



Leasehold Reform, Housing and Urban Development Act 1993

1993 CHAPTER 28

PART I

LANDLORD AND TENANT

CHAPTER VII

GENERAL

101 General interpretation of Part I.

(1) In this Part—

“business lease” means a tenancy to which Part II of the ^{M1}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)—

(a) which forms part of a building, and

(b) which is constructed or adapted for use for the purposes of a dwelling,
and

Status: Point in time view as at 01/07/2013. This version of this provision has been superseded.

Changes to legislation: Leasehold Reform, Housing and Urban Development Act 1993, Section 101 is up to date with all changes known to be in force on or before 12 July 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) 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);
^{F1} ...
 “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 [^{F2}the First-tier Tribunal or Upper 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—

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(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.

Textual Amendments

F1 Words in s. 101(1) repealed (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. 181(1), [Sch. 14](#); [S.I. 2003/1986](#), art. 2(c)(iv), [Sch. 1 Pt. 1 \(with Sch. 2\)](#); [S.I. 2004/669](#), art. 2(c)(iv), [Sch. 1 Pt. 1 \(with Sch. 2\)](#)

F2 Words in s. 101(9) inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 122](#) (with [Sch. 3](#))

Marginal Citations

M1 1954 c. 56.

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