Commonhold and Leasehold Reform Act 2002

2002 CHAPTER 15

PART 2

LEASEHOLD REFORM

CHAPTER 3

NEW LEASES FOR TENANTS OF FLATS

Qualifying rules

130 Replacement of residence test

(1) Section 39 of the 1993 Act (the right) is amended as follows.

(2) In subsection (2)(a) (requirement that tenant is qualifying tenant of flat on the relevant date), for "is" substitute " has for the last two years been ".

(3) Omit subsections (2)(b), (2A) and (2B) (requirement that tenant has occupied flat as only or principal home for three years).

Commencement Information

I1   S. 130 wholly in force at 1.1.2003; s. 130 not in force at Royal Assent, see s. 181(1); s. 130 in force at 26.7.2002 for E. by S.I. 2002/1912, **art. 2(b)(i)** (subject to transitional provisions and savings in Sch. 2); s. 130 in force at 1.1.2003 for W. by S.I. 2002/3012, **art. 2(b)(i)** (subject to transitional provisions and savings in Sch. 2)

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131   Qualifying leases

In section 39(3) of the 1993 Act (which applies for the purposes of Chapter 2 of Part 1 of the 1993 Act the definition of qualifying tenant in Chapter 1 of that Part), omit paragraphs (c) and (d) (leases at a low rent and leases for a particularly long term).

Commencement Information

I2   S. 131 wholly in force at 1.1.2003; s. 131 not in force at Royal Assent, see s. 181(1); s. 131 in force at 26.7.2002 for E. by S.I. 2002/1912, **art. 2(b)(i)** (subject to transitional provisions and savings in Sch. 2); s. 131 in force at 1.1.2003 for W. by S.I. 2002/3012, **art. 2(b)(i)** (subject to transitional provisions and savings in Sch. 2)

132   Personal representatives

(1) In section 39 of the 1993 Act, after subsection (3) insert—

"(3A) On the death of a person who has for the two years before his death been a qualifying tenant of a flat, the right conferred by this Chapter is exercisable, subject to and in accordance with this Chapter, by his personal representatives; and, accordingly, in such a case references in this Chapter to the tenant shall, in so far as the context permits, be to the personal representatives."

(2) In section 42 of the 1993 Act (notice by qualifying tenant of claim to exercise right), before subsection (5) insert—

"(4A) A notice under this section may not be given by the personal representatives of a tenant later than two years after the grant of probate or letters of administration."

Commencement Information

I3   S. 132 wholly in force at 1.1.2003; s. 132 not in force at Royal Assent, see s. 181(1); s. 132 in force at 26.7.2002 for E. by S.I. 2002/1912, **art. 2(a)**; s. 132 in force at 1.1.2003 for W. by S.I. 2002/3012, **art.2(a)**

133   Crown leases

In section 94 of the 1993 Act (Crown land), for subsection (2) substitute—

"(2) Chapter 2 applies as against a landlord under a lease from the Crown if—

    (a)   a sub-tenant is seeking a new lease under that Chapter and the landlord, or a superior landlord under a lease from the Crown, is entitled to grant such a new lease without the concurrence of the appropriate authority, or

    (b)   the appropriate authority notifies the landlord that, as regards any Crown interest affected, it will grant or concur in granting such a new lease."

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Changes to legislation: There are currently no known outstanding effects for the Commonhold and
Leasehold Reform Act 2002, Cross Heading: Qualifying rules. (See end of Document for details)

Commencement Information

I4   S. 133 wholly in force at 1.1.2003; s. 133 not in force at Royal Assent, see s. 181(1); s. 133 in force at 26.7.2002 for E. by S.I. 2002/1912, **art. 2(a)**; s. 133 in force at 1.1.2003 for W. by S.I. 2002/3012, **art.2(a)**