

2003 No. 1990

LANDLORD AND TENANT, ENGLAND

The Leasehold Reform (Collective Enfranchisement and Lease Renewal) (Amendment) (England) Regulations 2003

Made - - - - - *4th August 2003*

Laid before Parliament *11th August 2003*

Coming into force - - *30th September 2003*

The Secretary of State, in exercise of the powers conferred on him by section 98 of the Leasehold Reform, Housing and Urban Development Act 1993(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Leasehold Reform (Collective Enfranchisement and Lease Renewal) (Amendment) (England) Regulations 2003 and shall come into force on 30th September 2003.

Application

2. These Regulations apply only—
- (a) in respect of premises in England;
 - (b) to cases where a notice under section 13 (notice by qualifying tenants of claim to exercise right to collectively enfranchise) or section 42 (notice by qualifying tenant of claim to exercise right to acquire a new lease) of the Leasehold Reform, Housing and Urban Development Act 1993 is served on or after the date these Regulations come into force.

Amendments

3. The Leasehold Reform (Collective Enfranchisement and Lease Renewal) Regulations 1993(b) shall be amended as follows—

- (a) delete paragraph 2 of Schedule 1; and
- (b) for sub-paragraph 4(1) of Schedule 2 substitute—

“(1) The landlord may require the tenant to deduce his title to his tenancy, by giving him notice within the period of twenty one days beginning with the relevant date.”.

Signed by authority of the First Secretary of State

4th August 2003

Keith Hill
Minister of State,
Office of the Deputy Prime Minister

(a) 1993 c. 28. The Secretary of State can exercise the power under this section only in relation to England: *see* article 2(2) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).
(b) S.I. 1993/2407.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Leasehold Reform (Collective Enfranchisement and Lease Renewal) Regulations 1993 which set out the procedure to be followed in relation to applications for collective enfranchisement and lease renewal made under the Leasehold Reform, Housing and Urban Development Act 1993 (“the 1993 Act”). These Regulations will apply to such applications made on or after the date the Regulations come into force.

The amendments are consequential to amendments made to sections 13 and 39 of the 1993 Act by section 120 and Schedule 14 of the Commonhold and Leasehold Reform Act 2002 (c. 15) abolishing the residence test: one of the qualifying rules for tenants making claims for collective enfranchisement and lease renewal which required the tenant to have occupied the flat as his only or principal home for the last twelve months or for periods amounting to three years in the last ten years. In respect of lease renewal, the test has been replaced with a requirement that the tenant has to have been a long leaseholder of the flat for two years.

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