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WELSH STATUTORY INSTRUMENTS

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**2004 No. 669 (W.62) (C.25)**

**LANDLORD AND TENANT, WALES**

The Commonhold and Leasehold Reform Act 2002  
(Commencement No. 2 and Savings) (Wales) Order 2004

Made - - - - 9th March 2004

The National Assembly for Wales, in exercise of the powers conferred upon it by section 181 of the Commonhold and Leasehold Reform Act 2002<sup>(1)</sup>, hereby makes the following Order:

**Citation, interpretation and application**

1.—(1) This Order may be cited as the Commonhold and Leasehold Reform Act 2002 (Commencement No. 2 and Savings) (Wales) Order 2004.

(2) In this Order —

“LVT” (“*TPL*”) means a leasehold valuation tribunal;

“the 1967 Act” (“*Deddf 1967*”) means the Leasehold Reform Act 1967<sup>(2)</sup>;

“the 1985 Act” (“*Deddf 1985*”) means the Landlord and Tenant Act 1985<sup>(3)</sup>;

“the 1987 Act” (“*Deddf 1987*”) means the Landlord and Tenant Act 1987<sup>(4)</sup>;

“the 1993 Act” (“*Deddf 1993*”) means the Leasehold Reform, Housing and Urban Development Act 1993<sup>(5)</sup>;

“the 1996 Act” (“*Deddf 1996*”) means the Housing Act 1996<sup>(6)</sup>;

references to sections and Schedules are, unless otherwise stated, references to sections of, and Schedules to, the Commonhold and Leasehold Reform Act 2002; and

any reference to a repeal is to a repeal made by section 180 and Schedule 14.

(3) This Order applies to Wales only.

**Provisions coming into force on 30th March 2004**

2. The following provisions will come into force on 30th March 2004 —

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(1) 2002 c. 15.  
(2) 1967 c. 88.  
(3) 1985 c. 70.  
(4) 1987 c. 31.  
(5) 1993 c. 28.  
(6) 1996 c. 52.

- (a) sections 71 to 73, 75 to 77, 79, 81 to 83, 85 to 91, 93 to 103, 105 to 109, 111 to 113, 159, 163, 173, Schedules 6 and 7;
- (b) sections 74, 78, 80, 84, 92, 110, 174 and Schedule 12 to the extent that they are not already in force; and
- (c) subject to the savings in Schedule 2 to this Order —
  - (i) sections 148, 149, 150, 155, 157 in so far as it relates to paragraphs 8 to 13 of Schedule 10, 158, 175, 176 in so far as it relates to paragraphs 1 to 15 of Schedule 13, Schedule 9, paragraphs 8 to 13 of Schedule 10, Schedule 11 and paragraphs 1 to 15 of Schedule 13;
  - (ii) subsections (1) to (5) of section 172 except in so far as they relate to the application to the Crown of sections 152 to 154, 164 to 171, paragraphs 1 to 7 of Schedule 10 and paragraph 16 of Schedule 13;
  - (iii) subsection (6) of section 172 except in so far as the substitutions made by that subsection relate to sections 42A and 42B of the 1987 Act;
  - (iv) to the extent that it is not already in force, section 180 in so far as it relates to the repeals in Schedule 14 which are set out in Schedule 1 to this Order;
- (d) subject to subparagraphs (i) to (vi), section 151 to the extent that it is not already in force —
  - (i) in relation to any case to which subparagraph (ii), (iii), (iv) or (vi) applies, the amendment made by section 151 shall have no effect and the Service Charge (Estimates and Consultation) Order 1988(7) will continue to apply;
  - (ii) this subparagraph applies where qualifying works are begun before 31st March 2004;
  - (iii) this subparagraph applies where, in relation to qualifying works, the landlord has given or displayed the notice required under section 20 of the 1985 Act before 31st March 2004;
  - (iv) this subparagraph applies where, in relation to qualifying works to which subparagraph (v) applies, the landlord has given notice in the Official Journal of the European Union in accordance with the Public Works Contracts Regulations 1991(8), the Public Services Contracts Regulations 1993(9) or the Public Supply Contracts Regulations 1995(10) before 31st March 2004;
  - (v) this subparagraph applies to qualifying works which are carried out under a contract which —
    - (a) is to be entered into on or after 31st March 2004; and
    - (b) is for a period of twelve months or less;
  - (vi) this subparagraph applies where, under an agreement entered into, by or on behalf of the landlord or a superior landlord, before 31st March 2004, qualifying works are carried out at any time in the period starting with that date and ending two months after that date.

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(7) S.I. 1988/1285.

(8) S.I. 1991/2680, to which there are amendments not relevant to this Order.

(9) S.I. 1993/3228, to which there are amendments not relevant to this Order.

(10) S.I. 1995/201, to which there are amendments not relevant to this Order.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998**(11)**

9th March 2004

*John Marek*  
The Deputy Presiding Officer of the National  
Assembly

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE 1

Article 2(c)(iv)

## REPEALS

## PART 1

**LEASEHOLD VALUATION TRIBUNALS**

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Leasehold Reform Act 1967 (c. 88)	Section 21(1A) and (3) to (4A).
Housing Act 1980 (c. 51)	In section 142— Subsection (2), and in subsection (3), the words from the beginning to “and”.
	In Schedule 22— Part 1, and in Part 2, paragraph 8(4) to (6).
Landlord and Tenant Act 1985 (c. 70)	Sections 31A to 31C.
	In the Schedule, paragraph 8(5).
Landlord and Tenant Act 1987 (c. 31)	Section 23(2).
	Sections 24A and 24B.
	In section 38, in the sidenote, the words “by the court”.
	Section 52A
	In section 53(2), the words “under section 52A(3) or”.
Tribunals and Inquiries Act 1992(c. 53)	In Schedule 3, paragraph 13.
Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)	Section 75(4) and (5).
	In section 88— in subsection (2)(b), the words “constituted for the purposes of that Part of that Act”, and subsections (3) to (5) and (7).
Leasehold Reform, Housing and Urban Development Act 1993	In section 91— in subsection (1), the words from the beginning to “this section; and”, subsections (3) to (8), subsection (10), and in subsection (11), the words from “and the reference” to the end.

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Housing Act 1996 (c. 52)	In section 94, in subsection (10), the words from “and references in this subsection” to the end.
	In section 101(1), the definition of “rent assessment committee”.
	Section 83(3).
	Section 86(4) and (5).
	Section 119.
	In Schedule 6, in Part 4, paragraphs 7 and 8.

## PART 2

### OTHER REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Landlord and Tenant Act 1985 (c. 70)	Section 19(2A) to (3).
	In section 39, the entry relating to the expression “flat”.
	In the Schedule— in the heading before paragraph 2, the words “Request for”, in the heading before paragraph 4, the words “Request relating to”, in the heading before paragraph 5, the words “on request”.
Landlord and Tenant Act 1987 (c. 31)	In section 29(2)(a), the words “repair, maintenance, insurance or”.
	Section 56(2).
	In Schedule 2, paragraphs and 7.
Housing Act 1996 (c. 52)	Section 83(1).
	In Schedule 9, paragraph 2(3) and (7).

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## SCHEDULE 2

Article 2(c)

### SAVINGS

#### **Absent landlords — leasehold houses**

1. The amendments made by sections 148 and 149 will not have effect in relation to an application for enfranchisement made under section 27 of the 1967 Act before 31st March 2004.

#### **Definition of service charges**

2. The amendment made by paragraph 7 of Schedule 9 will not apply to costs incurred before 31st March 2004 in connection with matters for which a service charge is payable.

#### **Meaning of “management” in section 24 of the 1987 Act**

3. The amendment made by paragraph 8 of Schedule 9 will not apply to an application made under section 24 of the 1987 Act before 31st March 2004.

#### **Right to acquire landlord’s interest**

4. The amendment made by paragraph 9 of Schedule 9 and the repeal in section 29 of the 1987 Act will not apply to an application made under section 29 of that Act before 31st March 2004.

#### **Tenant’s right to a management audit**

5. The amendments made by paragraph 10 of Schedule 9 will not apply to an application made under section 80 of the 1993 Act before 31st March 2004.

#### **Liability to pay service charges**

6. The amendment made by section 155 and the repeals of section 19(2A) to (3) of the 1985 Act and of section 83(1) of the 1996 Act will not have effect in relation to —

- (a) any application made to a LVT under section 19(2A) or (2B) of the 1985 Act; or
- (b) any proceedings relating to a service charge transferred to a LVT by a county court,

before 31st March 2004.

#### **Insurance**

7. The amendments made by paragraphs 8 to 13 of Schedule 10 and the consequential repeals in the Schedule to the 1985 Act will not apply to a request made under that Schedule before 31st March 2004.

#### **Administration charges: reasonableness, demands and liability to pay**

8. Paragraphs 2 to 5 of Schedule 11 will not apply to an administration charge that was payable before 31st March 2004.

#### **Administration charges: appointment of a manager**

9. The amendments made by paragraph 8 of Schedule 11 will not apply to an application made under section 24 of the 1987 Act before 31st March 2004.

### **Charges under estate management schemes**

10. Section 159 will not apply to a charge under an estate management scheme that was payable before 31st March 2004.

### **Variation of leases: transfer of jurisdiction**

11. The amendments made by section 163 will not have effect in relation to an application made to the court under Part 4 of the 1987 Act before 31st March 2004.

### **Crown land: variation of leases**

12. A variation of any tenancy effected by or in pursuance of an order made before 31st March 2004 under section 38 of the 1987 Act will not be treated as binding on the Crown, as predecessor in title under the tenancy, by virtue of section 39(1) of that Act.

### **Leasehold valuation tribunals**

13. Section 175, the amendments made by section 176 and Schedule 13 and the repeals in Part 1 of Schedule 1 to this Order will not have effect in relation to —

- (a) any application made to a LVT; or
- (b) any proceedings transferred to a LVT by a county court,

before 31st March 2004.

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## **EXPLANATORY NOTE**

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

This Order brings into force various provisions of the Commonhold and Leasehold Reform Act 2002 (“the 2002 Act”) in relation to Wales.

Subject to the savings in Schedule 2 to the Order, the provisions mentioned in article 2(a) to (c) will come into force on 30th March 2004. They include:

- (a) a new right for long leaseholders of flats to collectively manage their building subject to complying with certain qualifying rules (sections 71 to 113);
- (b) changes to the definition of service charges and rights to challenge these charges (sections 150 and 155);
- (c) changes to the provisions relating to requests for insurance information from the landlord (section 157);
- (d) the right to challenge other charges under leases and charges in relation to estate management schemes (sections 158 and 159);
- (e) the application of various landlord and tenant provisions to Crown land (section 172);
- (f) extension of the jurisdiction of leasehold valuation tribunals and consolidation of the provisions relating to their procedure (sections 163 and 173 to 176); and
- (g) consequential amendments and repeals made by the 2002 Act in other Acts.

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Subject to the savings in article 2(d), section 151 of the 2002 Act will also come into force on 30th March 2004. This section provides for new consultation requirements in relation to service charges.

#### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

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

The following provisions of the 2002 Act have been brought into force in Wales by a Commencement Order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s.74 (partially)	1st January 2003	<a href="#">2002/3012 (W.284)</a>
s.78 (partially)		
s.80 (partially)		
s.84 (partially)		
s.92 (partially)		
s.110 (partially)		
ss.114 to 120		
s.122 (partially)		
s.125		
s.127 to 147		
ss.151 to 153 (partially)		
s.156 (partially)		
s.160 to 162		
s.164 (partially)		
s.166 (partially)		
s.167 (partially)		
s.171 (partially)		
s.174 (partially)		
s.180 (partially)		
Schedule 12 (partially)		
Schedule 14 (partially)		