



# Commonhold and Leasehold Reform Act 2002

## 2002 CHAPTER 15

### PART 2 **E+W**

#### LEASEHOLD REFORM

### CHAPTER 5 **E+W**

#### OTHER PROVISIONS ABOUT LEASES

##### *Forfeiture of leases of dwellings*

#### 169 Section 168: supplementary **E+W**

- (1) An agreement by a tenant under a long lease of a dwelling (other than a post-dispute arbitration agreement) is void in so far as it purports to provide for a determination—
  - (a) in a particular manner, or
  - (b) on particular evidence,of any question which may be the subject of an application under section 168(4).
- (2) For the purposes of section 168 it is finally determined that a breach of a covenant or condition in a lease has occurred—
  - (a) if a decision that it has occurred is not appealed against or otherwise challenged, at the end of the period for bringing an appeal or other challenge, or
  - (b) if such a decision is appealed against or otherwise challenged and not set aside in consequence of the appeal or other challenge, at the time specified in subsection (3).
- (3) The time referred to in subsection (2)(b) is the time when the appeal or other challenge is disposed of—

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**Changes to legislation:** Commonhold and Leasehold Reform Act 2002, Section 169 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

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- (a) by the determination of the appeal or other challenge and the expiry of the time for bringing a subsequent appeal (if any), or
  - (b) by its being abandoned or otherwise ceasing to have effect.
- (4) In section 168 and this section “long lease of a dwelling” does not include—
- (a) a tenancy to which Part 2 of the Landlord and Tenant Act 1954 (c. 56) (business tenancies) applies,
  - (b) a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1986 (c. 5) in relation to which that Act applies, or
  - (c) a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995 (c. 8).
- (5) In section 168 and this section—
- “arbitration agreement” and “arbitral tribunal” have the same meaning as in Part 1 of the Arbitration Act 1996 (c. 23) and “post-dispute arbitration agreement”, in relation to any breach (or alleged breach), means an arbitration agreement made after the breach has occurred (or is alleged to have occurred),
  - “dwelling” has the same meaning as in the 1985 Act,
  - “landlord” and “tenant” have the same meaning as in Chapter 1 of this Part, and
  - “long lease” has the meaning given by sections 76 and 77 of this Act, except that a shared ownership lease is a long lease whatever the tenant’s total share.
- (6) Section 146(7) of the Law of Property Act 1925 (c. 20) applies for the purposes of section 168 and this section.
- (7) Nothing in section 168 affects the service of a notice under section 146(1) of the Law of Property Act 1925 in respect of a failure to pay—
- (a) a service charge (within the meaning of section 18(1) of the 1985 Act), or
  - (b) an administration charge (within the meaning of Part 1 of Schedule 11 to this Act).

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#### Commencement Information

- II** S. 169 wholly in force at 31.5.2005; s. 169 not in force at Royal Assent see s. 181(1); s. 169 in force at 28.2.2005 for E. by S.I. 2004/3056, [art. 3\(f\)](#); s. 169 in force at 31.5.2005 for W. by S.I. 2005/1353, [art. 2\(f\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 82(4)(5) inserted by [2024 c. 22 s. 50\(2\)\(b\)](#)
- s. 87A87B inserted by [2024 c. 22 s. 50\(3\)](#)
- s. 107(3)(4) inserted by [2024 c. 22 s. 51\(3\)](#)
- s. 172(1)(i) and word inserted by [2024 c. 22 s. 62\(5\)\(b\)](#)
- Sch. 11 para. 5B applied by 1985 c. 70, s. 30J(4) (as inserted) by [2024 c. 22 s. 63](#)
- Sch. 11 para. 4A4B and cross-heading inserted by [2024 c. 22 s. 61\(b\)](#)
- Sch. 11 para. 5B5C and cross-heading inserted by [2024 c. 22 s. 62\(7\)\(b\)](#)