

2004 No. 3097

LANDLORD AND TENANT, ENGLAND

**The Leasehold Houses (Notice of Insurance Cover) (England)
Regulations 2004**

Made - - - - - *23rd November 2004*
Laid before Parliament *30th November 2004*
Coming into force - - - *28th February 2005*

The First Secretary of State, in exercise of the powers conferred by section 164(5)(d) and (6)(a) of the Commonhold and Leasehold Reform Act 2002(a), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Leasehold Houses (Notice of Insurance Cover) (England) Regulations 2004 and shall come into force on 28th February 2005.

Application

2. These Regulations apply in respect of houses(b) in England only.

Additional content of notice of cover

3. A notice of cover(c) shall specify (in addition to the particulars referred to in paragraphs (a) to (c) of subsection (5) of section 164 (insurance otherwise than with the landlord's insurer) of the Commonhold and Leasehold Reform Act 2002) —

- (a) the address of the house insured under the policy;
- (b) the registered office of the authorised insurer(d) or, if the authorised insurer has no registered office, its head office;
- (c) the number of the policy;
- (d) the frequency with which premiums are payable under the policy;
- (e) the amount of any excess payable by the tenant under the policy;

(a) 2002 c.15. See the definition of "prescribed" in section 164(10) of the Commonhold and Leasehold Reform Act 2002. By virtue of section 179(1) of that Act, the Secretary of State is "the appropriate national authority" as respects England. (The powers conferred by section 164(5)(d) and (6)(a) of that Act are exercisable, as respects Wales, by the National Assembly for Wales by virtue of the definition of "prescribed" and section 179(1).)
(b) By virtue of sections 164(10) and 179(2) of the Commonhold and Leasehold Reform Act 2002, "house" has the same meaning in section 164 as for the purposes of Part 1 of the Leasehold Reform Act 1967 (c.88). The definition of "house" in that Act is to be found in section 2.
(c) See section 164(3) of the Commonhold and Leasehold Reform Act 2002.
(d) See the definition of "authorised insurer" in section 164(10) of the Commonhold and Leasehold Reform Act 2002.

- (f) where an excess is payable, whether it is payable in respect of every claim made under the policy or only in particular circumstances and, if the latter, a brief description of those circumstances;
- (g) whether the policy has been renewed and, if so, the date on which it was last renewed;
- (h) if the policy has not been renewed, the date on which it took effect;
- (i) that the tenant is satisfied that the policy covers his or her interests; and
- (j) that the tenant has no reason to believe that the policy does not cover the interests of the landlord.

Form of notice of cover

4. A notice of cover shall be in the form set out in the Schedule to these Regulations, or a form substantially to the same effect.

Signed by authority of the First Secretary of State

23rd November 2004

Keith Hill
Minister of State,
Office of the Deputy Prime Minister

SCHEDULE

Regulation 4

FORM OF NOTICE OF COVER COMMONHOLD AND LEASEHOLD REFORM ACT 2002

Notice of Cover

To *[insert name and address of landlord]*

1. I am the tenant/We are the tenants of the house at *[insert address]*.
2. The house is insured under an insurance policy issued by *[insert name of insurer and its registered office or, if the insurer has no registered office, its head office]* who is an authorised insurer within the meaning of section 164 of the Commonhold and Leasehold Reform Act 2002.
3. The policy number is *[insert number]*.

4. *The risks covered by the policy are: *[list the risks covered]*.

OR

* The risks covered by the policy are set out in the pages attached to this notice *[attach a copy of the relevant pages from your insurance documents]*.

* Delete as appropriate.

5. The amount of the cover (the sum insured) is £ *[insert amount]* and it is provided for the period beginning on *[insert date on which cover begins]* and ending on *[insert date on which cover ends]*.

6. Premiums are payable *[state how frequently premiums are payable e.g. annually, monthly]*.

7. The amount of the excess under the policy is £*[insert amount]*. [It is payable whenever the insurer makes a payment under the policy.] [It is payable in the following circumstances:]

(Delete this paragraph if no excess is payable. If an excess is payable every time that the insurer meets a claim under the policy, delete the third sentence. If an excess is payable only in certain circumstances, delete the second sentence and specify the circumstances here. If different amounts are payable in different circumstances, give details here.)

8. The policy has been renewed and was last renewed on *[insert date]*.

OR

The policy has not been renewed and took effect on *[insert date]*.

(Delete the statement that does not apply.)

9. I am/We are satisfied that the policy covers my/our interests.

10. [I/We have no reason to believe that the policy does not cover your interests.]

[signature]

[insert date]

EXPLANATORY NOTE

(This note is not part of the Regulations)

Where a long lease of a house requires the tenant to insure it with an insurer nominated or approved by the landlord, a tenant may avoid that requirement if the provisions of section 164(2)(a) to (d) relating to the insurer, the interests and risks covered and the amount of the cover, are satisfied and he gives a notice of cover to the landlord within the period specified in that section. A notice of cover must specify the name of the insurer, the risks covered by the policy, the amount and period of the cover and such further information as may be prescribed.

These Regulations prescribe the further information that is to be included in a notice of cover. That information is:

- (a) the address of the house insured under the policy;
- (b) the registered office of the insurer or, if the insurer does not have a registered office, its head office;
- (c) the number of the policy;
- (d) the frequency with which premiums are payable under the policy;
- (e) the amount of any excess payable by the tenant under the policy;
- (f) where an excess is payable, whether it is payable in respect of every claim made under the policy or only in particular circumstances and, if the latter, a brief description of those circumstances;
- (g) whether the policy has been renewed and, if so, the date on which it was last renewed;
- (h) if the policy has not been renewed, the date on which it took effect;
- (i) a statement that the tenant is satisfied that the policy covers his or her interests; and
- (j) a statement that the tenant has no reason to believe that the policy does not cover the interests of the landlord.

The notice may be in the form set out in the Schedule to the Regulations or a form substantially to the same effect.

A Regulatory Impact Assessment has been prepared in connection with these Regulations. A copy may be obtained from the Office of the Deputy Prime Minister, Leasehold Reform Branch, Zone 2/J6 Eland House, Bressenden Place, London SW1E 5DU (Tel 020 7944 3462).

£3.00

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under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.
E1566 12/2004 141566T 19585

ISBN 0-11-050452-6



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