Changes to legislation: *Landlord and Tenant Act 1987, Cross Heading: Payments into court is up to date with all changes known to be in force on or before 17 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) View outstanding changes*

SCHEDULES

SCHEDULE 1

DISCHARGE OF MORTGAGES ETC.: SUPPLEMENTARY PROVISIONS

PART I

DISCHARGE IN PURSUANCE OF PURCHASE NOTICES

Payments into court

4 (1) Where under **[**[F1]section 12B(5)(a)**]** any property is to be discharged from a charge and, in accordance with paragraph 2(1), a person is or may be entitled in respect of the charge to receive the whole or part of the consideration payable, then if—

(a) for any reason difficulty arises in ascertaining how much is payable in respect of the charge, or

(b) for any reason mentioned in sub-paragraph (2) below difficulty arises in making a payment in respect of the charge,

the nominated person may pay into court on account of the consideration payable the amount, if known, of the payment to be made in respect of the charge or, if that amount is not known, the whole of that consideration or such lesser amount as the nominated person thinks right in order to provide for that payment.

(2) Payment may be made into court in accordance with sub-paragraph (1)(b) where the difficulty arises for any of the following reasons, namely—

(a) because a person who is or may be entitled to receive payment cannot be found or ascertained;

(b) because any such person refuses or fails to make out a title, or to accept payment and give a proper discharge, or to take any steps reasonably required of him to enable the sum payable to be ascertained and paid; or

(c) because a tender of the sum payable cannot, by reason of complications in the title to it or the want of two or more trustees or for other reasons, be effected, or not without incurring or involving unreasonable cost or delay.

(3) Without prejudice to sub-paragraph (1)(a), the whole or part of the consideration payable shall be paid into court by the nominated person if, before execution of the instrument referred to in paragraph 2(1), notice is given to him—

(a) that **[**[F2]the purchaser**]** or a person entitled to the benefit of a charge on the property in question requires him to do so for the purpose of protecting the rights of persons so entitled, or for reasons related to the bankruptcy or winding up of **[**[F2]the purchaser**]**, or

(b) that steps have been taken to enforce any charge on **[**[F2]the purchaser's**]** interest in that property by the bringing of proceedings in any court, or by the appointment of a receiver or otherwise;

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and where payment into court is to be made by reason only of a notice under this sub-paragraph, and the notice is given with reference to proceedings in a court specified in the notice other than **[**[F3]the county court**]**, payment shall be made into the court so specified.

Textual Amendments

F1 Words in Sch. 1 para. 4(1) substituted (1.10.1996) by 1996 c. 52, s. 92(1), **Sch. 6 Pt. IV para. 11(2)(a)**; S.I. 1996/2212, **art. 2(2)** (with Sch.)

F2 Words in Sch. 1 para. 4(3) substituted (1.10.1996) by 1996 c. 52, s. 92(1), **Sch. 6 Pt. IV para. 11(2)(b)**; S.I. 1996/2212, **art. 2(2)** (with Sch.)

F3 Words in Sch. 1 para. 4(3) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

– s. 24(2)(abb) inserted by 2002 c. 15 Sch. 10 para. 14