



Leasehold Reform, Housing and Urban Development Act 1993

1993 CHAPTER 28

PART I

LANDLORD AND TENANT

CHAPTER I

COLLECTIVE ENFRANCHISEMENT IN CASE OF TENANTS OF FLATS

Applications to court or^{F1}... tribunal

23 Tenants' claim liable to be defeated where landlord intends to redevelop.

- (1) Where the reversioner in respect of the specified premises has given a counter-notice under section 21 which complies with the requirement set out in subsection (2)(c) of that section, the court may, on the application of any appropriate landlord, by order declare that the right to collective enfranchisement shall not be exercisable in relation to those premises by reason of that landlord's intention to redevelop the whole or a substantial part of the premises.
- (2) The court shall not make an order under subsection (1) unless it is satisfied—
 - (a) that not less than two-thirds of all the long leases on which flats contained in the specified premises are held are due to terminate within the period of five years beginning with the relevant date; and
 - (b) that for the purposes of redevelopment the applicant intends, once the leases in question have so terminated—
 - (i) to demolish or reconstruct, or
 - (ii) to carry out substantial works of construction on, the whole or a substantial part of the specified premises; and

Status: Point in time view as at 01/12/2022.

Changes to legislation: *Leasehold Reform, Housing and Urban Development Act 1993, Section 23 is up to date with all changes known to be in force on or before 07 September 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)*

- (c) that he could not reasonably do so without obtaining possession of the flats demised by those leases.
- (3) Any application for an order under subsection (1) must be made within the period of two months beginning with the date of the giving of the counter-notice to the nominee purchaser; but, where the counter-notice is one falling within section 22(1)(a), such an application shall not be proceeded with until such time (if any) as an order under section 22(1) becomes final.
- (4) Where an order under subsection (1) is made by the court, the initial notice shall cease to have effect on the order becoming final.
- (5) Where an application for an order under subsection (1) is dismissed by the court, the court shall make an order—
- (a) declaring that the reversioner’s counter-notice shall be of no effect, and
 - (b) requiring the reversioner to give a further counter-notice to the nominee purchaser by such date as is specified in the order.
- (6) Where—
- (a) the reversioner has given such a counter-notice as is mentioned in subsection (1), but
 - (b) either—
 - (i) no application for an order under that subsection is made within the period referred to in subsection (3), or
 - (ii) such an application is so made but is subsequently withdrawn,
 then (subject to subsection (8)), the reversioner shall give a further counter-notice to the nominee purchaser within the period of two months beginning with the appropriate date.
- (7) In subsection (6) “the appropriate date” means—
- (a) if subsection (6)(b)(i) applies, the date immediately following the end of the period referred to in subsection (3); and
 - (b) if subsection (6)(b)(ii) applies, the date of withdrawal of the application.
- (8) Subsection (6) shall not apply if any application has been made by the nominee purchaser under section 22(1).
- (9) Subsections (3) to (5) of section 21 shall apply to any further counter-notice required to be given by the reversioner under subsection (5) or (6) above as if it were a counter-notice under that section complying with the requirement set out in subsection (2)(a) of that section.
- (10) In this section “appropriate landlord”, in relation to the specified premises, means—
- (a) the reversioner or any other relevant landlord; or
 - (b) any two or more persons falling within paragraph (a) who are acting together.

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