



Landlord and Tenant Act 1987

1987 CHAPTER 31

PART II

APPOINTMENT OF MANAGERS BY [^{F1}A LEASEHOLD VALUATION TRIBUNAL]

Textual Amendments

- F1** Words in Part II heading substituted (1.9.1997) by virtue of 1996 c. 52, ss. 86(2)

Modifications etc. (not altering text)

- C1** Pt. II modified (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. 181(1), [Sch. 7 para. 8](#); S.I. 2003/1986, art. 2(a); S.I. 2004/669, art. 2(a)
- C2** Pt. II extended to Crown Land (30.9.2003 for E. for specified purposes, 30.3.2004 for W. for specified purposes) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), ss. 172, 181(1); S.I. 2003/1986, art. 2(c)(ii) (with Sch. 2); S.I. 2004/669, art. 2(c)(ii) (with Sch. 2)

21 Tenant's right to apply to court for appointment of manager.

- (1) The tenant of a flat contained in any premises to which this Part applies may, subject to the following provisions of this Part, apply to [^{F2}a leasehold valuation tribunal] for an order under section 24 appointing a manager to act in relation to those premises.
- (2) Subject to subsection (3), this Part applies to premises consisting of the whole or part of a building if the building or part contains two or more flats.
- (3) This Part does not apply to any such premises at a time when—
 - (a) the interest of the landlord in the premises is held by an exempt landlord or a resident landlord, or
 - (b) the premises are included within the functional land of any charity.

[^{F3}(3A) But this Part is not prevented from applying to any premises because the interest of the landlord in the premises is held by a resident landlord if at least one-half of the flats contained in the premises are held on long leases which are not tenancies to which Part 2 of the Landlord and Tenant Act 1954 (c. 56) applies.]

Status: Point in time view as at 30/03/2004.

Changes to legislation: Landlord and Tenant Act 1987, Part II is up to date with all changes known to be in force on or before 28 April 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)

- (4) An application for an order under section 24 may be made—
- (a) jointly by tenants of two or more flats if they are each entitled to make such an application by virtue of this section, and
 - (b) in respect of two or more premises to which this Part applies;
- and, in relation to any such joint application as is mentioned in paragraph (a), references in this Part to a single tenant shall be construed accordingly.
- (5) Where the tenancy of a flat contained in any such premises is held by joint tenants, an application for an order under section 24 in respect of those premises may be made by any one or more of those tenants.
- (6) An application to the court for it to exercise in relation to any premises [^{F4}any jurisdiction] to appoint a receiver or manager shall not be made by a tenant (in his capacity as such) in any circumstances in which an application could be made by him for an order under section 24 appointing a manager to act in relation to those premises.
- (7) References in this Part to a tenant do not include references to a tenant under a tenancy to which Part II of the ^{M1}Landlord and Tenant Act 1954 applies.

Textual Amendments

- F2** Words in s. 21(1) substituted (1.9.1997) by 1996 c. 52, s. 86(2); S.I. 1997/1851, art. 2(b) (subject to Sch. para. 2)
- F3** S. 21(3A) inserted (26.7.2002 for E. and 1.1.2003 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), s. 161; S.I. 2002/1912, art. 2(b)(i) (subject to Sch. 2); S.I. 2002/3012, art. 2(b)(i) (subject to Sch. 2)
- F4** Words in s. 21(6) substituted (1.9.1997) by 1996 c. 52, s. 86(3); S.I. 1997/1851, art. 2(b) (subject to Sch. para. 2)

Marginal Citations

- M1** 1954 c. 56.

22 Preliminary notice by tenant.

- (1) Before an application for an order under section 24 is made in respect of any premises to which this Part applies by a tenant of a flat contained in those premises, a notice under this section must (subject to subsection (3)) be served [^{F5}by the tenant on—
- (i) the landlord, and
 - (ii) any person (other than the landlord) by whom obligations relating to the management of the premises or any part of them are owed to the tenant under his tenancy] .
- (2) A notice under this section must—
- (a) specify the tenant's name, the address of his flat and an address in England and Wales (which may be the address of his flat) at which [^{F6}any person on whom the notice is served] may serve notices, including notices in proceedings, on him in connection with this Part;
 - (b) state that the tenant intends to make an application for an order under section 24 to be made by [^{F7}a leasehold valuation tribunal] in respect of such premises to which this Part applies as are specified in the notice, but

Status: Point in time view as at 30/03/2004.

Changes to legislation: Landlord and Tenant Act 1987, Part II is up to date with all changes known to be in force on or before 28 April 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)

- (if paragraph (d) is applicable) that he will not do so if the ^{F8}requirement specified in pursuance of that paragraph is complied with] ;
- (c) specify the grounds on which ^{F7}the tribunal] would be asked to make such an order and the matters that would be relied on by the tenant for the purpose of establishing those grounds;
- (d) where those matters are capable of being remedied by ^{F9}any person on whom the notice is served, require him] , within such reasonable period as is specified in the notice, to take such steps for the purpose of remedying them as are so specified; and
- (e) contain such information (if any) as the Secretary of State may by regulations prescribe.
- (3) ^{F7}A leasehold valuation tribunal] may (whether on the hearing of an application for an order under section 24 or not) by order dispense with the requirement to serve a notice under this section ^{F10}on a person] in a case where it is satisfied that it would not be reasonably practicable to serve such a notice on the ^{F11}person], but ^{F7}the tribunal] may, when doing so, direct that such other notices are served, or such other steps are taken, as it thinks fit.
- (4) In a case where—
- (a) a notice under this section has been served on the landlord, and
- (b) his interest in the premises specified in pursuance of subsection (2)(b) is subject to a mortgage,
- the landlord shall, as soon as is reasonably practicable after receiving the notice, serve on the mortgagee a copy of the notice.

Textual Amendments

- F5** Words in s. 22(1) substituted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 160\(2\)\(a\)](#); S.I. 2002/1912, [art. 2\(b\)\(i\)](#) (subject to [Sch. 2](#)); S.I. 2002/3012, [art. 2\(b\)\(i\)](#) (subject to [Sch. 2](#))
- F6** Words in s. 22(2)(a) substituted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 160\(2\)\(b\)](#); S.I. 2002/1912, [art. 2\(b\)\(i\)](#) (subject to [Sch. 2](#)); S.I. 2002/3012, [art. 2\(b\)\(i\)](#) (subject to [Sch. 2](#))
- F7** Words in s. 22(2)(b)(c)(3) substituted (1.9.1997) by 1996 c. 52, [s. 86\(2\)](#); S.I. 1997/1851, [art. 2\(b\)](#) (subject to [Sch. para. 2](#))
- F8** Words in s. 22(2)(b) substituted (E.W.) (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 160\(2\)\(c\)](#); S.I. 2002/1912, [art. 2\(b\)\(i\)](#) (subject to [Sch. 2](#)); S.I. 2002/3012, [art. 2\(b\)\(i\)](#) (subject to [Sch. 2](#))
- F9** Words in s. 22(2)(d) substituted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#) {s. 160(2)(d)}; S.I. 2002/1912, [art. 2\(b\)\(i\)](#) (subject to [Sch. 2](#)); S.I. 2002/3012, [art. 2\(b\)\(i\)](#) (subject to [Sch. 2](#))
- F10** Words in s. 22(3) inserted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 160\(2\)\(e\)\(i\)](#); S.I. 2002/1912. {art. 2(b)(i)} (subject to [Sch. 2](#)); S.I. 2002/3012, [art. 2\(b\)\(i\)](#) (subject to [Sch. 2](#))
- F11** Words in s. 22(3) substituted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 160\(2\)\(e\)\(ii\)](#); S.I. 2002/1912, {art. 2(b)(i)} (subject to [Sch. 2](#)); S.I. 2002/3012, [art. 2\(b\)\(i\)](#) (subject to [Sch. 2](#))

Status: Point in time view as at 30/03/2004.

Changes to legislation: Landlord and Tenant Act 1987, Part II is up to date with all changes known to be in force on or before 28 April 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)

23 Application to court for appointment of manager.

- (1) No application for an order under section 24 shall be made to ^{F12}a leasehold valuation tribunal] unless—
 - (a) in a case where a notice has been served under section 22, either—
 - (i) the period specified in pursuance of paragraph (d) of subsection (2) of that section has expired without the ^{F13}person required to take steps in pursuance of that paragraph having taken them], or
 - (ii) that paragraph was not applicable in the circumstances of the case; or
 - (b) in a case where the requirement to serve such a notice has been dispensed with by an order under subsection (3) of that section, either—
 - (i) any notices required to be served, and any other steps required to be taken, by virtue of the order have been served or (as the case may be) taken, or
 - (ii) no direction was given by ^{F12}the tribunal] when making the order.

^{F14}(2)

Textual Amendments

F12 Words in s. 23(1) substituted (1.9.1997) by 1996 c. 52, s. 86(2); S.I. 1997/1851, art. 2(b) (subject to Sch. para. 2)

F13 Words in s. 23(1) substituted (26.7.2002 for E. and 1.1.2003 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), s. 160(3); S.I. 2002/1912, art. 2(b)(i) (subject to Sch. 2); S.I. 2002/3012, art. 2(b)(i) (subject to Sch. 2)

F14 S. 23(2) repealed (30.9.2003 for E., 30.3.2004 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), s. 181(1), Sch. 14; S.I. 2003/1986, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2)

24 Appointment of manager by ^{F15}a leasehold valuation tribunal].

- (1) ^{F15}A leasehold valuation tribunal] may, on an application for an order under this section, by order (whether interlocutory or final) appoint a manager to carry out in relation to any premises to which this Part applies—
 - (a) such functions in connection with the management of the premises, or
 - (b) such functions of a receiver,
 or both, as ^{F15}the tribunal] thinks fit.
- (2) ^{F15}A leasehold valuation tribunal] may only make an order under this section in the following circumstances, namely—
 - (a) where ^{F15}the tribunal] is satisfied—
 - (i) that ^{F16}any relevant person] either is in breach of any obligation owed by him to the tenant under his tenancy and relating to the management of the premises in question or any part of them or (in the case of an obligation dependent on notice) would be in breach of any such obligation but for the fact that it has not been reasonably practicable for the tenant to give him the appropriate notice, and
 - ^{F17}(ii)
 - (iii) that it is just and convenient to make the order in all the circumstances of the case;

Status: Point in time view as at 30/03/2004.

Changes to legislation: Landlord and Tenant Act 1987, Part II is up to date with all changes known to be in force on or before 28 April 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)

- [^{F18}(ab) where [^{F15}the tribunal] is satisfied—
- (i) that unreasonable service 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;
- [^{F19}(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;]

(ac) where [^{F15}the tribunal] is satisfied—

 - (i) that [^{F16}any relevant person] has failed to comply with any relevant provision of a code of practice approved by the Secretary of State under section 87 of the ^{M2}Leasehold Reform, Housing and Urban Development Act 1993 (codes of management practice), and
 - (ii) that it is just and convenient to make the order in all the circumstances of the case; or]

(b) where [^{F15}the tribunal] is satisfied that other circumstances exist which make it just and convenient for the order to be made.

[^{F20}(2ZA) In this section “relevant person” means a person—

 - (a) on whom a notice has been served under section 22, or
 - (b) in the case of whom the requirement to serve a notice under that section has been dispensed with by an order under subsection (3) of that section.]

[^{F21}(2A) For the purposes of subsection (2)(ab) a service charge shall be taken to be unreasonable—

 - (a) if the amount is unreasonable having regard to the items for which it is payable,
 - (b) if the items for which it is payable are of an unnecessarily high standard, or
 - (c) if the items for which it is payable are of an insufficient standard with the result that additional service charges are or may be incurred.

In that provision and this subsection “service charge” means a service charge within the meaning of section 18(1) of the ^{M3}Landlord and Tenant Act 1985, other than one excluded from that section by section 27 of that Act (rent of dwelling registered and not entered as variable).]

[^{F22}(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.]

(3) The premises in respect of which an order is made under this section may, if [^{F15}the tribunal] thinks fit, be either more or less extensive than the premises specified in the application on which the order is made.

(4) An order under this section may make provision with respect to—

 - (a) such matters relating to the exercise by the manager of his functions under the order, and
 - (b) such incidental or ancillary matters,

as [^{F15}the tribunal] thinks fit; and, on any subsequent application made for the purpose by the manager, [^{F15}the tribunal] may give him directions with respect to any such matters.

Status: Point in time view as at 30/03/2004.

Changes to legislation: Landlord and Tenant Act 1987, Part II is up to date with all changes known to be in force on or before 28 April 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)

- (5) Without prejudice to the generality of subsection (4), an order under this section may provide—
- (a) for rights and liabilities arising under contracts to which the manager is not a party to become rights and liabilities of the manager;
 - (b) for the manager to be entitled to prosecute claims in respect of causes of action (whether contractual or tortious) accruing before or after the date of his appointment;
 - (c) for remuneration to be paid to the manager by ^{F23}any relevant person], or by the tenants of the premises in respect of which the order is made or by all or any of those persons;
 - (d) for the manager's functions to be exercisable by him (subject to subsection (9)) either during a specified period or without limit of time.
- (6) Any such order may be granted subject to such conditions as ^{F15}the tribunal] thinks fit, and in particular its operation may be suspended on terms fixed by ^{F15}the tribunal].
- (7) In a case where an application for an order under this section was preceded by the service of a notice under section 22, ^{F15}the tribunal] may, if it thinks fit, make such an order notwithstanding—
- (a) that any period specified in the notice in pursuance of subsection (2)(d) of that section was not a reasonable period, or
 - (b) that the notice failed in any other respect to comply with any requirement contained in subsection (2) of that section or in any regulations applying to the notice under section 54(3).
- (8) The ^{M4}Land Charges Act 1972 and the ^{F24}Land Registration Act 2002] shall apply in relation to an order made under this section as they apply in relation to an order appointing a receiver or sequestrator of land.
- (9) ^{F15}A leasehold valuation tribunal] may, on the application of any person interested, vary or discharge (whether conditionally or unconditionally) an order made under this section; and if the order has been protected by an entry registered under the ^{M5}Land Charges Act 1972 or the ^{F24}Land Registration Act 2002], ^{F15}the tribunal] may by order direct that the entry shall be cancelled.
- ^{F25}(9A) the ^{F26}tribunal] shall not vary or discharge an order under subsection (9) on ^{F27}the application of any relevant person] unless it is satisfied—
- (a) that the variation or discharge of the order will not result in a recurrence of the circumstances which led to the order being made, and
 - (b) that it is just and convenient in all the circumstances of the case to vary or discharge the order.]
- (10) An order made under this section shall not be discharged by ^{F15}a leasehold valuation tribunal] by reason only that, by virtue of section 21(3), the premises in respect of which the order was made have ceased to be premises to which this Part applies.
- (11) References in this ^{F28}Part] to the management of any premises include references to the repair, maintenance ^{F29}, improvement] or insurance of those premises.

Textual Amendments

F15 Words in s. 24 substituted (1.9.1997) by 1996 c. 52, s. 86(2); S.I. 1997/1851, art. 2(b) (subject to Sch. para. 2)

Status: Point in time view as at 30/03/2004.

Changes to legislation: Landlord and Tenant Act 1987, Part II is up to date with all changes known to be in force on or before 28 April 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)

- F16** Words in s. 24(2) substituted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 160\(4\)\(a\)](#); S.I. 2002/1912, [art. 2\(b\)\(i\)](#) (subject to Sch. 2); S.I. 2002/3012, [art. 2\(b\)\(i\)](#) (subject to Sch. 2)
- F17** S. 24(2)(a)(ii) omitted (24.9.1996) by virtue of 1996 c. 52, [ss. 85\(2\)\(5\)](#), 232(2) and expressed to be repealed (1.10.1996) by 1996 c. 52, s. 227, [Sch. 19 Pt. III](#); S.I. 1996/2212, [art. 2\(2\)](#) (with Sch.)
- F18** S. 24(2)(ab)(ac) inserted (24.9.1996) by 1996 c. 52, [ss. 85\(3\)\(5\)](#), 232(2)
- F19** S. 24(2)(aba) inserted (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 181\(1\), Sch. 11 para. 8\(2\)](#); S.I. 2003/1986, [art. 2\(c\)\(i\)](#) (with Sch. 2); S.I. 2004/669, [art. 2\(c\)\(i\)](#) (with Sch. 2)
- F20** S. 24(2ZA) inserted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 160\(4\)\(b\)](#); S.I. 2002/1912, [art. 2\(b\)\(i\)](#) (subject to Sch. 2); S.I. 2002/3012, [art. 2\(b\)\(i\)](#) (subject to Sch. 2)
- F21** S. 24(2A) inserted (24.9.1996) by 1996 c. 52, [ss. 85\(4\)\(5\)](#), 232(2)
- F22** S. 24(2B) inserted (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 181\(1\), Sch. 11 para. 8\(3\)](#); S.I. 2003/1986, [art. 2\(c\)\(i\)](#) (with Sch. 2); S.I. 2004/669, [art. 2\(c\)\(i\)](#) (with Sch. 2)
- F23** Words in s. 24(5) substituted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 160\(4\)\(c\)](#); S.I. 2002/1912, [art. 2\(b\)\(i\)](#) (subject to Sch. 2); S.I. 2002/3012, [art. 2\(b\)\(i\)](#) (subject to Sch. 2)
- F24** Words in s. 24(8)(9) substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\), s. 136\(2\), Sch. 11 para. 20](#) (with s. 129); S.I. 2003/1725, [art. 2\(1\)](#)
- F25** S. 24(9A) inserted (24.9.1996) by 1996 c. 52, [ss. 85\(6\)](#), 232(2)
- F26** Word in s. 24(9A) substituted (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 181\(1\), Sch. 13 para. 9](#); S.I. 2003/1986, [art. 2\(c\)\(i\)](#) (with Sch. 2); S.I. 2004/669, [art. 2\(c\)\(i\)](#) (with Sch. 2)
- F27** Words in s. 24(9A) substituted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 160\(4\)\(d\)](#); S.I. 2002/1912, [art. 2\(b\)\(i\)](#) (subject to Sch. 2); S.I. 2002/3012, [art. 2\(b\)\(i\)](#) (subject to Sch. 2)
- F28** Word in s. 24(11) substituted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 160\(4\)\(e\)](#); S.I. 2002/1912, [art. 2\(b\)\(i\)](#) (subject to Sch. 2); S.I. 2002/3012, [art. 2\(b\)\(i\)](#) (subject to Sch. 2)
- F29** Word in s. 24(11) inserted (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 181\(1\), Sch. 9 para. 8](#); S.I. 2003/1986, [art. 2\(c\)\(i\)](#) (with Sch. 2); S.I. 2004/669, [art. 2\(c\)\(i\)](#) (with Sch. 2)

Marginal Citations

- M2** 1993 c. 28.
- M3** 1985 c. 70.
- M4** 1972 c. 61.
- M5** 1972 c. 61.

^{F30}24A Jurisdiction of leasehold valuation tribunal.

.....

Textual Amendments

- F30** S. 24A repealed (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 181\(1\), Sch. 14](#); S.I. 2003/1986, [art. 2\(c\)\(iv\)](#), [Sch. 1 Pt. 1](#) (with Sch. 2); S.I. 2004/669, [art. 2\(c\)\(iv\)](#), [Sch. 1 Pt. 1](#) (with Sch. 2)

Status: Point in time view as at 30/03/2004.

Changes to legislation: Landlord and Tenant Act 1987, Part II is up to date with all changes known to be in force on or before 28 April 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)

F31 24B Leasehold valuation tribunal: applications and fees.

.....

Textual Amendments

F31 S. 24B repealed (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. 181(1), [Sch. 14](#); S.I. 2003/1986, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2)

Status:

Point in time view as at 30/03/2004.

Changes to legislation:

Landlord and Tenant Act 1987, Part II is up to date with all changes known to be in force on or before 28 April 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.