))
- C15** Ss. 18-30 modified (1.4.1995) by [S.I. 1995/401](#), [art. 18](#), **Sch. para. 10(b)**  
Ss. 18-30 extended (5.7.1994) by [1994 c. 19](#), ss. 39, 66(2)(b), **Sch. 13 para. 23(b)** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))
- C16** S. 20B(2) modified by [S.I. 1988/1283](#), [art. 2](#), **Sch. para. 6**

## **20C Limitation of service charges: costs of court proceedings.**

- (1) A tenant may make an application to the appropriate court for an order that all or any of the costs incurred, or to be incurred, by the landlord in connection with any proceedings are not to be regarded as relevant costs to be taken into account in determining the amount of any service charge payable by the tenant or any other person or persons specified in the application; and the court may make such order on the application as it considers just and equitable in the circumstances.
- (2) In subsection (1) “the appropriate court” means—
  - (a) if the application is made in the course of the proceedings in question, the court before which the proceedings are taking place; and
  - (b) if the application is made after those proceedings are concluded, a county court.

### **Modifications etc. (not altering text)**

- C17** S. 20C excluded by [S.I. 1988/1283](#), [art. 2](#), **Sch. para. 5**
- C18** S. 20C amended by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 79(12)
- C19** Ss. 18-30 modified (1.4.1995) by [S.I. 1995/401](#), [art. 18](#), **Sch. para. 10(b)**  
Ss. 18-30 extended (5.7.1994) by [1994 c. 19](#), ss. 39, 66(2)(b), **Sch. 13 para. 23(b)** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))

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## 21 Request for summary of relevant costs.

- (1) A tenant may require the landlord in writing to supply him with a written summary of the costs incurred—
- (a) if the relevant accounts are made up for periods of twelve months, in the last such period ending not later than the date of the request, or
  - (b) if the accounts are not so made up, in the period of twelve months ending with the date of the request,
- and which are relevant costs in relation to the service charges payable or demanded as payable in that or any other period.
- (2) If <sup>F10</sup>the tenant is represented by a recognised tenants' association and he] consents, the request may be made by the secretary of the association instead of by the tenant and may then be for the supply of the summary to the secretary.
- (3) A request is duly served on the landlord if it is served on—
- (a) an agent of the landlord named as such in the rent book or similar document, or
  - (b) the person who receives the rent on behalf of the landlord;
- and a person on whom a request is so served shall forward it as soon as may be to the landlord.
- (4) The landlord shall comply with the request within one month of the request or within six months of the end of the period referred to in subsection (1)(a) or (b) whichever is the later.
- (5) The summary shall <sup>F11</sup>state whether any of the costs relate to works in respect of which a grant has been or is to be paid under Part XV of the Housing Act 1985 <sup>F12</sup>or Part VIII of the Local Government and Housing Act 1989] (grants for works of improvement, repair or conversion) and] set out the costs in a way showing <sup>F13</sup>how they have been or will be reflected in demands for service charges and, in addition, shall summarise each of the following items, namely—
- (a) any of the costs in respect of which no demand for payment was received by the landlord within the period referred to in subsection (1)(a) or (b),
  - (b) any of the costs in respect of which—
    - (i) a demand for payment was so received, but
    - (ii) no payment was made by the landlord within that period, and
  - (c) any of the costs in respect of which—
    - (i) a demand for payment was so received, and
    - (ii) payment was made by the landlord within that period,

and specify the aggregate of any amounts received by the landlord down to the end of that period on account of service charges in respect of relevant dwellings and still standing to the credit of the tenants of those dwellings at the end of that period
- (5A) In subsection (5) “relevant dwelling” means a dwelling whose tenant is either—
- (a) the person by or with the consent of whom the request was made, or
  - (b) a person whose obligations under the terms of his lease as regards contributing to relevant costs relate to the same costs as the corresponding obligations of the person mentioned in paragraph (a) above relate to.]
- <sup>F14</sup>(5B) The summary shall state whether any of the costs relate to works which are included in the external works specified in a group repair scheme, within the meaning of Part VIII



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of the Local Government and Housing Act 1989, in which the landlord participated or is participating as an assisted participant.]

- (6) <sup>F15</sup>If the service charges in relation to which the costs are relevant costs as mentioned in subsection (1) are payable by the tenants of more than four dwellings], the summary shall be certified by a qualified accountant as—
- (a) in his opinion a fair summary complying with the <sup>F16</sup>requirements] of subsection (5), and
  - (b) being sufficiently supported by accounts, receipts and other documents which have been produced to him.

#### Textual Amendments

- F10** Words substituted by [Landlord and Tenant Act 1987 \(c. 31, SIF 75:1\)](#), s. 41, **Sch. 2 para. 5(2)**
- F11** Words inserted by [Housing and Planning Act 1986 \(c. 63, SIF 75:1\)](#), s. 24(1), **Sch. 5 para. 9(2)**
- F12** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194, **Sch. 11 para. 91(1)**
- F13** Words substituted by [Landlord and Tenant Act 1987 \(c. 31, SIF 75:1\)](#), s. 41, **Sch. 2 para. 5(3)**
- F14** S. 21(5B) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194, **Sch. 11 para. 91(2)**
- F15** Words substituted by [Landlord and Tenant Act 1987 \(c. 31, SIF 75:1\)](#), s. 41, **Sch. 2 para. 5(4)(a)**
- F16** Word substituted by [Landlord and Tenant Act 1987 \(c. 31, SIF 75:1\)](#), s. 41, **Sch. 2 para. 5(4)(b)**

#### Modifications etc. (not altering text)

- C20** S. 21 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 57(7), **Sch. 13 para. 24** (as substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 61**) and [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 79(12)
- C21** S. 21 excluded by [S.I. 1988/1283](#), art. 2, **Sch. para. 2(d)**
- C22** Ss. 18-30 modified (1.4.1995) by [S.I. 1995/401](#), art. 18, **Sch. para. 10(b)**  
Ss. 18-30 extended (5.7.1994) by [1994 c. 19](#), ss. 39, 66(2)(b), **Sch. 13 para. 23(b)** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))

VALID FROM 26/07/2002

#### <sup>F17</sup>21A Withholding of service charges

- (1) A tenant may withhold payment of a service charge if—
- (a) the landlord has not supplied a document to him by the time by which he is required to supply it under section 21, or
  - (b) the form or content of a document which the landlord has supplied to him under that section (at any time) does not conform exactly or substantially with the requirements prescribed by regulations under subsection (4) of that section.
- (2) The maximum amount which the tenant may withhold is an amount equal to the aggregate of—
- (a) the service charges paid by him in the accounting period to which the document concerned would or does relate, and

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- (b) so much of the aggregate amount required to be dealt with in the statement of account for that accounting period by section 21(1)(c)(i) as stood to his credit.
- (3) An amount may not be withheld under this section—
- (a) in a case within paragraph (a) of subsection (1), after the document concerned has been supplied to the tenant by the landlord, or
- (b) in a case within paragraph (b) of that subsection, after a document conforming exactly or substantially with the requirements prescribed by regulations under section 21(4) has been supplied to the tenant by the landlord by way of replacement of the one previously supplied.
- (4) If, on an application made by the landlord to a leasehold valuation tribunal, the tribunal determines that the landlord has a reasonable excuse for a failure giving rise to the right of a tenant to withhold an amount under this section, the tenant may not withhold the amount after the determination is made.
- (5) Where a tenant withholds a service charge under this section, any provisions of the tenancy relating to non-payment or late payment of service charges do not have effect in relation to the period for which he so withholds it.]

#### Textual Amendments

**F17** Ss. 21, 21A substituted (26.7.2002 for E. in so far as it confers power to make regulations and 1.1.2003 for W. in so far as it confers power to make regulations and otherwise prosp.) for s. 21 by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), [s. 152](#); S.I. 2002/1912, [art 2\(c\)](#); S.I. 2002/3012, [art. 2\(c\)](#)

#### Modifications etc. (not altering text)

**C23** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by [2002 c. 15](#), [ss. 102](#), [181\(1\)](#), [Sch. 7 para. 4](#); S.I. 2003/1986, [art. 2\(a\)](#); S.I. 2004/669, [art. 2\(a\)](#)

Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by [2002 c. 15](#), [ss. 172](#), [181\(1\)](#); S.I. 2003/1986, [art. 2\(c\)\(ii\)](#) (subject Sch. 2); S.I. 2004/699, [art. 2\(c\)\(ii\)](#) (subject Sch. 2); S.I. 2004/3056, [art. 3\(h\)](#) (subject to [art. 4](#) (as amended by S.I. 2005/193, [art. 2](#))); S.I. 2005/1353, [art. 2\(h\)](#) (subject to [art. 3](#))

VALID FROM 26/07/2002

#### [<sup>F18</sup>21B Notice to accompany demands for service charges

- (1) A demand for the payment of a service charge must be accompanied by a summary of the rights and obligations of tenants of dwellings in relation to service charges.
- (2) The Secretary of State 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 a service charge which has been demanded from him if subsection (1) is not complied with in relation to the demand.

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- (4) Where a tenant withholds a service charge under this section, any provisions of the lease relating to non-payment or late payment of service charges do not have effect in relation to the period for which he so withholds it.
- (5) Regulations under subsection (2) may make different provision for different purposes.
- (6) Regulations under subsection (2) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

### Textual Amendments

**F18** S. 21B inserted (26.7.2002 for E. for certain purposes and otherwise 1.10.2007 and 1.1.2003 for W. for certain purposes and otherwise 30.11.2007) by 2002 c. 15, s. 153; S.I. 2002/1912, art. 2(c); S.I. 2002/3012, art. 2(c); S.I. 2007/1256, art. 2; S.I. 2007/3161, art. 2

### Modifications etc. (not altering text)

- C24** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 4; S.I. 2003/1986, art. 2(a); S.I. 2004/669, art. 2(a)  
Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, art. 2(c)(ii) (subject to Sch. 2); S.I. 2004/699, art. 2(c)(ii) (subject to Sch. 2); S.I. 2004/3056, art. 3(h) (subject to art. 4 (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, art. 2(h) (subject to art. 3)
- C25** S. 21B applied (1.10.2007) by The Service Charges (Summary of Rights and Obligations, and Transitional Provision) (England) Regulations 2007 (S.I. 2007/1257), reg. 4(b) (with reg. 2)
- C26** S. 21B applied (30.11.2007) by The Service Charges (Summary of Rights and Obligations, and Transitional Provisions) (Wales) Regulations 2007 (S.I. 2007/3160), reg. 4(b) (with reg. 2)
- C27** S. 21B(3)(4) excluded (1.10.2007) by The Service Charges (Summary of Rights and Obligations, and Transitional Provision) (England) Regulations 2007 (S.I. 2007/1257) {reg. 4(a)} (with reg. 2)
- C28** S. 21B(3)(4) excluded (30.11.2007) by The Service Charges (Summary of Rights and Obligations, and Transitional Provisions) (Wales) Regulations 2007 (S.I. 2007/3160), reg. 4(a) (with reg. 2)

## 22 Request to inspect supporting accounts &c.

- (1) This section applies where a tenant, or the secretary of a recognised tenants' association, has obtained such a summary as is referred to in section 21(1) (summary of relevant costs), whether in pursuance of that section or otherwise.
- (2) The tenant, or the secretary with the consent of the tenant, may within six months of obtaining the summary require the landlord in writing to afford him reasonable facilities—
  - (a) for inspecting the accounts, receipts and other documents supporting the summary, and
  - (b) for taking copies or extracts from them.
- (3) A request under this section is duly served on the landlord if it is served on—
  - (a) an agent of the landlord named as such in the rent book or similar document, or
  - (b) the person who receives the rent of behalf of the landlord;and a person on whom a request is so served shall forward it as soon as may be to the landlord.

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- (4) The landlord shall make such facilities available to the tenant or secretary for a period of two months beginning not later than one month after the request is made.
- [<sup>F19</sup>(5) The landlord shall—
- (a) where such facilities are for the inspection of any documents, make them so available free of charge;
  - (b) where such facilities are for the taking of copies or extracts, be entitled to make them so available on payment of such reasonable charge as he may determine.
- (6) The requirement imposed on the landlord by subsection (5)(a) to make any facilities available to a person free of charge shall not be construed as precluding the landlord from treating as part of his costs of management any costs incurred by him in connection with making those facilities so available.]

#### Textual Amendments

**F19** S. 22(5)(6) added by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 41, **Sch. 2 para. 6**

#### Modifications etc. (not altering text)

**C29** S. 22 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 24** (as substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 61**) and Housing Act 1988 (c. 50, SIF 61), s. 79(12)

**C30** S. 22 excluded by S.I. 1988/1283, art. 2, **Sch. para. 2(d)**

**C31** Ss. 18-30 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 10(b)**

Ss. 18-30 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 23(b)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)

**C32** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), **Sch. 7 para. 4**; S.I. 2003/1986, **art. 2(a)**; S.I. 2004/669, **art. 2(a)**

Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, **art. 2(c)(ii)** (subject to **Sch. 2**); S.I. 2004/699, **art. 2(c)(ii)** (subject to **Sch. 2**); S.I. 2004/3056, **art. 3(h)** (subject to art. 4 (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, **art. 2(h)** (subject to art. 3)

## 23 Request relating to information held by superior landlord.

- (1) If a request under section 21 (request for summary of relevant costs) relates in whole or in part to relevant costs incurred by or on behalf of a superior landlord, and the landlord to whom the request is made is not in possession of the relevant information—
- (a) he shall in turn make a written request for the relevant information to the person who is his landlord (and so on, if that person is not himself the superior landlord),
  - (b) the superior landlord shall comply with that request within a reasonable time, and
  - (c) the immediate landlord shall then comply with the tenant's or secretary's request, or that part of it which relates to the relevant costs incurred by or on behalf of the superior landlord, within the time allowed by section 21 or such further time, if any, as is reasonable in the circumstances.
- (2) If a request under section 22 (request for facilities to inspect supporting accounts, &c.) relates to a summary of costs incurred by or on behalf of a superior landlord—

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- (a) the landlord to whom the request is made shall forthwith inform the tenant or secretary of that fact and of the name and address of the superior landlord, and
- (b) section 22 shall then apply to the superior landlord as it applies to the immediate landlord.

#### Modifications etc. (not altering text)

- C33** S. 23 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 24** (as substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 61**) and Housing Act 1988 (c. 50, SIF 61), s. 79(12)
- C34** S. 23 excluded by S.I. 1988/1283, art. 2, **Sch. para. 2(d)**
- C35** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 4; S.I. 2003/1986, **art. 2(a)**; S.I. 2004/669, **art. 2(a)**  
Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/699, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/3056, **art. 3(h)** (subject to art. 4 (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, **art. 2(h)** (subject to art. 3)
- C36** Ss. 18-30 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 10(b)**  
Ss. 18-30 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 23(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

PROSPECTIVE

#### [<sup>F20</sup>23A Effect of change of landlord

- (1) This section applies where, at a time when a duty imposed on the landlord or a superior landlord by or by virtue of any of sections 21 to 23 remains to be discharged by him, he disposes of the whole or part of his interest as landlord or superior landlord to another person.
- (2) If the landlord or superior landlord is, despite the disposal, still in a position to discharge the duty to any extent, he remains responsible for discharging it to that extent.
- (3) If the other person is in a position to discharge the duty to any extent, he is responsible for discharging it to that extent.
- (4) Where the other person is responsible for discharging the duty to any extent (whether or not the landlord or superior landlord is also responsible for discharging it to that or any other extent)—
  - (a) references to the landlord or superior landlord in sections 21 to 23 [<sup>F21</sup>and any regulations under section 21] are to, or include, the other person so far as is appropriate to reflect his responsibility for discharging the duty to that extent, but
  - (b) in connection with its discharge by the other person, section 22(6) applies as if the reference to the day on which the landlord receives the notice were to the date of the disposal referred to in subsection (1) [<sup>F22</sup> and
  - (c) any regulations under section 21 apply subject to any modifications contained in the regulations.]]

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#### Textual Amendments

- F20** S. 23A inserted (prosp.) by 2002 c. 15, ss. 157, 181(1), **Sch. 10 para. 2**
- F21** Words in s. 23A(4)(a) inserted (1.12.2008 for certain purposes and otherwise prosp.) by **Housing and Regeneration Act 2008** (c. 17), ss. 303, 325, **Sch. 12 para. 6(a)**; S.I. 2008/3068, **art. 4(6)** (with arts. 6-13)
- F22** S. 23A(4)(c) and preceding word inserted (1.12.2008 for certain purposes and otherwise prosp.) by **Housing and Regeneration Act 2008** (c. 17), ss. 303, 325, **Sch. 12 para. 6(b)**; S.I. 2008/3068, **art. 4(6)** (with arts. 6-13)

#### Modifications etc. (not altering text)

- C37** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), **Sch. 7 para. 4**; S.I. 2003/1986, **art. 2(a)**; S.I. 2004/669, **art. 2(a)**
- Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, **art. 2(c)(ii)** (subject to **Sch. 2**); S.I. 2004/699, **art. 2(c)(ii)** (subject to **Sch. 2**); S.I. 2004/3056, **art. 3(h)** (subject to **art. 4** (as amended by S.I. 2005/193, **art. 2**)); S.I. 2005/1353, **art. 2(h)** (subject to **art. 3**)

## 24 Effect of assignment on request.

The assignment of a tenancy does not affect the validity of a request made under section 21, 22 or 23 before the assignment; but a person is not obliged to provide a summary or make facilities available more than once for the same [<sup>F23</sup>dwelling] and for the same period.

#### Textual Amendments

- F23** Word substituted by **Landlord and Tenant Act 1987** (c. 31, SIF 75:1), s. 41, **Sch. 2 para. 7**

#### Modifications etc. (not altering text)

- C38** S. 24 amended by **Local Government Act 1985** (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 24** (as substituted by **Housing (Consequential Provisions) Act 1985** (c. 71, SIF 61), s. 4, **Sch. 2 para. 61**) and **Housing Act 1988** (c. 50, SIF 61), s. 79(12)
- C39** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), **Sch. 7 para. 4**; S.I. 2003/1986, **art. 2(a)**; S.I. 2004/669, **art. 2(a)**
- Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, **art. 2(c)(ii)** (subject to **Sch. 2**); S.I. 2004/699, **art. 2(c)(ii)** (subject to **Sch. 2**); S.I. 2004/3056, **art. 3(h)** (subject to **art. 4** (as amended by S.I. 2005/193, **art. 2**)); S.I. 2005/1353, **art. 2(h)** (subject to **art. 3**)

## 25 Failure to comply with s. 21, 22 or 23 an offence.

- (1) It is a summary offence for a person to fail, without reasonable excuse, to perform a duty imposed on him by section 21, 22 or 23.
- (2) A person committing such an offence is liable on conviction to a fine not exceeding level 4 on the standard scale.



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#### **Modifications etc. (not altering text)**

- C40** S. 25 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 57(7), [Sch. 13 para. 24](#) (as substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, [Sch. 2 para. 61](#)) and [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 79(12)
- C41** Ss. 18-30 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), [Sch. 13 para. 23\(b\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))  
Ss. 18-30 modified (1.4.1995) by S.I. 1995/401, art. 18, [Sch. para. 10\(b\)](#)
- C42** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), [Sch. 7 para. 4](#); S.I. 2003/1986, [art. 2\(a\)](#); S.I. 2004/669, [art. 2\(a\)](#)  
Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, [art. 2\(c\)\(ii\)](#) (subject to [Sch. 2](#)); S.I. 2004/699, [art. 2\(c\)\(ii\)](#) (subject to [Sch. 2](#)); S.I. 2004/3056, [art. 3\(h\)](#) (subject to [art. 4](#) (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, [art. 2\(h\)](#) (subject to [art. 3](#))

## **26 Exception: tenants of certain public authorities.**

- (1) Sections 18 to 25 (limitation on service charges and requests for information about costs) do not apply to a service charge payable by a tenant of—
- a local authority,
  - a new town corporation, or
  - the Developmental Board for Rural Wales,
- unless the tenancy is a long tenancy, in which case sections 18 to 24 apply but section 25 (offence of failure to comply) does not.
- (2) The following are long tenancies for the purposes of subsection (1), subject to subsection (3)—
- (a) a tenancy granted for a term certain exceeding 21 years, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture;
  - (b) a tenancy for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, other than a tenancy by sub-demise from one which is not a long tenancy;
  - (c) any tenancy granted in pursuance of Part V of the <sup>M4</sup>Housing Act 1985 (the right to buy).
- (3) A tenancy granted so as to become terminable by notice after a death is not a long tenancy for the purposes of subsection (1), unless—
- (a) it is granted by a housing association which at the time of the grant is registered,
  - (b) it is granted at a premium calculated by reference to a percentage of the value of the dwelling-house or the cost of providing it, and
  - (c) at the time it is granted it complies with the requirements of the regulations then in force under section 140(4)(b) of the <sup>M5</sup>Housing Act 1980 [<sup>F24</sup>or paragraph 4(2)(b) of Schedule 4A to the Leasehold Reform Act 1967] (conditions for exclusion of shared ownership leases from Part I of Leasehold Reform Act 1967) or, in the case of a tenancy granted before any such regulations were brought into force, with the first such regulations to be in force.



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### Textual Amendments

**F24** Words inserted by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(1), [Sch. 17 para. 68](#)

### Modifications etc. (not altering text)

**C43** [S. 26](#) amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 57(7), [Sch. 13 para. 24](#) (as substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, [Sch. 2 para. 61](#)) and [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 79(12)

**C44** [Ss. 18-30](#) modified (1.4.1995) by S.I. 1995/401, art. 18, [Sch. para. 10\(b\)](#)  
[Ss. 18-30](#) extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), [Sch. 13 para. 23\(b\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))

### Marginal Citations

**M4** 1985 c. 68.

**M5** 1980 c. 51.

## 27 Exception: rent registered and not entered as variable.

Sections 18 to 25 (limitation on service charges and requests for information about costs) do not apply to a service charge payable by the tenant of a [<sup>F25</sup>dwelling] the rent of which is registered under Part IV of the <sup>M6</sup>Rent Act 1977, unless the amount registered is, in pursuance of section 71(4) of that Act, entered as a variable amount.

### Textual Amendments

**F25** Word substituted by [Landlord and Tenant Act 1987 \(c. 31, SIF 75:1\)](#), s. 41, [Sch. 2 para. 8](#)

### Modifications etc. (not altering text)

**C45** [Ss. 18-30](#) modified (1.4.1995) by S.I. 1995/401, art. 18, [Sch. para. 10\(b\)](#)  
[Ss. 18-30](#) extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), [Sch. 13 para. 23\(b\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))

**C46** [S. 27](#) amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 57(7), [Sch. 13 para. 24](#) (as substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, [Sch. 2 para. 61](#)) and [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 79(12)

**C47** [Ss. 18-30](#) modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), [Sch. 7 para. 4](#); S.I. 2003/1986, [art. 2\(a\)](#); S.I. 2004/669, [art. 2\(a\)](#)  
[Ss. 18-30B](#) extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, [art. 2\(c\)\(ii\)](#) (subject to [Sch. 2](#)); S.I. 2004/669, [art. 2\(c\)\(ii\)](#) (subject to [Sch. 2](#)); S.I. 2004/3056, [art. 3\(h\)](#) (subject to [art. 4](#) (as amended by S.I. 2005/193, [art. 2](#))); S.I. 2005/1353, [art. 2\(h\)](#) (subject to [art. 3](#))

### Marginal Citations

**M6** 1977 c. 42.

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VALID FROM 30/09/2003

**[<sup>F26</sup>27A Liability to pay service charges: jurisdiction**

- (1) An application may be made to a leasehold valuation tribunal for a determination whether a service 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) Subsection (1) applies whether or not any payment has been made.
- (3) An application may also be made to a leasehold valuation tribunal for a determination whether, if costs were incurred for services, repairs, maintenance, improvements, insurance or management of any specified description, a service charge would be payable for the costs and, if it would, as to—
  - (a) the person by whom it would be payable,
  - (b) the person to whom it would be payable,
  - (c) the amount which would be payable,
  - (d) the date at or by which it would be payable, and
  - (e) the manner in which it would be payable.
- (4) No application under subsection (1) or (3) 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 of an application under subsection (1) or (3).
- (7) The jurisdiction conferred on a leasehold valuation tribunal in respect of any matter by virtue of this section is in addition to any jurisdiction of a court in respect of the matter.]

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### Textual Amendments

**F26** S. 27A inserted (E.W.) (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 155(1), 181(1); S.I. 2003/1986, arts. 1(2), **2(c)(i)** (subject to Sch. 2); S.I. 2004/669, **art. 2(c)(i)** (subject to Sch. 2)

### Modifications etc. (not altering text)

- C48** Ss. 18-30 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 10(b)**  
Ss. 18-30 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 23(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- C49** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 4; S.I. 2003/1986, **art. 2(a)**; S.I. 2004/669, **art. 2(a)**  
Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/669, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/3056, **art. 3(h)** (subject to art. 4 (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, **art. 2(h)** (subject to art. 3)
- C50** S. 27A(3): power to amend conferred (E.) (30.9.2003) (W.) (30.3.2004) by 2002 c. 15, ss. 150, 181(1), Sch. 9 para. 13(b); S.I. 2003/1986, **art. 2(c)(i)** (subject to savings in Sch. 2); S.I. 2004/699, **art. 2(c)(i)** (subject to savings in Sch. 2)

## 28 Meaning of “qualified accountant”.

- (1) The reference to a “qualified accountant” in section 21(6) (certification of summary of information about relevant costs) is to a person who, in accordance with the following provisions, has the necessary qualification and is not disqualified from acting.
- (2) A person has the necessary qualification if he is a member of one of the following bodies—
  - the Institute of Chartered Accountants in England and Wales,
  - the Institute of Chartered Accountants in Scotland,
  - the Association of Certified Accountants,
  - the Institute of Chartered Accountants in Ireland, or
  - any other body of accountants established in the United Kingdom and recognised by the Secretary of State for the purposes of section 389(1)(a) of the <sup>M7</sup>Companies Act 1985,
 or if he is a person who is for the time being authorised by the Secretary of State under section 389(1)(b) of that Act (or the corresponding provision of the <sup>M8</sup>Companies Act 1948) as being a person with similar qualifications obtained outside the United Kingdom.
- (3) A Scottish firm has the necessary qualification if each of the partners in it has the necessary qualification.
- (4) The following are disqualified from acting—
  - (a) a body corporate, except a Scottish firm;
  - (b) an officer [<sup>F27</sup>, employee or partner] of the landlord or, where the landlord is a company, of an associated company;
  - (c) a person who is a partner or employee of any such officer or employee.
  - [<sup>F28</sup>(d) an agent of the landlord who is a managing agent for any premises to which any of the costs covered by the summary in question relate;

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- (e) an employee or partner of any such agent.]
- (5) For the purposes of subsection (4)(b) a company is associated with a landlord company if it is (within the meaning of section 736 of the Companies Act 1985) the landlord's holding company, a subsidiary of the landlord or another subsidiary of the landlord's holding company.
- [<sup>F29</sup>(5A) For the purposes of subsection (4)(d) a person is a managing agent for any premises to which any costs relate if he has been appointed to discharge any of the landlord's obligations relating to the management by him of the premises and owed to the tenants who may be required under the terms of their leases to contribute to those costs by the payment of service charges.]
- (6) Where the landlord is a local authority, a new town corporation or the Development Board for Rural Wales—
- (a) the persons who have the necessary qualification include members of the Chartered Institute of Public Finance and Accountancy, and
- (b) subsection (4)(b) (disqualification of officers and employees of landlord) does not apply.

#### Textual Amendments

- F27** Words substituted by [Landlord and Tenant Act 1987 \(c. 31, SIF 75:1\)](#), s. 41, [Sch. 2 para. 9\(2\)\(a\)](#)
- F28** [S. 28\(4\)\(d\)\(e\)](#) added by [Landlord and Tenant Act 1987 \(c. 31, SIF 75:1\)](#), s. 41, [Sch. 2 para. 9\(2\)\(b\)](#)
- F29** [S. 28\(5A\)](#) inserted by [Landlord and Tenant Act 1987 \(c. 31, SIF 75:1\)](#), s. 41, [Sch. 2 para. 9\(3\)](#)

#### Modifications etc. (not altering text)

- C51** [S. 28](#) amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 57(7), [Sch. 13 para. 24](#) (as substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, [Sch. 2 para. 61](#)) and [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 79(12)

#### Marginal Citations

- M7** [1985 c. 6](#).
- M8** [1948 c. 38](#).

## 29 Meaning of “recognised tenants’ association”.

- (1) A recognised tenants’ association is an association of [<sup>F30</sup>qualifying tenants (whether with or without other tenants)] which is recognised for purposes of the provisions of this Act relating to service charges either—
- (a) by notice in writing given by the landlord to the secretary of the association, or
- (b) by a certificate of a member of the local rent assessment committee panel.
- (2) A notice given under subsection (1)(a) may be withdrawn by the landlord by notice in writing given to the secretary of the association not less than six months before the date on which it is to be withdrawn.
- (3) A certificate given under subsection (1)(b) may be cancelled by any member of the local rent assessment committee panel.
- (4) In this section the “local rent assessment committee panel” means the persons appointed by the Lord Chancellor under the <sup>M9</sup>Rent Act 1977 to the panel of persons to act as members of a rent assessment committee for the registration area in which

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[<sup>F31</sup>the dwellings let to the qualifying tenants are situated, and for the purposes of this section a number of tenants are qualifying tenants if each of them may be required under the terms of his lease to contribute to the same costs by the payment of a service charge.].

[<sup>F32</sup>(5) The Secretary of State may by regulations specify—

- (a) the procedure which is to be followed in connection with an application for, or for the cancellation of, a certificate under subsection (1)(b);
- (b) the matters to which regard is to be had in giving or cancelling such a certificate;
- (c) the duration of such a certificate; and
- (d) any circumstances in which a certificate is not to be given under subsection (1)(b).]

(6) Regulations under subsection (5)—

- (a) may make different provisions with respect to different cases or descriptions of case, including different provision for different areas, and
- (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F30** Words substituted by [Landlord and Tenant Act 1987 \(c. 31, SIF 75:1\)](#), s. 41, [Sch. 2 para. 10\(2\)](#)

**F31** Words substituted by [Landlord and Tenant Act 1987 \(c. 31, SIF 75:1\)](#), s. 41, [Sch. 2 para. 10\(3\)](#)

**F32** S. 29(5) substituted by [Landlord and Tenant Act 1987 \(c. 31, SIF 75:1\)](#), s. 41, [Sch. 2 para. 10\(4\)](#)

#### Modifications etc. (not altering text)

**C52** S. 29 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 57(7), [Sch. 13 para. 24](#) (as substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, [Sch. 2 para. 61](#)) and [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 79(12)

**C53** Ss. 18-30 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), [Sch. 13 para. 23\(b\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))

Ss. 18-30 modified (1.4.1995) by S.I. 1995/401, art. 18, [Sch. para. 10\(b\)](#)

**C54** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), [Sch. 7 para. 4](#); S.I. 2003/1986, [art. 2\(a\)](#); S.I. 2004/669, [art. 2\(a\)](#)

Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, [art. 2\(c\)\(ii\)](#) (subject to [Sch. 2](#)); S.I. 2004/669, [art. 2\(c\)\(ii\)](#) (subject to [Sch. 2](#)); S.I. 2004/3056, [art. 3\(h\)](#) (subject to [art. 4](#) (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, [art. 2\(h\)](#) (subject to [art. 3](#))

#### Marginal Citations

**M9** 1977 c. 42.

## 30 Meaning of “flat”, “landlord” and “tenant”.

In the provisions of this Act relating to service charges—

<sup>F33</sup>

“landlord” includes any person who has a right to enforce payment of a service charge;

“tenant” includes

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- (a) a statutory tenant, and
- (b) where the [<sup>F34</sup>dwelling] or part of it is sub-let, the sub-tenant.

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#### **Textual Amendments**

- F33** Definition of “flat” repealed by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), ss. 41, 61(2), Sch. 2 para. 11(a), **Sch. 5**
- F34** Word substituted by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 41, **Sch. 2 para. 11(b)**

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#### **Modifications etc. (not altering text)**

- C55** S. 30 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 24** (as substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 61**) and Housing Act 1988 (c. 50, SIF 61), **s. 79(12)**
- C56** Ss. 18-30 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 10(b)**  
Ss. 18-30 extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 23(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- C57** Ss. 18-30 modified (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 102, 181(1), Sch. 7 para. 4; S.I. 2003/1986, **art. 2(a)**; S.I. 2004/669, **art. 2(a)**  
Ss. 18-30B extended (30.9.2003 and 28.2.2005 for E. for certain purposes and otherwise prosp. and 30.3.2004 and 31.5.2005 for W. for certain purposes and otherwise prosp.) by 2002 c. 15, ss. 172, 181(1); S.I. 2003/1986, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/669, **art. 2(c)(ii)** (subject to Sch. 2); S.I. 2004/3056, **art. 3(h)** (subject to art. 4 (as amended by S.I. 2005/193, art. 2)); S.I. 2005/1353, **art. 2(h)** (subject to art. 3)

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