

---

WELSH STATUTORY INSTRUMENTS

---

**2004 No. 684**

**The Service Charges (Consultation Requirements) (Wales) Regulations 2004**

**Agreements that are not qualifying long term agreements**

- 3.—(1) An agreement is not a qualifying long term agreement<sup>(1)</sup>—
- (a) if it is a contract of employment; or
  - (b) if it is a management agreement made by a local housing authority<sup>(2)</sup> and—
    - (i) a tenant management organisation; or
    - (ii) a body established under section 2 of the Local Government Act 2000<sup>(3)</sup>;
  - (c) if the parties to the agreement are—
    - (i) a holding company and one or more of its subsidiaries; or
    - (ii) two or more subsidiaries of the same holding company;
  - (d) if—
    - (i) when the agreement is entered into, there are no tenants of the building or other premises to which the agreement relates; and
    - (ii) the agreement is for a term not exceeding five years.
- (2) An agreement entered into, by or on behalf of the landlord or a superior landlord—
- (a) before the coming into force of these Regulations; and
  - (b) for a term of more than twelve months,

is not a qualifying long term agreement, notwithstanding that more than twelve months of the term remain unexpired on the coming into force of these Regulations.

(3) An agreement for a term of more than twelve months entered into, by or on behalf of the landlord or a superior landlord, which provides for the carrying out of qualifying works for which public notice has been given before the date on which these Regulations come into force, is not a qualifying long term agreement.

- (4) In paragraph (1)—
- “holding company” and “subsidiaries” have the same meaning as in the Companies Act 1985<sup>(4)</sup>;
- “management agreement” has the meaning given by section 27(2) of the Housing Act 1985<sup>(5)</sup>;
- and

---

(1) See the definition in section 20ZA(2) of the Landlord and Tenant Act 1985, inserted by section 151 of the Commonhold and Leasehold Reform Act 2002.

(2) See section 38 of the Landlord and Tenant Act 1985 and section 1 of the Housing Act 1985.

(3) 2000 c. 22.

(4) 1985 c. 6. Definitions of “holding company” and “subsidiary” are in section 736. That section and section 736A were substituted for the original section 736 by the Companies Act 1989 (c. 40), section 144(1).

(5) 1985 c. 68. Section 27(2) was substituted by S.I.2003/940.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

“tenant management organisation” has the meaning given by section 27AB(8) of the Housing Act 1985<sup>(6)</sup>.

---

<sup>(6)</sup> Section 27AB was inserted by the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), section 132. See also regulation 1(4) of the Housing (Right to Manage) Regulations 1994 (S.I. 1994/627).