
WELSH STATUTORY INSTRUMENTS

2004 No. 670 (W.63)

LANDLORD AND TENANT

The Leasehold Reform (Collective Enfranchisement and Lease Renewal) (Amendment) (Wales) Regulations 2004

Made - - - - 9th March 2004
Coming into force - - 31st March 2004

The National Assembly for Wales, in exercise of the powers conferred on the Secretary of State by section 98 of the Leasehold Reform, Housing and Urban Development Act 1993⁽¹⁾ and now vested in the National Assembly for Wales⁽²⁾, hereby makes the following Regulations:

Name and commencement

1. These Regulations are called the Leasehold Reform (Collective Enfranchisement and Lease Renewal) (Amendment) (Wales) Regulations 2004 and shall come into force on the 31st March 2004.

Application

2. These Regulations apply only—
- (a) in respect of premises in Wales;
 - (b) to cases where a notice under section 13 (notice by qualifying tenants of claim to exercise right to collectively enfranchise) or section 42 (notice by qualifying tenant of claim to exercise right to acquire a new lease) of the Leasehold Reform, Housing and Urban Development Act 1993 is served on or after the date these Regulations come into force.

Amendments

3. The Leasehold Reform (Collective Enfranchisement and Lease Renewal) Regulations 1993⁽³⁾ shall be amended as follows—
- (a) delete paragraph 2 of Schedule 1; and
 - (b) for sub-paragraph 4(1) of Schedule 2 substitute—

(1) [1993 c. 28](#).

(2) The powers of the Secretary of State under section 98 of the Leasehold Reform, Housing and Urban Development Act 1993 were transferred to the National Assembly for Wales pursuant to article 2(2) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 ([S.I. 1999/672](#)).

(3) [S.I. 1993/2407](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(1) The landlord may require the tenant to deduce his title to his tenancy, by giving him notice within the period of twenty one days beginning with the relevant date.”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4).

9th March 2004

John Marek
The Deputy Presiding Officer of the National
Assembly

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Leasehold Reform (Collective Enfranchisement and Lease Renewal) Regulations 1993 which set out the procedure to be followed in relation to claims for collective enfranchisement and lease renewal made under the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) (“the 1993 Act”). These Regulations apply to such claims made in respect of premises in Wales on or after the date the Regulations come into force.

The amendments are consequential to amendments made to sections 13 and 39 of the 1993 Act by section 120 and Schedule 14 of the Commonhold and Leasehold Reform Act 2002 (c. 15) abolishing the residence test in the 1993 Act: one of the qualifying rules for tenants making claims for collective enfranchisement and lease renewal. In the case of a claim for lease renewal, the residence test in the 1993 Act required each individual tenant making the claim to have occupied the flat in respect of which the claim was made as an only or principal home for the last twelve months or for periods amounting to three years in the last ten years. In the case of claims for collective enfranchisement, the test required not less than one-half of the tenants by whom the collective claim was made to have occupied their flats as their only or principal home for the last twelve months or for periods amounting to three years in the last ten years.

In respect of lease renewal, the test has been replaced with a requirement that the tenant has to have been a long leaseholder of the flat for two years. In respect of collective enfranchisement, the test has not been replaced or amended by any other requirement.

A Regulatory Appraisal has been prepared in connection with these Regulations. A copy may be obtained from the Housing Directorate, the National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ (Tel 029 20 823025).