



# Leasehold Reform, Housing and Urban Development Act 1993

## 1993 CHAPTER 28

### PART I

#### LANDLORD AND TENANT

#### CHAPTER I

#### COLLECTIVE ENFRANCHISEMENT IN CASE OF TENANTS OF FLATS

##### *Participating tenants and nominee purchaser*

#### **14 The participating tenants.**

- (1) In relation to any claim to exercise the right to collective enfranchisement, the participating tenants are (subject to the provisions of this section and Part I of Schedule 3) the following persons, namely—
  - (a) in relation to the relevant date, the qualifying tenants by whom the initial notice is given; and
  - (b) in relation to any time falling after that date, such of those qualifying tenants as for the time being remain qualifying tenants of flats contained in the specified premises.
- (2) Where the lease by virtue of which a participating tenant is a qualifying tenant of his flat is assigned to another person, the assignee of the lease shall, within the period of 14 days beginning with the date of the assignment, notify the nominee purchaser—
  - (a) of the assignment, and
  - (b) as to whether or not the assignee is electing to participate in the proposed acquisition.
- (3) Where a qualifying tenant of a flat contained in the specified premises—

---

**Changes to legislation:** *Leasehold Reform, Housing and Urban Development Act 1993, Cross Heading: Participating tenants and nominee purchaser is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (a) is not one of the persons by whom the initial notice was given, and
  - (b) is not such an assignee of the lease of a participating tenant as is mentioned in subsection (2),
- then (subject to paragraph 8 of Schedule 3) he may elect to participate in the proposed acquisition, but only with the agreement of all the persons who are for the time being participating tenants; and, if he does so elect, he shall notify the nominee purchaser forthwith of his election.
- (4) Where a person notifies the nominee purchaser under subsection (2) or (3) of his election to participate in the proposed acquisition, he shall be regarded as a participating tenant for the purposes of this Chapter—
- (a) as from the date of the assignment or agreement referred to in that subsection; and
  - (b) so long as he remains a qualifying tenant of a flat contained in the specified premises.
- (5) Where a participating tenant dies, his personal representatives shall, within the period of 56 days beginning with the date of death, notify the nominee purchaser—
- (a) of the death of the tenant, and
  - (b) as to whether or not the personal representatives are electing to withdraw from participation in the proposed acquisition;
- and, unless the personal representatives of a participating tenant so notify the nominee purchaser that they are electing to withdraw from participation in that acquisition, they shall be regarded as a participating tenant for the purposes of this Chapter—
- (i) as from the date of the death of the tenant, and
  - (ii) so long as his lease remains vested in them.
- (6) Where in accordance with subsection (4) or (5) any assignee or personal representatives of a participating tenant (“the tenant”) is or are to be regarded as a participating tenant for the purposes of this Chapter, any arrangements made between the nominee purchaser and the participating tenants and having effect immediately before the date of the assignment or (as the case may be) the date of death shall have effect as from that date—
- (a) with such modifications as are necessary for substituting the assignee or (as the case may be) the personal representatives as a party to the arrangements in the place of the tenant; or
  - (b) in the case of an assignment by a person who remains a qualifying tenant of a flat contained in the specified premises, with such modifications as are necessary for adding the assignee as a party to the arrangements.
- (7) Where the nominee purchaser receives a notification under subsection (2), (3) or (5), he shall, within the period of 28 days beginning with the date of receipt of the notification—
- (a) give a notice under subsection (8) to the reversioner in respect of the specified premises, and
  - (b) give a copy of that notice to every other relevant landlord.
- (8) A notice under this subsection is a notice stating—
- (a) in the case of a notification under subsection (2)—
    - (i) the date of the assignment and the name and address of the assignee,

---

**Changes to legislation:** Leasehold Reform, Housing and Urban Development Act 1993, Cross Heading: Participating tenants and nominee purchaser is up to date with all changes known to be in force on or before 17 April 2024.

There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

---

- (ii) that the assignee has or (as the case may be) has not become a participating tenant in accordance with subsection (4), and
  - (iii) if he has become a participating tenant (otherwise than in a case to which subsection (6)(b) applies), that he has become such a tenant in place of his assignor;
- (b) in the case of a notification under subsection (3), the name and address of the person who has become a participating tenant in accordance with subsection (4); and
- (c) in the case of a notification under subsection (5)—
- (i) the date of death of the deceased tenant,
  - (ii) the names and addresses of the personal representatives of the tenant, and
  - (iii) that in accordance with that subsection those persons are or (as the case may be) are not to be regarded as a participating tenant.
- (9) Every notice under subsection (8)—
- (a) shall identify the flat with respect to which it is given; and
  - (b) if it states that any person or persons is or are to be regarded as a participating tenant, shall be signed by the person or persons in question.
- (10) In this section references to assignment include an assent by personal representatives and assignment by operation of law, where the assignment is—
- (a) to a trustee in bankruptcy, or
  - (b) to a mortgagee under section 89(2) of the <sup>M1</sup>Law of Property Act 1925 (foreclosure of leasehold mortgage),
- and references to an assignee shall be construed accordingly.
- (11) Nothing in this section has effect for requiring or authorising anything to be done at any time after a binding contract is entered into in pursuance of the initial notice.

---

**Marginal Citations**

**M1** 1925 c. 20.

## 15 The nominee purchaser: appointment and replacement.

- (1) The nominee purchaser shall conduct on behalf of the participating tenants all proceedings arising out of the initial notice, with a view to the eventual acquisition by him, on their behalf, of such freehold and other interests as fall to be so acquired under a contract entered into in pursuance of that notice.
- (2) In relation to any claim to exercise the right to collective enfranchisement with respect to any premises, the nominee purchaser shall be such person or persons as may for the time being be appointed for the purposes of this section by the participating tenants; and in the first instance the nominee purchaser shall be the person or persons specified in the initial notice in pursuance of section 13(3)(f).
- (3) The appointment of any person as the nominee purchaser, or as one of the persons constituting the nominee purchaser, may be terminated by the participating tenants by the giving of a notice stating that that person's appointment is to terminate on the date on which the notice is given.

---

**Changes to legislation:** *Leasehold Reform, Housing and Urban Development Act 1993, Cross Heading: Participating tenants and nominee purchaser is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (4) Any such notice must be given—
- (a) to the person whose appointment is being terminated, and
  - (b) to the reversioner in respect of the specified premises.
- (5) Any such notice must in addition either—
- (a) specify the name or names of the person or persons constituting the nominee purchaser as from the date of the giving of the notice, and an address in England and Wales at which notices may be given to that person or those persons under this Chapter; or
  - (b) state that the following particulars will be contained in a further notice given to the reversioner within the period of 28 days beginning with that date, namely—
    - (i) the name of the person or persons for the time being constituting the nominee purchaser,
    - (ii) if falling after that date, the date of appointment of that person or of each of those persons, and
    - (iii) an address in England and Wales at which notices may be given to that person or those persons under this Chapter;
 and the appointment of any person by way of replacement for the person whose appointment is being terminated shall not be valid unless his name is specified, or is one of those specified, under paragraph (a) or (b).
- (6) Where the appointment of any person is terminated in accordance with this section, anything done by or in relation to the nominee purchaser before the date of termination of that person's appointment shall be treated, so far as necessary for the purpose of continuing its effect, as having been done by or in relation to the nominee purchaser as constituted on or after that date.
- (7) Where the appointment of any person is so terminated, he shall not be liable under section 33 for any costs incurred in connection with the proposed acquisition under this Chapter at any time after the date of termination of his appointment; but if—
- (a) at any such time he is requested by the nominee purchaser for the time being to supply to the nominee purchaser, at an address in England and Wales specified in the request, all or any documents in his custody or under his control that relate to that acquisition, and
  - (b) he fails without reasonable cause to comply with any such request or is guilty of any unreasonable delay in complying with it,
- he shall be liable for any costs which are incurred by the nominee purchaser, or for which the nominee purchaser is liable under section 33, in consequence of the failure.
- (8) Where—
- (a) two or more persons together constitute the nominee purchaser, and
  - (b) the appointment of any (but not both or all) of them is terminated in accordance with this section without any person being appointed by way of immediate replacement,
- the person or persons remaining shall for the time being constitute the nominee purchaser.
- (9) Where—
- (a) a notice given under subsection (3) contains such a statement as is mentioned in subsection (5)(b), and

---

**Changes to legislation:** Leasehold Reform, Housing and Urban Development Act 1993, Cross Heading: Participating tenants and nominee purchaser is up to date with all changes known to be in force on or before 17 April 2024.

There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

---

- (b) as a result of the termination of the appointment in question there is no nominee purchaser for the time being,  
the running of any period which—
- (i) is prescribed by or under this Part for the giving of any other notice or the making of any application, and
- (ii) would otherwise expire during the period beginning with the date of the giving of the notice under subsection (3) and ending with the date when the particulars specified in subsection (5)(b) are notified to the reversioner,
- shall (subject to subsection (10)) be suspended throughout the period mentioned in paragraph (ii).
- (10) If—
- (a) the circumstances are as mentioned in subsection (9)(a) and (b), but
- (b) the particulars specified in subsection (5)(b) are not notified to the reversioner within the period of 28 days specified in that provision,
- the initial notice shall be deemed to have been withdrawn at the end of that period.
- (11) A copy of any notice given under subsection (3) or (5)(b) shall be given by the participating tenants to every relevant landlord (other than the reversioner) to whom the initial notice or a copy of it was given in accordance with section 13 and Part II of Schedule 3; and, where a notice under subsection (3) terminates the appointment of a person who is one of two or more persons together constituting the nominee purchaser, a copy of the notice shall also be so given to every other person included among those persons.
- (12) Nothing in this section applies in relation to the termination of the appointment of the nominee purchaser (or of any of the persons constituting the nominee purchaser) at any time after a binding contract is entered into in pursuance of the initial notice; and in this Chapter references to the nominee purchaser, so far as referring to anything done by or in relation to the nominee purchaser at any time falling after such a contract is so entered into, are references to the person or persons constituting the nominee purchaser at the time when the contract is entered into or such other person as is for the time being the purchaser under the contract.

## **16 The nominee purchaser: retirement or death.**

- (1) The appointment of any person as the nominee purchaser, or as one of the persons constituting the nominee purchaser, may be terminated by that person by the giving of a notice stating that he is resigning his appointment with effect from 21 days after the date of the notice.
- (2) Any such notice must be given—
- (a) to each of the participating tenants; and
- (b) to the reversioner in respect of the specified premises.
- (3) Where the participating tenants have received any such notice, they shall, within the period of 56 days beginning with the date of the notice, give to the reversioner a notice informing him of the resignation and containing the following particulars, namely—
- (a) the name or names of the person or persons for the time being constituting the nominee purchaser,

---

**Changes to legislation:** *Leasehold Reform, Housing and Urban Development Act 1993, Cross Heading: Participating tenants and nominee purchaser is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (b) if falling after that date, the date of appointment of that person or of each of those persons, and
- (c) an address in England and Wales at which notices may be given to that person or those persons under this Chapter;

and the appointment of any person by way of replacement for the person resigning his appointment shall not be valid unless his name is specified, or is one of those specified, under paragraph (a).

(4) Subsections (6) to (8) of section 15 shall have effect in connection with a person's resignation of his appointment in accordance with this section as they have effect in connection with the termination of a person's appointment in accordance with that section.

(5) Where the person, or one of the persons, constituting the nominee purchaser dies, the participating tenants shall, within the period of 56 days beginning with the date of death, give to the reversioner a notice informing him of the death and containing the following particulars, namely—

- (a) the name or names of the person or persons for the time being constituting the nominee purchaser,
- (b) if falling after that date, the date of appointment of that person or of each of those persons, and
- (c) an address in England and Wales at which notices may be given to that person or those persons under this Chapter;

and the appointment of any person by way of replacement for the person who has died shall not be valid unless his name is specified, or is one of those specified, under paragraph (a).

(6) Subsections (6) and (8) of section 15 shall have effect in connection with the death of any such person as they have effect in connection with the termination of a person's appointment in accordance with that section.

(7) If—

- (a) the participating tenants are required to give a notice under subsection (3) or (5), and
- (b) as a result of the resignation or death referred to in that subsection there is no nominee purchaser for the time being,

the running of any period which—

- (i) is prescribed by or under this Part for the giving of any other notice or the making of any application, and
- (ii) would otherwise expire during the period beginning with the relevant date and ending with the date when the particulars specified in that subsection are notified to the reversioner,

shall (subject to subsection (8)) be suspended throughout the period mentioned in paragraph (ii); and for this purpose “the relevant date” means the date of the notice of resignation under subsection (1) or the date of death (as the case may be).

(8) If—

- (a) the circumstances are as mentioned in subsection (7)(a) and (b), but
- (b) the participating tenants fail to give a notice under subsection (3) or (as the case may be) subsection (5) within the period of 56 days specified in that subsection,

---

**Changes to legislation:** Leasehold Reform, Housing and Urban Development Act 1993, Cross Heading: Participating tenants and nominee purchaser is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

---

the initial notice shall be deemed to have been withdrawn at the end of that period.

- (9) Where a notice under subsection (1) is given by a person who is one of two or more persons together constituting the nominee purchaser, a copy of the notice shall be given by him to every other person included among those persons; and a copy of any notice given under subsection (3) or (5) shall be given by the participating tenants to every relevant landlord (other than the reversioner) to whom the initial notice or a copy of it was given in accordance with section 13 and Part II of Schedule 3.
- (10) Nothing in this section applies in relation to the resignation or death of the nominee purchaser (or any of the persons together constituting the nominee purchaser) at any time after a binding contract is entered into in pursuance of the initial notice.

**Changes to legislation:**

Leasehold Reform, Housing and Urban Development Act 1993, Cross Heading: Participating tenants and nominee purchaser is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12A and cross-heading inserted by 2002 c. 15 s. 123(1)
- s. 12A(3)(a)(b) words substituted by S.I. 2009/1941 Sch. 1 para. 140(5)
- s. 12A(4)(a) words substituted by S.I. 2009/1941 Sch. 1 para. 140(5)
- s. 12A(4)(c) words substituted by S.I. 2009/1941 Sch. 1 para. 140(5)
- s. 13(2ZA) inserted by 2002 c. 15 s. 121(3)
- s. 13(2ZB) inserted by 2002 c. 15 s. 123(2)
- s. 13(5A) inserted by 2002 c. 15 Sch. 8 para. 6(3)
- s. 29(4A) inserted by 2002 c. 15 Sch. 8 para. 18(2)
- s. 29(4A) words added by S.I. 2003/2096 Sch. para. 20(b)
- s. 29(4A)(a) words omitted by S.I. 2003/2096 Sch. para. 20(a)
- s. 29(4A)(d) words substituted by S.I. 2009/1941 Sch. 1 para. 140(6)
- s. 70(15) inserted by 2023 asc 3 Sch. 13 para. 166(b)
- s. 78(5A)-(5C) inserted by 2008 c. 17 Sch. 12 para. 15(3)
- s. 78(7) inserted by 2008 c. 17 Sch. 12 para. 15(4)
- s. 79(2)(2A) substituted for s. 79(2) by 2002 c. 15 Sch. 10 para. 16(3)
- s. 156(4) repealed by 2014 asp 14 sch. 2 para. 7
- Sch. 20 para. 5(1A) inserted by 2008 c. 29 Sch. 9 para. 5(2)