

1988 No. 1283 (C. 48)

LANDLORD AND TENANT

The Landlord and Tenant Act 1987 (Commencement
No. 3) Order 1988

Made - - - - 25th July 1988

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by section 62 of the Landlord and Tenant Act 1987(a), and of all other powers enabling them in that behalf, hereby make the following Order:

1. This Order may be cited as the Landlord and Tenant Act 1987 (Commencement No. 3) Order 1988.

2. Subject to the transitional provisions in the Schedule to this Order, the provisions of the Landlord and Tenant Act 1987 (except section 42) which are not already in force shall come into force on 1st September 1988 and section 42 of that Act (service charge contributions to be held in trust) shall come into force on 1st April 1989.

25th July 1988

Nicholas Ridley
Secretary of State for the Environment

Signed by authority of the Secretary of State

25th July 1988

Ian Grist
Parliamentary Under Secretary of State,
Welsh Office

SCHEDULE

TRANSITIONAL PROVISIONS

1. In this Schedule—

“the commencement date” means 1st September 1988,

“the Housing Act” means the Housing Act 1985(b),

“the 1985 Act” means the Landlord and Tenant Act 1985(c), and

“the principal Act” means the Landlord and Tenant Act 1987.

(a) 1987 c.31.

(b) 1985 c.68.

(c) 1985 c.70.

Extension of sections 18 to 30 of the 1985 Act to dwellings other than flats

2. In their application to dwellings other than flats by virtue of Schedule 2 to the principal Act—
- (a) section 19(1) and (2) of the 1985 Act shall not have effect in relation to a service charge payable for a period beginning before the commencement date;
 - (b) section 19(3) of the 1985 Act(a) shall not have effect in relation to an agreement entered into before the commencement date;
 - (c) section 20 of the 1985 Act(b) shall not have effect in relation to qualifying works begun before, or carried out under a contract entered into before, the commencement date;
 - (d) sections 21 to 23 of the 1985 Act(c) shall not have effect where the period referred to in section 21(1) of that Act begins before the commencement date.

Application of sections 18 to 30 of the 1985 Act in other cases

3. Section 20 of the 1985 Act shall continue to have effect as originally enacted in relation to a service charge for works—

- (a) begun before the commencement date, or
- (b) where the landlord has, before that date, given or displayed with respect to those works the notice required by section 20(3)(b) as so enacted.

4. Sections 21 and 28 of the 1985 Act(d) shall continue to have effect as originally enacted in relation to such a summary as is referred to in section 21(1) if the period referred to in that subsection to which the summary relates began before the commencement date.

Court proceedings

5. Sections 19(5) and 20C of the 1985 Act(e) shall not have effect in relation to proceedings begun before the commencement date.

Time limit on making demands

6. Section 20B(2) of the 1985 Act(f) shall have effect in relation to relevant costs which were incurred before the commencement date as if a reference to the period of 28 months beginning on the commencement date were substituted for the reference to the period of 18 months beginning on the date when they were incurred.

Recognised tenants' associations

7. An association which is recognised as mentioned in section 29(1) of the 1985 Act before the commencement date shall not cease to be recognised for the purposes of the 1985 Act because of section 41(1) of the principal Act (insofar as it relates to paragraph 10(2) and (3) of Schedule 2.)

Application of sections 45 to 51 of the Housing Act to leasehold dwellings

8. Section 41(2), section 61(1), (in so far as it relates to paragraphs 4 to 6 of Schedule 4) and section 61(2) (in so far as it relates to repeals to the Housing Act in Schedule 5) of the principal Act shall not affect the application to dwellings let on long leases (within the meaning of section 45(2) of the Housing Act as originally enacted) of—

- (a) section 47(1) and (2) of the Housing Act in relation to a service charge payable for a period beginning before the commencement date;
- (b) section 47(3) of the Housing Act in relation to an agreement entered into before the commencement date; and
- (c) sections 48 to 51 of the Housing Act in relation to such a summary as is referred to in section 48(1) if the period referred to in that subsection to which the summary relates began before the commencement date.

(a) Section 19(3) was amended by paragraph 2 of Schedule 2 to the Landlord and Tenant Act 1987.

(b) Section 20 was substituted by paragraph 3 of Schedule 2 to the Landlord and Tenant Act 1987.

(c) Sections 21 and 22 were amended by paragraphs 5 and 6 of Schedule 2 to the Landlord and Tenant Act 1987.

(d) Section 28 was amended by paragraph 9 of Schedule 2 to the Landlord and Tenant Act 1987.

(e) Sections 19(5) and 20C were inserted by paragraphs 2 and 4 of Schedule 2 to the Landlord and Tenant Act 1987.

(f) Section 20B was inserted by paragraph 4 of Schedule 2 to the Landlord and Tenant Act 1987.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st September 1988 those provisions of the Landlord and Tenant Act 1987 which are not already in force, except section 42 of that Act (service charge contributions to be held on trust) which it brings into force on 1st April 1989. Sections 41, 43 and 44, brought into force on 1st September 1988, concern amendments relating to service charges, and the insurance of, and appointment of managing agents for, leasehold properties. The Schedule to the Order contains transitional provisions to disapply amendments made by section 41 and Schedule 2 (relating to service charges) in respect of certain actions taken before 1st September 1988 and certain periods which began before that date.