



Leasehold Reform, Housing and Urban Development Act 1993

1993 CHAPTER 28

PART I

LANDLORD AND TENANT

CHAPTER VI

MISCELLANEOUS

Codes of practice

87 Approval by Secretary of State of codes of management practice.

- (1) The Secretary of State may, if he considers it appropriate to do so, by order—
 - (a) approve any code of practice—
 - (i) which appears to him to be designed to promote desirable practices in relation to any matter or matters directly or indirectly concerned with the management of residential property by relevant persons; and
 - (ii) which has been submitted to him for his approval;
 - (b) approve any modifications of any such code which have been so submitted; or
 - (c) withdraw his approval for any such code or modifications.
- (2) The Secretary of State shall not approve any such code or any modifications of any such code unless he is satisfied that arrangements have been made for the text of the code or the modifications to be published in such manner as he considers appropriate for bringing the provisions of the code or the modifications to the notice of those likely to be affected by them (which, in the case of modifications of a code, may include publication of a text of the code incorporating the modifications).

Status: Point in time view as at 30/03/2004.

Changes to legislation: Leasehold Reform, Housing and Urban Development Act 1993, Cross Heading: Codes of practice is up to date with all changes known to be in force on or before 26 May 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)

- (3) The power of the Secretary of State under this section to approve a code of practice which has been submitted to him for his approval includes power to approve a part of any such code; and references in this section to a code of practice may accordingly be read as including a reference to a part of a code of practice.
- (4) At any one time there may be two or more codes of practice for the time being approved under this section.
- (5) A code of practice approved under this section may make different provision with respect to different cases or descriptions of cases, including different provision for different areas.
- (6) Without prejudice to the generality of subsections (1) and (5)—
- (a) a code of practice approved under this section may, in relation to any such matter as is referred to in subsection (1), make provision in respect of relevant persons who are under an obligation to discharge any function in connection with that matter as well as in respect of relevant persons who are not under such an obligation; and
 - (b) any such code may make provision with respect to—
 - (i) the resolution of disputes with respect to residential property between relevant persons and the tenants of such property;
 - (ii) competitive tendering for works in connection with such property; and
 - (iii) the administration of trusts in respect of amounts paid by tenants by way of service charges.
- (7) A failure on the part of any person to comply with any provision of a code of practice for the time being approved under this section shall not of itself render him liable to any proceedings; but in any proceedings before a court or tribunal—
- (a) any code of practice approved under this section shall be admissible in evidence; and
 - (b) any provision of any such code which appears to the court or tribunal to be relevant to any question arising in the proceedings shall be taken into account in determining that question.
- (8) For the purposes of this section—
- (a) “relevant person” means any landlord of residential property or any person who discharges management functions in respect of such property, and for this purpose “management functions” includes functions with respect to the provision of services or the repair, maintenance [^{F1}, improvement] or insurance of such property;
 - (b) “residential property” means any building or part of a building which consists of one or more dwellings let on leases, but references to residential property include—
 - (i) any garage, outhouse, garden, yard and appurtenances belonging to or usually enjoyed with such dwellings,
 - (ii) any common parts of any such building or part, and
 - (iii) any common facilities which are not within any such building or part; and
 - (c) “service charge” means an amount payable by a tenant of a dwelling as part of or in addition to the rent—

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

Changes to legislation: Leasehold Reform, Housing and Urban Development Act 1993, Cross Heading: Codes of practice is up to date with all changes known to be in force on or before 26 May 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)

- (i) which is payable, directly or indirectly, for services, repairs, maintenance [^{F2}, improvements] or insurance or any relevant person's costs of management, and
 - (ii) the whole or part of which varies or may vary according to the costs or estimated costs incurred or to be incurred by any relevant person in connection with the matters mentioned in sub-paragraph (i).
- (9) This section applies in relation to dwellings let on licences to occupy as it applies in relation to dwellings let on leases, and references in this section to landlords and tenants of residential property accordingly include references to licensors and licensees of such property.

Textual Amendments

- F1** Word in s. 87(8)(a) 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. 11\(a\)](#); S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); S.I. 2004/669, art. 2(c)(i) (with Sch. 2)
- F2** Word in s. 87(8)(c)(i) 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. 11\(b\)](#); S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

Status:

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

Changes to legislation:

Leasehold Reform, Housing and Urban Development Act 1993, Cross Heading: Codes of practice is up to date with all changes known to be in force on or before 26 May 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.