



# Leasehold and Freehold Reform Act 2024

## 2024 CHAPTER 22

### PART 2

#### LEASEHOLD ENFRANCHISEMENT AND EXTENSION

##### *Jurisdiction of the county court and tribunals*

PROSPECTIVE

#### **40 Replacement of sections 20 and 21 of the LRA 1967**

For sections 20 and 21 of the LRA 1967 (jurisdiction of county court and tribunals) substitute—

##### **“20 Jurisdiction of the county court**

- (1) Any jurisdiction conferred on the court by this Part is to be exercised by the county court unless a contrary intention appears (and subject to section 41 of the County Courts Act 1984).
- (2) Proceedings for determining the amount of a sub-tenant’s share under Schedule 2 in compensation payable to a tenant under section 17, or for establishing or giving effect to a sub-tenant’s right to such a share, are to be brought in the county court (but see section 21(8)).

##### **21 Jurisdiction of tribunals**

- (1) The following matters are, in default of agreement, to be determined by the appropriate tribunal—
  - (a) whether a person is entitled to acquire the freehold or an extended lease of a house and premises, or to what property that right extends;

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- (b) the price payable for a house and premises in accordance with section 9 or an extended lease in accordance with section 14A;
  - (c) what provisions should be contained in a conveyance in accordance with section 10 or 29(1), or in a lease granting a new tenancy under section 14;
  - (d) the amount of any compensation payable to a tenant under section 17 for the loss of a house and premises;
  - (e) whether (and what) costs are payable under [section 19B](#) or [19C](#);
  - (f) the amount of any other costs payable by virtue of any provision of Part 1;
  - (g) the amount of the appropriate sum to be paid into the tribunal under section 27(5);
  - (h) the amount of any compensation payable under section 27A;
  - (i) any matter arising under paragraph 12A of Schedule 1 (reduction of rent under intermediate leases on grant of an extended lease), including what rent under an intermediate lease is apportioned to the house and premises;
  - (j) whether a person is entitled to be paid a share of the market value, and what share of the market value a person is entitled to be paid, in accordance with Part 6 of [Schedule 4](#) to the Leasehold and Freehold Reform Act 2024;
  - (k) any matter arising under [Schedule 10](#) to the Leasehold and Freehold Reform Act 2024 (variation of lease to reduce rent to peppercorn).
- (2) No application may be made to the appropriate tribunal under [subsection \(1\)](#) to determine the price payable for a house and premises or an extended lease unless—
- (a) the landlord has informed the tenant of the price they are asking, or
  - (b) two months have elapsed without the landlord doing so since the tenant gave notice of their desire to have the freehold or extended lease under this Part.
- (3) Where in connection with any acquisition by a tenant of the freehold or an extended lease under this Part it is necessary to apportion between the house and premises (or part of them) and other property the rent payable under the immediate tenancy or any superior or reversionary tenancy, the apportionment must be made by the appropriate tribunal.
- (4) Where the appropriate tribunal has determined that costs are payable under [section 19B](#) or [19C](#) or the amount of any other costs payable by virtue of any provision of Part 1, it may make an order requiring a person to pay those costs.
- (5) Where the appropriate tribunal has determined the amount of compensation payable under section 27A, it may make an order requiring the tenant concerned to pay that amount to the person entitled to it.
- (6) In relation to paragraph 12A of Schedule 1—
- (a) if the landlord under a qualifying intermediate lease cannot be found or their identity cannot be ascertained, the appropriate tribunal may make such order as it thinks fit, including—

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- (i) an order dispensing with the requirement to give notice under paragraph 12A(3) of Schedule 1 to that landlord, or
    - (ii) an order that such a notice has effect and has been properly served even though it has not been served on that landlord;
  - (b) the appropriate tribunal may make an order appointing a person to vary a lease in accordance with paragraph 12A of Schedule 1 on behalf of the landlord or tenant;
  - (c) if the appropriate tribunal makes a determination that a notice under paragraph 12A(3) of Schedule 1 was of no effect, it may—
    - (i) determine whether another landlord or tenant could have given such a notice, and
    - (ii) if it determines that they could have done so, order that paragraph 12A of Schedule 1 is to apply as if they had done so.
- (7) The variation of a lease on behalf of a party in consequence of an order under subsection (6)(b) has the same force and effect (for all purposes) as if it had been executed by that party.
- (8) The appropriate tribunal has jurisdiction, either by agreement or in a case where an application is made to the tribunal under subsection (1) with reference to the same transaction, to determine the amount of a sub-tenant's share under Schedule 2 in compensation payable to a tenant under section 17.
- (9) For the purposes of this Part a matter is to be treated as determined by (or on appeal from) the appropriate tribunal—
- (a) if the decision on the matter is not appealed against, at the end of the period for bringing an appeal, or
  - (b) if that decision is appealed against, at the time when the appeal is disposed of.
- (10) An appeal is disposed of—
- (a) if it is determined and the period for bringing any further appeal has ended, or
  - (b) if it is abandoned or otherwise ceases to have effect.
- (11) See section 44 of the Leasehold and Freehold Reform Act 2024, which restricts the first-instance jurisdiction of the High Court in respect of tribunal matters.

### **21A Jurisdiction for other proceedings**

- (1) This section applies to proceedings—
- (a) relating to the performance or discharge of obligations arising out of a tenant's notice of their desire to have the freehold or an extended lease under this Part, and
  - (b) for which jurisdiction has not otherwise been conferred under or by virtue of this Part.
- (2) Jurisdiction is conferred on the appropriate tribunal for proceedings to which this section applies.

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- (3) But jurisdiction is instead conferred on the court where a purpose of the proceedings is to obtain a remedy that could not be granted by the appropriate tribunal but could be granted by the court.
- (4) If, in proceedings before the court to which this section applies, it appears to the court that—
  - (a) the remedy (or remedies) sought could be granted by the appropriate tribunal, it must by order transfer the proceedings to the appropriate tribunal;
  - (b) a remedy sought could be granted by the appropriate tribunal and another remedy sought could only be granted by the court, it may by order transfer the proceedings to the appropriate tribunal insofar as the proceedings relate to the remedy that could be granted by the appropriate tribunal.
- (5) Following a transfer of proceedings under [subsection \(4\)\(b\)](#)—
  - (a) the court may dispose of all or any remaining proceedings pending the determination of the transferred proceedings by the appropriate tribunal,
  - (b) the appropriate tribunal may determine the transferred proceedings, and
  - (c) when the appropriate tribunal has done so, the court may give effect to the determination in an order of the court.
- (6) Rules of court may prescribe the procedure to be followed in a court in connection with or in consequence of a transfer under this section.
- (7) A reference in this Part to the jurisdiction conferred on the appropriate tribunal or the court includes that conferred by this section.
- (8) This section does not prevent the bringing of proceedings in a court other than the county court where the claim is for damages or pecuniary compensation only.

### **21B Power to order compliance**

- (1) The court or appropriate tribunal may, on the application of any person interested, make an order requiring any person who has failed to comply with any requirement imposed on them under or by virtue of any provision of this Part to make good the default within such time as is specified in the order.
- (2) An application may not be made under [subsection \(1\)](#) unless—
  - (a) a notice has been previously given to the person in question requiring them to make good the default, and
  - (b) more than 14 days have elapsed since the date of the giving of that notice without their having done so.
- (3) An application may not be made under [subsection \(1\)](#) to the court unless the application relates to proceedings in respect of which the court has jurisdiction under or by virtue of any provision of this Part (including [section 21A](#)).
- (4) Where an order other than an order to pay a sum of money has been made under [subsection \(1\)](#) by the appropriate tribunal—

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- (a) a person may apply to the court for enforcement of the order;
- (b) the appropriate tribunal may by order transfer proceedings to the court for enforcement of the order,

and the order is to be enforceable by the court in the same way as an order of the court.

- (5) See section 176C of the Commonhold and Leasehold Reform Act 2002 for general provision about the enforcement of tribunal decisions and section 27 of the Tribunals, Courts and Enforcement Act 2007 for provision about the enforcement of an order to pay a sum of money.

### **21C Power relating to completion of Part 1 claims**

- (1) This section applies where—
  - (a) all of the terms related to a conveyance or grant of a lease under this Part, including the price and other sums payable under this Part or [section 37](#) of the Leasehold and Freehold Reform Act 2024, have been agreed between the tenant and the landlord or determined by the appropriate tribunal,
  - (b) the time fixed for the completion of the conveyance or grant of the lease has passed without that completion or grant taking place,
  - (c) the completion or grant has not taken place because—
    - (i) a party to the transaction has failed to execute the conveyance or lease, or
    - (ii) the tenant has failed to pay the price and other sums payable, and
  - (d) that failure is in breach of an obligation arising under this Part;and the fact that any matter dealt with in Part 6 of [Schedule 4](#) to the Leasehold and Freehold Reform Act 2024 has not been determined does not stop this section from applying.
- (2) Where this section applies, the appropriate tribunal may, on the application of the tenant or the landlord, make an order—
  - (a) appointing a person to execute the conveyance or lease on behalf of a party to the transaction;
  - (b) requiring the tenant to pay the price and other sums payable into the tribunal or to a person specified in the order.
- (3) A conveyance or lease executed on behalf of a party in consequence of an order under this section has the same force and effect (for all purposes) as if it had been executed by that party.
- (4) This section does not prevent a party to a transaction seeking other remedies in connection with a breach of an obligation.”

#### **Commencement Information**

**II** S. 40 not in force at Royal Assent, see [s. 124\(3\)](#)

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**Changes to legislation:**

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