



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

The initial notice

13 Notice by qualifying tenants of claim to exercise right.

- (1) A claim to exercise the right to collective enfranchisement with respect to any premises is made by the giving of notice of the claim under this section.
- (2) A notice given under this section (“the initial notice”)—
 - (a) must be given to the reversioner in respect of those premises; and
 - (b) must be given by a number of qualifying tenants of flats contained in the premises as at the relevant date which—
 - (i) is not less than two-thirds of the total number of such tenants, and
 - (ii) is not less than one-half of the total number of flats so contained;and not less than one-half of the qualifying tenants by whom the notice is given must satisfy the residence condition.
- (3) The initial notice must—
 - (a) specify and be accompanied by a plan showing—
 - (i) the premises of which the freehold is proposed to be acquired by virtue of section 1(1),

Status: Point in time view as at 01/07/1995. This version of this provision has been superseded.

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- (ii) any property of which the freehold is proposed to be acquired by virtue of section 1(2)(a), and
 - (iii) any property of the person who owns the freehold of the specified premises over which it is proposed that rights (specified in the notice) should be granted by him in connection with the acquisition of the freehold of the specified premises or of any such property so far as falling within section 1(3)(a);
 - (b) contain a statement of the grounds on which it is claimed that the specified premises are, on the relevant date, premises to which this Chapter applies;
 - (c) specify—
 - (i) any leasehold interest proposed to be acquired under or by virtue of section 2(1)(a) or (b), and
 - (ii) any flats or other units contained in the specified premises in relation to which it is considered that any of the requirements in Part II of Schedule 9 to this Act are applicable;
 - (d) specify the proposed purchase price for each of the following, namely—
 - (i) the freehold interest in the specified premises,
 - (ii) the freehold interest in any property specified under paragraph (a)(ii), and
 - (iii) any leasehold interest specified under paragraph (c)(i);
 - (e) state the full names of all the qualifying tenants of flats contained in the specified premises and the addresses of their flats, and contain the following particulars in relation to each of those tenants, namely—
 - (i) such particulars of his lease as are sufficient to identify it, including the date on which the lease was entered into, the term for which it was granted and the date of the commencement of the term,
 - (ii) such further particulars as are necessary to show that the lease is a lease at a low rent, and
 - (iii) if it is claimed that he satisfies the residence condition, particulars of the period or periods falling within the preceding ten years for which he has occupied the whole or part of his flat as his only or principal home;
 - (f) state the full name or names of the person or persons appointed as the nominee purchaser for the purposes of section 15, and an address in England and Wales at which notices may be given to that person or those persons under this Chapter; and
 - (g) specify the date by which the reversioner must respond to the notice by giving a counter-notice under section 21.
- (4) In a case where the tenant's lease is held by joint tenants, subsection (3)(e)(iii) shall have effect as if any reference to the tenant were a reference to any joint tenant by virtue of whose occupation of the flat in question it is claimed that the residence condition is satisfied.
- (5) The date specified in the initial notice in pursuance of subsection (3)(g) must be a date falling not less than two months after the relevant date.
- (6) A notice shall not be given under this section with respect to any premises unless the qualifying tenants by whom it is given have obtained a valuation prepared by a qualified surveyor in respect of—
- (a) the freehold interest in the specified premises,

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- (b) the freehold interest in any property specified under subsection (3)(a)(ii), and
 - (c) any leasehold interest specified under subsection (3)(c)(i),
- and any such notice must contain a statement confirming that they have done so and state the name of the surveyor in question.
- (7) For the purposes of subsection (6) a person is a qualified surveyor if—
- (a) he is a fellow or professional associate of the Royal Institution of Chartered Surveyors or of the Incorporated Society of Valuers and Auctioneers or satisfies such other requirement or requirements as may be prescribed by regulations made by the Secretary of State; and
 - (b) he is reasonably believed by the qualifying tenants to have ability in, and experience of, the valuation of premises of the particular kind, and in the particular area, in question;
- and any valuation prepared for the purposes of that subsection must be prepared in conformity with the provisions of Schedule 6 so far as relating to the determination of the price payable under this Chapter for the interest in question.
- (8) Where any premises have been specified in a notice under this section, no subsequent notice which specifies the whole or part of those premises may be given under this section so long as the earlier notice continues in force.
- (9) Where any premises have been specified in a notice under this section and—
- (a) that notice has been withdrawn, or is deemed to have been withdrawn, under or by virtue of any provision of this Chapter or under section 74(3), or
 - (b) in response to that notice, an order has been applied for and obtained under section 23(1),
- no subsequent notice which specifies the whole or part of those premises may be given under this section within the period of twelve months beginning with the date of the withdrawal or deemed withdrawal of the earlier notice or with the time when the order under section 23(1) becomes final (as the case may be).
- (10) In subsections (8) and (9) any reference to a notice which specifies the whole or part of any premises includes a reference to a notice which specifies any premises which contain the whole or part of those premises; and in those subsections and this “specifies” means specifies under subsection (3)(a)(i).
- (11) Where a notice is given in accordance with this section, then for the purposes of this Chapter the notice continues in force as from the relevant date—
- (a) until a binding contract is entered into in pursuance of the notice, or an order is made under section 24(4)(a) or (b) or 25(6)(a) or (b) providing for the vesting of interests in the nominee purchaser;
 - (b) if the notice is withdrawn or deemed to have been withdrawn under or by virtue of any provision of this Chapter or under section 74(3), until the date of the withdrawal or deemed withdrawal, or
 - (c) until such other time as the notice ceases to have effect by virtue of any provision of this Chapter.
- (12) In this Chapter “the specified premises”, in relation to a claim made under this Chapter, means—
- (a) the premises specified in the initial notice under subsection (3)(a)(i), or

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- (b) if it is subsequently agreed or determined under this Chapter that any less extensive premises should be acquired in pursuance of the notice in satisfaction of the claim, those premises;
- and similarly references to any property or interest specified in the initial notice under subsection (3)(a)(ii) or (c)(i) shall, if it is subsequently agreed or determined under this Chapter that any less extensive property or interest should be acquired in pursuance of the notice, be read as references to that property or interest.
- (13) Schedule 3 to this Act (which contains restrictions on participating in the exercise of the right to collective enfranchisement, and makes further provision in connection with the giving of notices under this section) shall have effect.

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