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Leasehold Reform, Housing and Urban Development Act 1993

1993 CHAPTER 28

PART I

LANDLORD AND TENANT

CHAPTER VII

GENERAL

VALID FROM 01/11/1993

90 Jurisdiction of county courts.

- (1) Any jurisdiction expressed to be conferred on the court by this Part shall be exercised by a county court.
- (2) There shall also be brought in a county court any proceedings for determining any question arising under or by virtue of any provision of Chapter I or II or this Chapter which is not a question falling within its jurisdiction by virtue of subsection (1) or one falling within the jurisdiction of a leasehold valuation tribunal by virtue of section 91.
- (3) Where, however, there are brought in the High Court any proceedings which, apart from this subsection, are proceedings within the jurisdiction of the High Court, the High Court shall have jurisdiction to hear and determine any proceedings joined with those proceedings which are proceedings within the jurisdiction of a county court by virtue of subsection (1) or (2).
- (4) Where any proceedings are brought in a county court by virtue of subsection (1) or (2), the court shall have jurisdiction to hear and determine any other proceedings

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joined with those proceedings, despite the fact that, apart from this subsection, those other proceedings would be outside the court's jurisdiction.

91 Jurisdiction of leasehold valuation tribunals.

- (1) Any jurisdiction expressed to be conferred on a leasehold valuation tribunal by the provisions of this Part (except section 75 or 88) shall be exercised by a rent assessment committee constituted for the purposes of this section; and any question arising in relation to any of the matters specified in subsection (2) shall, in default of agreement, be determined by such a rent assessment committee.
- (2) Those matters are—
 - (a) the terms of acquisition relating to—
 - (i) any interest which is to be acquired by a nominee purchaser in pursuance of Chapter I, or
 - (ii) any new lease which is to be granted to a tenant in pursuance of Chapter II,

including in particular any matter which needs to be determined for the purposes of any provision of Schedule 6 or 13;
 - (b) the terms of any lease which is to be granted in accordance with section 36 and Schedule 9;
 - (c) the amount of any payment falling to be made by virtue of section 18(2);
 - (d) the amount of any costs payable by any person or persons by virtue of any provision of Chapter I or II and, in the case of costs to which section 33(1) or 60(1) applies, the liability of any person or persons by virtue of any such provision to pay any such costs; and
 - (e) the apportionment between two or more persons of any amount (whether of costs or otherwise) payable by virtue of any such provision.
- (3) A rent assessment committee shall, when constituted for the purposes of this section, be known as a leasehold valuation tribunal; and in the following provisions of this section references to a leasehold valuation tribunal are (unless the context otherwise requires) references to such a committee.
- (4) Where in any proceedings before a court there falls for determination any question falling within the jurisdiction of a leasehold valuation tribunal by virtue of Chapter I or II or this section, the court—
 - (a) shall by order transfer to such a tribunal so much of the proceedings as relate to the determination of that question; and
 - (b) may then dispose of all or any remaining proceedings, or adjourn the disposal of all or any such proceedings pending the determination of that question by the tribunal, as it thinks fit;

and accordingly once that question has been so determined the court shall, if it is a question relating to any matter falling to be determined by the court, give effect to the determination in an order of the court.
- (5) Without prejudice to the generality of any other statutory provision—
 - (a) the power to make regulations under section 74(1)(b) of the ^{M1}Rent Act 1977 (procedure of rent assessment committees) shall extend to prescribing the procedure to be followed consequent on a transfer under subsection (4) above; and

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- (b) rules of court may prescribe the procedure to be followed in connection with such a transfer.
- (6) Any application made to a leasehold valuation tribunal under or by virtue of this Part must comply with such requirements (if any) as to the form of, or the particulars to be contained in, any such application as the Secretary of State may by regulations prescribe.
- (7) In any proceedings before a leasehold valuation tribunal which relate to any claim made under Chapter I, the interests of the participating tenants shall be represented by the nominee purchaser, and accordingly the parties to any such proceedings shall not include those tenants.
- (8) No costs which a party to any proceedings under or by virtue of this Part before a leasehold valuation tribunal incurs in connection with the proceedings shall be recoverable by order of any court (whether in consequence of a transfer under subsection (4) or otherwise).
- (9) A leasehold valuation tribunal may, when determining the property in which any interest is to be acquired in pursuance of a notice under section 13 or 42, specify in its determination property which is less extensive than that specified in that notice.
- (10) Paragraphs 1 to 3 and 7 of Schedule 22 to the ^{M2}Housing Act 1980 (provisions relating to leasehold valuation tribunals constituted for the purposes of Part I of the ^{M3}Leasehold Reform Act 1967) shall apply to a leasehold valuation tribunal constituted for the purposes of this section; but—
- (a) in relation to any proceedings which relate to a claim made under Chapter I of this Part of this Act, paragraph 7 of that Schedule shall apply as if the nominee purchaser were included among the persons on whom a notice is authorised to be served under that paragraph; and
- (b) in relation to any proceedings on an application for a scheme to be approved by a tribunal under section 70, paragraph 2(a) of that Schedule shall apply as if any person appearing before the tribunal in accordance with subsection (6) of that section were a party to the proceedings.
- (11) In this section—
- “the nominee purchaser” and “the participating tenants” have the same meaning as in Chapter I;
- “the terms of acquisition” shall be construed in accordance with section 24(8) or section 48(7), as appropriate;
- and the reference in subsection (10) to a leasehold valuation tribunal constituted for the purposes of Part I of the ^{M4}Leasehold Reform Act 1967 shall be construed in accordance with section 88(7) above.

Commencement Information

- II** S. 91 wholly in force; s. 91 not in force at Royal Assent see s. 188(2); s. 91 in force for certain purposes at 2.9.1993 by S.I. 1993/2134, art. 3; s. 91 in force at 1.11.1993 in so far as it was not in force, by S.I. 1993/2134, art. 5(a)

Marginal Citations

- M1** 1977 c. 42.
M2 1980 c. 51.

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M3 1967 c. 88.

M4 1967 c. 88.

VALID FROM 01/11/1993

92 Enforcement of obligations under Chapters I and II.

- (1) The court may, on the application of any person interested, make an order requiring any person who has failed to comply with any requirement imposed on him under or by virtue of any provision of Chapter I or II to make good the default within such time as is specified in the order.
- (2) An application shall not be made under subsection (1) unless—
 - (a) a notice has been previously given to the person in question requiring him to make good the default, and
 - (b) more than 14 days have elapsed since the date of the giving of that notice without his having done so.

VALID FROM 01/11/1993

93 Agreements excluding or modifying rights of tenant under Chapter I or II.

- (1) Except as provided by this section, any agreement relating to a lease (whether contained in the instrument creating the lease or not and whether made before the creation of the lease or not) shall be void in so far as it—
 - (a) purports to exclude or modify—
 - (i) any entitlement to participate in the making of a claim to exercise the right to collective enfranchisement under Chapter I,
 - (ii) any right to acquire a new lease under Chapter II, or
 - (iii) any right to compensation under section 61; or
 - (b) provides for the termination or surrender of the lease in the event of the tenant becoming a participating tenant for the purposes of Chapter I or giving a notice under section 42; or
 - (c) provides for the imposition of any penalty or disability on the tenant in that event.
- (2) Subsection (1) shall not be taken to preclude a tenant from surrendering his lease, and shall not—
 - (a) invalidate any agreement for the acquisition on behalf of a tenant of an interest superior to his lease, or for the acquisition by a tenant of a new lease, on terms different from those provided by Chapters I and II; or
 - (b) where a tenant has become a participating tenant for the purposes of Chapter I or has given a notice under section 42, invalidate—
 - (i) any agreement that the notice given under section 13 or (as the case may be) section 42 shall cease to have effect, or
 - (ii) any provision of such an agreement excluding or restricting for a period not exceeding three years any such entitlement or right as is mentioned in subsection (1)(a)(i) or (ii); or

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- (c) where a tenant's right to compensation under section 61 has accrued, invalidate any agreement as to the amount of the compensation.
- (3) Where—
- (a) a tenant having the right to acquire a new lease under Chapter II—
- (i) has entered into an agreement for the surrender of his lease without the prior approval of the court, or
- (ii) has entered into an agreement for the grant of a new lease without any of the terms of acquisition (within the meaning of that Chapter) having been determined by a leasehold valuation tribunal under that Chapter, or
- (b) a tenant has been granted a new lease under Chapter II or by virtue of subsection (4) below and, on his landlord claiming possession for the purposes of redevelopment, enters into an agreement without the prior approval of the court for the surrender of the lease,
- then on the application of the tenant a county court, or any court in which proceedings are brought on the agreement, may, if in its opinion the tenant is not adequately recompensed under the agreement for his rights under Chapter II, set aside or vary the agreement and give such other relief as appears to it to be just having regard to the situation and conduct of the parties.
- (4) Where a tenant has the right to acquire a new lease under Chapter II, there may with the approval of the court be granted to him in satisfaction of that right a new lease on such terms as may be approved by the court, which may include terms excluding or modifying—
- (a) any entitlement to participate in the making of a claim to exercise the right to collective enfranchisement under Chapter I, or
- (b) any right to acquire a further lease under Chapter II.
- (5) Subject to the provisions specified in subsection (6) and to subsection (7), a lease may be granted by virtue of subsection (4), and shall if so granted be binding on persons entitled to any interest in or charge on the landlord's estate—
- (a) despite the fact that, apart from this subsection, it would not be authorised against any such persons, and
- (b) despite any statutory or other restrictions on the landlord's powers of leasing.
- (6) The provisions referred to in subsection (5) are—
- (a) section 36 of the ^{M5}Charities Act 1993 (restrictions on disposition of charity land); and
- (b) paragraph 8(2)(c) of Schedule 2 to this Act.
- (7) Where the existing lease of the tenant is granted after the commencement of Chapter II and, the grant being subsequent to the creation of a charge on the landlord's estate, the existing lease is not binding on the persons interested in the charge, a lease granted by virtue of subsection (4) shall not be binding on those persons.
- (8) Where a lease is granted by virtue of subsection (4), then except in so far as provision is made to the contrary by the terms of the lease, the following provisions shall apply in relation to the lease as they apply in relation to a lease granted under section 56, namely—
- (a) section 58(3), (5) and (6);
- (b) section 59(2) to (5); and

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(c) section 61 and Schedule 14;
and subsections (5) to (7) of section 56 shall apply in relation to the lease as they apply in relation to a lease granted under that section.

Marginal Citations

M5 1993 c. 10.

VALID FROM 01/10/1996

[^{F1}93A Powers of trustees in relation to rights under Chapters I and II.

- (1) Where trustees are a qualifying tenant of a flat for the purposes of Chapter I or II, their powers under the instrument regulating the trusts shall include power to participate in the exercise of the right to collective enfranchisement under Chapter I or, as the case may be, to exercise the right to a new lease under Chapter II.
- (2) Subsection (1) shall not apply where the instrument regulating the trusts—
 - (a) is made on or after the day on which section 113 of the Housing Act 1996 comes into force, and
 - (b) contains an explicit direction to the contrary.
- (3) The powers conferred by subsection (1) shall be exercisable with the like consent or on the like direction (if any) as may be required for the exercise of the trustees' powers (or ordinary powers) of investment.
- (4) The following purposes, namely—
 - (a) those authorised for the application of capital money by section 73 of the ^{M6}Settled Land Act 1925, or by that section as applied by section 28 of the ^{M7}Law of Property Act 1925 in relation to trusts for sale, and
 - (b) those authorised by section 71 of the Settled Land Act 1925, or by that section as so applied, as purposes for which moneys may be raised by mortgage,

shall include the payment of any expenses incurred by a tenant for life or statutory owners or by trustees for sale, as the case may be, in or in connection with participation in the exercise of the right to collective enfranchisement under Chapter I or in or in connection with the exercise of the right to a new lease under Chapter II.]

Textual Amendments

F1 S. 93A inserted (1.10.1996) by 1996 c. 52, s.113; S.I. 1996/2212, art. 2(2) (with savings in art. 2(2), Sch. para. 4(b))

Marginal Citations

M6 1925 c. 18.

M7 1925 c. 20.

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94 Crown land.

- (1) Subject to subsection (2), Chapters I and II shall apply to a lease from the Crown if (and only if) there has ceased to be a Crown interest in the land subject to it.
- (2) Where a tenant under a lease from the Crown would, but for the existence of any Crown interest, be entitled to acquire a new lease under Chapter II, then if—
 - (a) that Crown interest is superior to the interest of the person who for the purposes of Chapter II is the landlord in relation to the lease, and
 - (b) either—
 - (i) that landlord is entitled to grant such a new lease without the concurrence of the appropriate authority, or
 - (ii) the appropriate authority notifies that landlord that, as regards any Crown interest affected, the authority will concur in granting such a new lease,
 subsection (1) shall apply as if there had ceased to be any Crown interest in the land subject to the lease, and Chapter II shall apply accordingly.
- (3) The restriction imposed by section 3(2) of the ^{M8}Crown Estate Act 1961 (general provisions as to management) on the term for which a lease may be granted by the Crown Estate Commissioners shall not apply where—
 - (a) the lease is granted by way of renewal of a long lease at a low rent, and
 - (b) it appears to the Crown Estate Commissioners that, but for the existence of any Crown interest, there would be a right to acquire a new lease under Chapter II of this Part of this Act.
- (4) Where, in the case of land belonging—
 - (a) to Her Majesty in right of the Duchy of Lancaster, or
 - (b) to the Duchy of Cornwall,
 it appears to the appropriate authority that a tenant under a long lease at a low rent would, but for the existence of any Crown interest, be entitled to acquire a new lease under Chapter II, then a lease corresponding to that to which the tenant would be so entitled may be granted to take effect wholly or partly out of the Crown interest by the same person and with the same formalities as in the case of any other lease of such land.
- (5) In the case of land belonging to the Duchy of Cornwall, the purposes authorised by section 8 of the ^{M9}Duchy of Cornwall Management Act 1863 for the advancement of parts of such gross sums as are there mentioned shall include the payment to tenants under leases from the Crown of sums corresponding to those which, but for the existence of any Crown interest, would be payable by way of compensation under section 61 above.
- (6) The appropriate authority in relation to any area occupied under leases from the Crown may make an application for the approval under section 70 of a scheme for that area which is designed to secure that, in the event of tenants under those leases acquiring freehold interests in such circumstances as are mentioned in subsection (7) below, the authority will—

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- (a) retain powers of management in respect of the premises in which any such freehold interests are acquired, and
 - (b) have rights against any such premises in respect of the benefits arising from the exercise elsewhere of the authority's powers of management.
- (7) The circumstances mentioned in subsection (6) are circumstances in which, but for the existence of any Crown interest, the tenants acquiring any such freehold interests would be entitled to acquire them as mentioned in section 69(1)(a) or (b).
- (8) Subject to any necessary modifications—
- (a) subsections (2) to (7) of section 69 shall apply in relation to any such scheme as is mentioned in subsection (6) above as they apply in relation to an estate management scheme; and
 - (b) section 70 shall apply in relation to the approval of such a scheme as it applies in relation to the approval of a scheme as an estate management scheme.
- (9) Subsection (10) applies where—
- (a) any tenants under leases from the Crown are proceeding with a view to acquiring the freehold of any premises in circumstances in which, but for the existence of any Crown interest, they would be entitled to acquire the freehold under Chapter I, or
 - (b) any tenant under a lease from the Crown is proceeding with a view to acquiring a new lease of his flat in circumstances in which, but for the existence of any Crown interest, he would be entitled to acquire such a lease under Chapter II.
- (10) Where—
- (a) this subsection applies in accordance with subsection (9), and
 - (b) any question arises in connection with the acquisition of the freehold of those premises or any such new lease which is such that, if the tenants or tenant were proceeding as mentioned in that subsection in pursuance of a claim made under Chapter I or (as the case may be) Chapter II, a leasehold valuation tribunal would have jurisdiction to determine it in proceedings under that Chapter, and
 - (c) it is agreed between—
 - (i) the appropriate authority and the tenants or tenant, and
 - (ii) all other persons (if any) whose interests would fall to be represented in proceedings brought under that Chapter for the determination of that question by a leasehold valuation tribunal,
 that that question should be determined by such a tribunal,
- a leasehold valuation tribunal shall have jurisdiction to determine that question; and references in this subsection to a leasehold valuation tribunal are to such a tribunal constituted for the purposes of section 91.
- (11) For the purposes of this section “lease from the Crown” means a lease of land in which there is, or has during the subsistence of the lease been, a Crown interest superior to the lease; and “Crown interest” and “the appropriate authority” in relation to a Crown interest mean respectively—
- (a) an interest comprised in the Crown Estate, and the Crown Estate Commissioners;
 - (b) an interest belonging to Her Majesty in right of the Duchy of Lancaster, and the Chancellor of the Duchy;

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- (c) an interest belonging to the Duchy of Cornwall, and such person as the Duke of Cornwall or the possessor for the time being of the Duchy appoints;
- (d) any other interest belonging to a government department or held on behalf of Her Majesty for the purposes of a government department, and the Minister in charge of that department.

(12) For the purposes of this section “long lease at a low rent” shall be construed in accordance with sections 7 and 8.

Marginal Citations

M8 1961 c. 55.

M9 1863 c. 49.

VALID FROM 01/11/1993

95 Saving for National Trust.

Chapters I and II shall not prejudice the operation of section 21 of the ^{M10}National Trust Act 1907, and accordingly there shall be no right under Chapter I or II to acquire any interest in or new lease of any property if an interest in the property is under that section vested inalienably in the National Trust for Places of Historic Interest or Natural Beauty.

Marginal Citations

M10 1907 c. cxxxvi.

VALID FROM 01/11/1993

96 Property within cathedral precinct.

There shall be no right under Chapter I or II to acquire any interest in or lease of any property which for the purposes of the Care of Cathedrals Measure 1990 is within the precinct of a cathedral church.

VALID FROM 01/11/1993

97 Registration of notices, applications and orders under Chapters I and II.

- (1) No lease shall be registrable under the ^{M11}Land Charges Act 1972 or be taken to be an estate contract within the meaning of that Act by reason of any rights or obligations of the tenant or landlord which may arise under Chapter I or II, and any right of a tenant arising from a notice given under section 13 or 42 shall not be an overriding interest within the meaning of the ^{M12}Land Registration Act 1925; but a notice given under section 13 or 42 shall be registrable under the Land Charges Act 1972, or may

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be the subject of a notice or caution under the Land Registration Act 1925, as if it were an estate contract.

- (2) The Land Charges Act 1972 and the Land Registration Act 1925—
- (a) shall apply in relation to an order made under section 26(1) or 50(1) as they apply in relation to an order affecting land which is made by the court for the purpose of enforcing a judgment or recognisance; and
 - (b) shall apply in relation to an application for such an order as they apply in relation to other pending land actions.
- (3) The persons applying for such an order in respect of any premises shall be treated for the purposes of section 57 of the Land Registration Act 1925 (inhibitions) as persons interested in relation to any registered land containing the whole or part of those premises.

Marginal Citations

M11 1972 c. 61.

M12 1925 c. 21.

98 Power to prescribe procedure under Chapters I and II.

- (1) Where a claim to exercise the right to collective enfranchisement under Chapter I is made by the giving of a notice under section 13, or a claim to exercise the right to acquire a new lease under Chapter II is made by the giving of a notice under section 42, then except as otherwise provided by Chapter I or (as the case may be) Chapter II—
- (a) the procedure for giving effect to the notice, and
 - (b) the rights and obligations of all parties in relation to the investigation of title and other matters arising in giving effect to the notice,
- shall be such as may be prescribed by regulations made by the Secretary of State and, subject to or in the absence of provision made by any such regulations, shall be as nearly as may be the same as in the case of a contract of sale or leasing freely negotiated between the parties.
- (2) Regulations under this section may, in particular, make provision—
- (a) for a person to be discharged from performing any obligations arising out of a notice under section 13 or 42 by reason of the default or delay of some other person;
 - (b) for the payment of a deposit—
 - (i) by a nominee purchaser (within the meaning of Chapter I) on exchange of contracts, or
 - (ii) by a tenant who has given a notice under section 42; and
 - (c) with respect to the following matters, namely—
 - (i) the person with whom any such deposit is to be lodged and the capacity in which any such person is to hold it, and
 - (ii) the circumstances in which the whole or part of any such deposit is to be returned or forfeited.

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99 Notices.

- (1) Any notice required or authorised to be given under this Part—
 - (a) shall be in writing; and
 - (b) may be sent by post.
- (2) Where in accordance with Chapter I or II an address in England and Wales is specified as an address at which notices may be given to any person or persons under that Chapter—
 - (a) any notice required or authorised to be given to that person or those persons under that Chapter may (without prejudice to the operation of subsection (3)) be given to him or them at the address so specified; but
 - (b) if a new address in England and Wales is so specified in substitution for that address by the giving of a notice to that effect, any notice so required or authorised to be given may be given to him or them at that new address instead.
- (3) Where a tenant is required or authorised to give any notice under Chapter I or II to a person who—
 - (a) is the tenant's immediate landlord, and
 - (b) is such a landlord in respect of premises to which Part VI of the ^{M13}Landlord and Tenant Act 1987 (information to be furnished to tenants) applies,

the tenant may, unless he has been subsequently notified by the landlord of a different address in England and Wales for the purposes of this section, give the notice to the landlord—

 - (i) at the address last furnished to the tenant as the landlord's address for service in accordance with section 48 of that Act (notification of address for service of notices on landlord); or
 - (ii) if no such address has been furnished, at the address last furnished to the tenant as the landlord's address in accordance with section 47 of that Act (landlord's name and address to be contained in demands for rent).
- (4) Subsections (2) and (3) apply to notices in proceedings under Chapter I or II as they apply to notices required or authorised to be given under that Chapter.
- (5) Any notice which is given under Chapter I or II by any tenants or tenant must—
 - (a) if it is a notice given under section 13 or 42, be signed by each of the tenants, or (as the case may be) by the tenant, by whom it is given; and
 - (b) in any other case, be signed by or on behalf of each of the tenants, or (as the case may be) by or on behalf of the tenant, by whom it is given.
- (6) The Secretary of State may by regulations prescribe—
 - (a) the form of any notice required or authorised to be given under this Part; and
 - (b) the particulars which any such notice must contain (whether in addition to, or in substitution for, any particulars required by virtue of any provision of this Part).

Commencement Information

- I2** S. 99 wholly in force; s. 99 not in force at Royal Assent see s. 188(2); s. 99 in force for certain purposes at 2.9.1993 by S.I. 1993/2134, art. 3; s. 99 in force at 1.11.1993 in so far as it was not in force, by S.I. 1993/2134, art. 5(a)

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Marginal Citations

M13 1987 c. 31.

100 Orders and regulations.

- (1) Any power of the Secretary of State to make orders or regulations under this Part—
- (a) may be so exercised as to make different provision for different cases or descriptions of cases, including different provision for different areas; and
 - (b) includes power to make such procedural, incidental, supplementary and transitional provision as may appear to the Secretary of State necessary or expedient.
- (2) Any power of the Secretary of State to make orders or regulations under this Part shall be exercisable by statutory instrument which (except in the case of regulations making only such provision as is mentioned in section 99(6)) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

VALID FROM 01/11/1993

101 General interpretation of Part I.

- (1) In this Part—

“business lease” means a tenancy to which Part II of the ^{M14}Landlord and Tenant Act 1954 applies;

“common parts”, in relation to any building or part of a building, includes the structure and exterior of that building or part and any common facilities within it;

“the court” (unless the context otherwise requires) means, by virtue of section 90(1), a county court;

“disposal” means a disposal whether by the creation or the transfer of an interest, and includes the surrender of a lease and the grant of an option or right of pre-emption, and “acquisition” shall be construed accordingly (as shall expressions related to either of these expressions);

“dwelling” means any building or part of a building occupied or intended to be occupied as a separate dwelling;

“flat” means a separate set of premises (whether or not on the same floor)

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- (a) which forms part of a building, and
 - (b) which is constructed or adapted for use for the purposes of a dwelling, and
 - (c) either the whole or a material part of which lies above or below some other part of the building;

“interest” includes estate;

“lease” and “tenancy”, and related expressions, shall be construed in accordance with subsection (2);

“rent assessment committee” means a rent assessment committee constituted under Schedule 10 to the ^{M15}Rent Act 1977;

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“the term date”, in relation to a lease granted for a term of years certain, means (subject to subsection (6)) the date of expiry of that term, and, in relation to a tenancy to which any of the provisions of section 102 applies, shall be construed in accordance with those provisions.

- (2) In this Part “lease” and “tenancy” have the same meaning, and both expressions include (where the context so permits)—
- (a) a sub-lease or sub-tenancy, and
 - (b) an agreement for a lease or tenancy (or for a sub-lease or sub-tenancy),
- but do not include a tenancy at will or at sufferance; and the expressions “landlord” and “tenant”, and references to letting, to the grant of a lease or to covenants or the terms of a lease, shall be construed accordingly.
- (3) In this Part any reference (however expressed) to the lease held by a qualifying tenant of a flat is a reference to a lease held by him under which the demised premises consist of or include the flat (whether with or without one or more other flats).
- (4) Where two or more persons jointly constitute either the landlord or the tenant or qualifying tenant in relation to a lease of a flat, any reference in this Part to the landlord or to the tenant or qualifying tenant is (unless the context otherwise requires) a reference to both or all of the persons who jointly constitute the landlord or the tenant or qualifying tenant, as the case may require.
- (5) Any reference in this Part to the date of the commencement of a lease is a reference to the date of the commencement of the term of the lease.
- (6) In the case of a lease which derives (in accordance with section 7(6)) from more than one separate leases, references in this Part to the date of the commencement of the lease or to the term date shall, if the terms of the separate leases commenced at different dates or those leases have different term dates, have effect as references to the date of the commencement, or (as the case may be) to the term date, of the lease comprising the flat in question (or the earliest date of commencement or earliest term date of the leases comprising it).
- (7) For the purposes of this Part property is let with other property if the properties are let either under the same lease or under leases which, in accordance with section 7(6), are treated as a single lease.
- (8) For the purposes of this Part any lease which is reversionary on another lease shall be treated as if it were a concurrent lease intermediate between that other lease and any interest superior to that other lease.
- (9) For the purposes of this Part an order of a court or a decision of a leasehold valuation tribunal is to be treated as becoming final—
- (a) if not appealed against, on the expiry of the time for bringing an appeal; or
 - (b) if appealed against and not set aside in consequence of the appeal, at the time when the appeal and any further appeal is disposed of—
 - (i) by the determination of it and the expiry of the time for bringing a further appeal (if any), or
 - (ii) by its being abandoned or otherwise ceasing to have effect.

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Marginal Citations

M14 1954 c. 56.

M15 1977 c. 42.

VALID FROM 01/11/1993

102 Term date and other matters relating to periodical tenancies.

- (1) Where either of the following provisions (which relate to continuation tenancies) applies to a tenancy, namely—
- (a) section 19(2) of the ^{M16}Landlord and Tenant Act 1954 (“the 1954 Act”), or
 - (b) paragraph 16(2) of Schedule 10 to the ^{M17}Local Government and Housing Act 1989 (“the 1989 Act”),
- the tenancy shall be treated for the relevant purposes of this Part as granted to expire—
- (i) on the date which is the term date for the purposes of the 1954 Act (namely, the first date after the commencement of the 1954 Act on which, apart from the 1954 Act, the tenancy could have been brought to an end by a notice to quit given by the landlord under the tenancy), or
 - (ii) on the date which is the term date for the purposes of Schedule 10 to the 1989 Act (namely, the first date after the commencement of Schedule 10 to the 1989 Act on which, apart from that Schedule, the tenancy could have been brought to an end by such a notice to quit),
- as the case may be.
- (2) Subject to subsection (1), where under section 7(3) a tenancy created or arising as a tenancy from year to year or other periodical tenancy is to be treated as a long lease, then for the relevant purposes of this Part, the term date of that tenancy shall be taken to be the date (if any) on which the tenancy is to terminate by virtue of a notice to quit given by the landlord under the tenancy before the relevant date for those purposes, or else the earliest date on which it could as at that date (in accordance with its terms and apart from any enactment) be brought to an end by such a notice to quit.
- (3) Subject to subsection (1), in the case of a tenancy granted to continue as a periodical tenancy after the expiry of a term of years certain, or to continue as a periodical tenancy if not terminated at the expiry of such a term, any question whether the tenancy is at any time to be treated for the relevant purposes of this Part as a long lease, and (if so) with what term date, shall be determined as it would be if there had been two tenancies, as follows—
- (a) one granted to expire at the earliest time (at or after the expiry of that term of years certain) at which the tenancy could (in accordance with its terms and apart from any enactment) be brought to an end by a notice to quit given by the landlord under the tenancy; and
 - (b) the other granted to commence at the expiry of the first (and not being one to which subsection (1) applies).

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(4) In this section “the relevant purposes of this Part” means the purposes of Chapter I or, to the extent that section 7 has effect for the purposes of Chapter II in accordance with section 39(3), the purposes of that Chapter.

Marginal Citations

M16 1954 c. 56.

M17 1989 c. 42.

VALID FROM 01/11/1993

103 Application of Part I to Isles of Scilly.

This Part applies to the Isles of Scilly subject to such exceptions, adaptations and modifications as the Secretary of State may by order direct.

Status:

Point in time view as at 11/10/1993. This version of this chapter contains provisions that are not valid for this point in time.

Changes to legislation:

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