



# Leasehold Reform, Housing and Urban Development Act 1993

## 1993 CHAPTER 28

### PART I

#### LANDLORD AND TENANT

#### CHAPTER VI

#### MISCELLANEOUS

*Jurisdiction of<sup>F1</sup>... tribunals in relation to enfranchisement etc. of Crown land*

#### Textual Amendments

**F1** Words in s. 88 cross-heading omitted (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 116](#) (with [Sch. 3](#))

#### **88 Jurisdiction of<sup>F2</sup>... tribunals in relation to enfranchisement etc. of Crown land.**

- (1) This section applies where any tenant under a lease from the Crown is proceeding with a view to acquiring the freehold or an extended lease of a house and premises in circumstances in which, but for the existence of any Crown interest in the land subject to the lease, he would be entitled to acquire the freehold or such an extended lease under Part I of the<sup>M1</sup>Leasehold Reform Act 1967.
- (2) Where—
  - (a) this section applies in accordance with subsection (1), and
  - (b) any question arises in connection with the acquisition of the freehold or an extended lease of the house and premises which is such that, if the tenant were proceeding as mentioned in that subsection in pursuance of a claim made

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under Part I of that Act, [<sup>F3</sup>the appropriate tribunal]<sup>F4</sup>... would have jurisdiction to determine it in proceedings under that Part, and

(c) it is agreed between—

(i) the appropriate authority and the tenant, and

(ii) all other persons (if any) whose interests would fall to be represented in proceedings brought under that Part for the determination of that question by such a tribunal,

that that question should be determined by such a tribunal,

[<sup>F3</sup>the appropriate tribunal] shall have jurisdiction to determine that question.

<sup>F5</sup>(3) .....

<sup>F5</sup>(4) .....

<sup>F5</sup>(5) .....

(6) For the purposes of this section “lease from the Crown” means a lease of land in which there is, or has during the subsistence of the lease been, a Crown interest superior to the lease; and “Crown interest” and “the appropriate authority” in relation to a Crown interest mean respectively—

(a) an interest comprised in the Crown Estate, and the Crown Estate Commissioners;

(b) an interest belonging to Her Majesty in right of the Duchy of Lancaster, and the Chancellor of the Duchy;

(c) an interest belonging to the Duchy of Cornwall, and such person as the Duke of Cornwall or the possessor for the time being of the Duchy appoints;

(d) any other interest belonging to a government department or held on behalf of Her Majesty for the purposes of a government department, and the Minister in charge of that department.

[<sup>F6</sup>(6A) For the purposes of subsection (2), “appropriate tribunal” means—

(a) in relation to a house and premises in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and

(b) in relation to a house and premises in Wales, a leasehold valuation tribunal.]

<sup>F7</sup>(7) .....

#### Textual Amendments

**F2** Words in s. 88 heading omitted (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 117\(a\)](#) (with [Sch. 3](#))

**F3** Words in s. 88(2) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 117\(b\)](#) (with [Sch. 3](#))

**F4** Words in s. 88(2)(b) repealed (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. 181(1), [Sch. 14](#); [S.I. 2003/1986](#), art. 2(c)(iv), [Sch. 1 Pt. 1](#) (with [Sch. 2](#)); [S.I. 2004/669](#), art. 2(c)(iv), [Sch. 1 Pt. 1](#) (with [Sch. 2](#))

**F5** S. 88(3)-(5) repealed (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. 181(1), [Sch. 14](#); [S.I. 2003/1986](#), art. 2(c)(iv), [Sch. 1 Pt. 1](#) (with [Sch. 2](#)); [S.I. 2004/669](#), art. 2(c)(iv), [Sch. 1 Pt. 1](#) (with [Sch. 2](#))

**F6** S. 88(6A) inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 117\(c\)](#) (with [Sch. 3](#))

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- F7** S. 88(7) repealed (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002](#) (c. 15), s. 181(1), [Sch. 14](#); S.I. 2003/1986, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2)

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#### Commencement Information

- I1** S. 88 wholly in force; s. 88 not in force at Royal Assent see s. 188(2); s. 88 in force for certain purposes at 2.9.1993 by [S.I. 1993/2134](#), [art. 3](#); s. 88 in force at 1.11.1993 in so far as it was not already in force, by [S.I. 1993/2134](#), [art. 5\(a\)](#)

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#### Marginal Citations

- M1** [1967 c. 88](#).

**Changes to legislation:**

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**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\(2\)](#)