

**2004 No.3086**

**LANDLORD AND TENANT, ENGLAND**

**The Rights of Re-entry and Forfeiture (Prescribed Sum and Period) (England) Regulations 2004**

*Made* - - - - - *22nd November 2004*

*Coming into force*- - - - - *23rd November 2004*

The First Secretary of State, in exercise of the powers conferred by section 167(1) of the Commonhold and Leasehold Reform Act 2002<sup>(a)</sup>, hereby makes the following Regulations, of which a draft has been laid before, and approved by resolution of, each House of Parliament:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Rights of Re-entry and Forfeiture (Prescribed Sum and Period) (England) Regulations 2004 and shall come into force on the day after that on which they are made.

(2) These Regulations apply in relation to dwellings in England that are occupied under a long lease<sup>(b)</sup>.

**Prescribed sum and period**

2.—(1) The sum prescribed for the purposes of subsection (1)(a) of section 167 (failure to pay small amount for short period) of the Commonhold and Leasehold Reform Act 2002 is £350.

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(a) 2002 c.15. See the definition of “prescribed” in section 167(5) and the definition of “appropriate national authority” in section 179(1).  
(b) As to “dwelling” and “long lease”, see section 167(5) of the Commonhold and Leasehold Reform Act 2002.

(2) The period prescribed for the purposes of subsection (1)(b) of that section is three years.

Signed by authority of the First Secretary of State

22nd November 2004

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

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 167(1) of the Commonhold and Leasehold Reform Act 2002 prevents a landlord under a long lease of a dwelling from exercising a right of re-entry or forfeiture for failure by a tenant to pay an amount consisting of rent, service charges or administration charges (or a combination of them) unless the unpaid amount exceeds the prescribed sum or consists of, or includes, an amount which has been payable for more than a prescribed period.

Regulation 2 of these Regulations, which apply only in relation to dwellings in England, prescribes the sum of £350 and a period of three years.

A regulatory impact assessment of the implementation of section 167 in the form that is the subject of these Regulations, and in other forms, was included in a Consultation Paper issued by the Office of the Deputy Prime Minister in October 2002. A copy may be accessed at [www.odpm.gov.uk](http://www.odpm.gov.uk) or obtained from Leasehold Reform Branch, Office of the Deputy Prime Minister, Zone 2J6, Eland House, Bressenden Place, London SW1E 5DU (Telephone: 020 7944 3462).

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E1559 11/2004 141559T 19585

ISBN 0-11-050433-X



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