

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Leasehold and Freehold Reform Act 2024, Paragraph 5. (See end of Document for details)

PROSPECTIVE

SCHEDULES

SCHEDULE 3

ELIGIBILITY FOR ENFRANCHISEMENT AND EXTENSION: SPECIFIC CASES

Exception to enfranchisement for certified community housing providers

- 5 (1) The LRHUDA 1993 is amended as follows.
- (2) In section 5 (qualifying tenants for enfranchisement), after subsection (2)(a) insert—
“(aa) the immediate landlord under the lease is a certified community housing provider (see section 8B); or”.
- (3) Before section 9 insert—

“8B Meaning of “certified community housing provider”

- (1) For the purposes of this Chapter, a person is a “certified community housing provider” if the appropriate tribunal has issued a community housing certificate in respect of the person.
- (2) A community housing certificate is a certificate that the tribunal has determined that the person—
- (a) is a community land trust within the meaning of section 2(7A) of the Leasehold Reform (Ground Rent) Act 2022, or
 - (b) is of a description, or satisfies conditions, specified for this purpose in regulations made by the Secretary of State.
- (3) The tribunal may issue a community housing certificate only in respect of a person that has made an application to the tribunal for the certificate.
- (4) The tribunal may cancel a community housing certificate—
- (a) on the application of the person in respect of which the certificate is issued, or
 - (b) on the application of a leaseholder affected by the certificate, if the tribunal considers that—
 - (i) the person in respect of which the certificate is issued does not fall within subsection (2)(a) or (b), or
 - (ii) the certificate was obtained by deception or fraud.

For this purpose a leaseholder is “affected by” a certificate if, by virtue of section 5(2)(aa), the leaseholder is not a qualifying tenant because the certificate is issued in respect of their immediate landlord.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Leasehold and Freehold Reform Act 2024, Paragraph 5. (See end of Document for details)

- (5) The effect of the tribunal cancelling the certificate is that the person is not a certified community housing provider unless the tribunal issues a new community housing certificate.
- (6) The Secretary of State may by regulations provide for—
- (a) the procedure to be followed in connection with an application for a community housing certificate;
 - (b) the procedure to be followed for the cancellation of a community housing certificate (including in connection with an application for the cancellation);
 - (c) any matters to which the tribunal must have regard in deciding whether to issue or cancel a community housing certificate.
- (7) The Secretary of State may by regulations make provision about the application of this Chapter in circumstances where—
- (a) a landlord’s application for a community housing certificate has not been concluded when a nominee purchaser gives notice under section 13 of a claim to exercise the right to collective enfranchisement, or
 - (b) a claim to exercise the right to collective enfranchisement has not been concluded when a landlord’s application for a community housing certificate is made.
- (8) Regulations under subsection (7) may in particular provide for—
- (a) the claim for the freehold to be paused or to have no effect;
 - (b) a time period for the purposes of this Chapter to be extended in connection with the application;
 - (c) the landlord to compensate the nominee purchaser, a tenant or a reversioner in respect of reasonable costs incurred in connection with a claim to exercise the right to collective enfranchisement—
 - (i) if a person ceases to be a participating tenant because of the issue of a certificate under this section (and in this case the compensation may relate to reasonable costs for which the person is liable that are incurred after the person ceases to be a participating tenant),
 - (ii) if the participating tenants cease to have the right to collective enfranchisement because of the issue of a certificate under this section, or
 - (iii) if the costs are incurred as a result of the claim being suspended because of an application for a certificate under this section;
 - (d) enforcement by the appropriate tribunal of any of the requirements of the regulations;
 - (e) the appropriate tribunal to make orders that are supplementary to the issue of a community housing certificate.”
- (4) In section 39(3)(a) (qualifying tenants for extension), before “(5)” insert “(2)(aa),”.
- (5) In section 100 (orders and regulations), after subsection (2) insert—
- “(2A) But a statutory instrument containing regulations under section 8B (whether alone or with other provision) may not be made unless a draft of the

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Leasehold and Freehold Reform Act 2024, Paragraph 5. (See end of Document for details)

instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Commencement Information

II Sch. 3 para. 5 not in force at Royal Assent, see [s. 124\(3\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Leasehold and Freehold Reform Act 2024, Paragraph 5.