



Leasehold and Freehold Reform Act 2024

2024 CHAPTER 22

PART 1

LEASEHOLD HOUSES

PROSPECTIVE

Enforcement

17 Enforcement by trading standards authorities

- (1) It is the duty of every local weights and measures authority in England or Wales (an “enforcement authority”) to enforce the leasehold house restrictions in its area.
- (2) In this section and in sections 18 to 23 the “leasehold house restrictions” means—
 - (a) section 1(1) so far as it relates to an agreement to grant a lease,
 - (b) section 1(1) so far as it relates to the grant of a lease,
 - (c) section 1(2) so far as it relates to an agreement to assign a lease,
 - (d) section 1(2) so far as it relates to the assignment of a lease,
 - (e) section 9(2) (marketing restrictions on permitted leases),
 - (f) section 10(1)(a) (conditions on agreement to grant permitted lease), and
 - (g) section 10(1)(b) (conditions on grant of permitted lease).
- (3) For the purposes of this section and sections 18 to 23, a breach of a leasehold house restriction is taken to occur in the area in which the house in question is located (and if the house is located in more than one area, the breach is taken to have occurred in each of those areas).
- (4) The duty in subsection (1) is subject to sections 19(4) (enforcement by another enforcement authority) and 22 (enforcement by the lead enforcement authority).

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Leasehold and Freehold Reform Act 2024, Cross Heading: Enforcement. (See end of Document for details)

Commencement Information

II S. 17 not in force at Royal Assent, see [s. 124\(3\)](#)

18 Financial penalties

- (1) An enforcement authority may impose a financial penalty on a person if the authority is satisfied beyond reasonable doubt that the person has breached a leasehold house restriction.
- (2) The amount of a penalty for a breach is to be such amount as the authority determines but—
 - (a) is not to be less than £500, and
 - (b) is not to be more than £30,000.
- (3) Conduct within any one of the following paragraphs is to be regarded as a single breach of one leasehold house restriction—
 - (a) entering into an agreement to grant a lease in breach of section [1\(1\)](#) and subsequently granting the lease in breach of that provision;
 - (b) entering into an agreement to assign a lease in breach of section [1\(2\)](#) and subsequently assigning the lease in breach of that provision;
 - (c) entering into an agreement to grant a lease in breach of section [10\(1\)\(a\)](#) and subsequently granting the lease in breach of section [10\(1\)\(b\)](#).

Subsection [\(5\)](#) is to be read in accordance with this subsection.

- (4) A person who makes marketing material available in relation to the same lease on more than one occasion in breach of section [9\(2\)](#) is to be regarded as committing only one breach of that provision.
- (5) The following are to be regarded as separate breaches—
 - (a) breaches by the same person of the same leasehold house restriction in relation to different leases, and
 - (b) breaches by the same person of different leasehold house restrictions in relation to the same lease,
 and accordingly an enforcement authority may impose a separate penalty in relation to each breach (or may impose a single penalty of an amount equal to the total of the amounts of the penalties that could have been separately imposed).
- (6) The Secretary of State may by regulations amend an amount for the time being specified in subsection [\(2\)](#) to reflect a change in the value of money.
- (7) A statutory instrument containing regulations under subsection [\(6\)](#) is subject to the negative procedure.
- (8) Schedule [2](#) contains further provision about financial penalties under this section.

Commencement Information

I2 S. 18 not in force at Royal Assent, see [s. 124\(3\)](#)

Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Leasehold and Freehold Reform Act 2024, Cross Heading: Enforcement. (See end of Document for details)

19 Financial penalties: cross-border enforcement

- (1) An enforcement authority may impose a penalty under section 18 in respect of a breach of a leasehold house restriction which occurs outside that authority's area (as well as in respect of a breach which occurs within that area).
- (2) If an enforcement authority ("LA1") proposes to impose a penalty in respect of a breach which occurred in the area of a different enforcement authority ("LA2"), LA1 must notify LA2 that it proposes to do so.
- (3) If LA1 notifies LA2 under subsection (2) but does not impose the penalty, LA1 must notify LA2 of that fact.
- (4) If an enforcement authority receives a notification under subsection (2), the authority is relieved of its duty under section 17(1) in relation to the breach unless the authority receives a notification under subsection (3).
- (5) If an enforcement authority ("LA1") imposes a penalty in respect of a breach which occurred in the area of a different enforcement authority ("LA2"), LA1 must notify LA2 of that fact.

Commencement Information

I3 S. 19 not in force at Royal Assent, see s. 124(3)

20 Lead enforcement authority

- (1) In this section and in sections 21 to 23 "lead enforcement authority" means—
 - (a) the Secretary of State, or
 - (b) a person whom the Secretary of State has arranged to be the lead enforcement authority in accordance with subsection (2).
- (2) The Secretary of State may make arrangements for a local weights and measures authority in England or Wales to be the lead enforcement authority instead of the Secretary of State.
- (3) The arrangements—
 - (a) may include provision for payments by the Secretary of State;
 - (b) may include provision about bringing the arrangements to an end.
- (4) The Secretary of State may by regulations make transitional or saving provision which applies when there is a change in the lead enforcement authority.
- (5) The regulations may relate to a specific change in the lead enforcement authority or to changes that might arise from time to time.
- (6) A statutory instrument containing regulations under subsection (4) is subject to the negative procedure.

Commencement Information

I4 S. 20 not in force at Royal Assent, see s. 124(3)

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Leasehold and Freehold Reform Act 2024, Cross Heading: Enforcement. (See end of Document for details)

21 General duties of lead enforcement authority

- (1) It is the duty of the lead enforcement authority to oversee the operation of the relevant provisions of this Part in England and Wales.
- (2) The “relevant provisions of this Part” means the provisions of this Part except sections 11 and 12 (statements in leases and restriction on title).
- (3) It is the duty of the lead enforcement authority to issue guidance to enforcement authorities about their enforcement of the leasehold house restrictions (and if the lead enforcement authority is not the Secretary of State, the Secretary of State may give directions as to the content of the guidance).
- (4) It is the duty of the lead enforcement authority to provide information and advice to the public in England and Wales about the operation of the relevant provisions of this Part, in such form and manner as it considers appropriate.
- (5) The lead enforcement authority may disclose information to an enforcement authority for the purposes of enabling that authority to determine whether there has been a breach of a leasehold house restriction.
- (6) If the lead enforcement authority is not the Secretary of State, the lead enforcement authority must keep under review and from time to time advise the Secretary of State about—
 - (a) the operation of the relevant provisions of this Part, and
 - (b) social and commercial developments relating to the grant or assignment of long residential leases of houses in England and Wales.

Commencement Information

I5 S. 21 not in force at Royal Assent, see [s. 124\(3\)](#)

22 Enforcement by lead enforcement authority

- (1) The lead enforcement authority may—
 - (a) take steps to enforce the leasehold house restrictions if it considers it is necessary or expedient to do so;
 - (b) for that purpose, exercise any powers that an enforcement authority may exercise for the purpose of the enforcement of the leasehold house restrictions.
- (2) If the lead enforcement authority proposes to take steps in respect of a breach (or suspected breach) of a leasehold house restriction, it must notify the enforcement authority for the area in which the breach occurred (or may have occurred) that it proposes to do so.
- (3) If the lead enforcement authority notifies an enforcement authority under subsection (2) but does not take the proposed steps, the lead enforcement authority must notify the enforcement authority of that fact.
- (4) If an enforcement authority receives a notification under subsection (2), the authority is relieved of its duty under section 17(1) in relation to the breach unless the authority receives a notification under subsection (3).

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- (5) But the lead enforcement authority may require the enforcement authority to assist the lead enforcement authority in taking steps to enforce the leasehold house restriction referred to in subsection (2).

Commencement Information

I6 S. 22 not in force at Royal Assent, see [s. 124\(3\)](#)

23 Further powers and duties of enforcement authorities

- (1) An enforcement authority must notify the lead enforcement authority if the enforcement authority believes that a breach of a leasehold house restriction has occurred in its area.
- (2) An enforcement authority must report to the lead enforcement authority, whenever the lead enforcement authority requires and in such form and with such particulars as it requires, on that enforcement authority's enforcement of the leasehold house restrictions.
- (3) An enforcement authority must have regard to the guidance issued under section [21\(3\)](#).
- (4) For the investigatory powers available to an enforcement authority for the purposes of enforcing a leasehold house restriction, see Schedule 5 to the Consumer Rights Act 2015 (investigatory powers of enforcers etc).
- (5) In paragraph 10 of Schedule 5 to the Consumer Rights Act 2015 (duties and powers to which Schedule 5 applies), at the appropriate places insert—
- (a) “section [17](#) of the Leasehold and Freehold Reform Act 2024;”;
 - (b) “section [22](#) of the Leasehold and Freehold Reform Act 2024”.
- (6) See also paragraph 44 of Schedule 5 to the Consumer Rights Act 2015 (exercise of functions outside enforcer's area).

Commencement Information

I7 S. 23 not in force at Royal Assent, see [s. 124\(3\)](#)

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Leasehold and Freehold Reform Act 2024, Cross Heading: Enforcement.