



Commonhold and Leasehold Reform Act 2002

2002 CHAPTER 15

PART 2

LEASEHOLD REFORM

CHAPTER 5

OTHER PROVISIONS ABOUT LEASES

Crown application

172 Application to Crown

(1) The following provisions apply in relation to Crown land (as in relation to other land)

- (a) sections 18 to 30B of (and the Schedule to) the 1985 Act (service charges, insurance and managing agents),
- (b) Part 2 of the 1987 Act (appointment of manager by [^{F1}the appropriate tribunal]),
- (c) Part 4 of the 1987 Act (variation of leases),
- (d) sections 46 to 49 of the 1987 Act (information to be furnished to tenants),
- (e) Chapter 5 of Part 1 of the 1993 Act (management audit),
- (f) section 81 of the Housing Act 1996 (c. 52) (restriction on termination of tenancy for failure to pay service charge etc.),
- (g) section 84 of (and Schedule 4 to) that Act (right to appoint surveyor), and
- (h) in this Chapter, the provisions relating to any of the provisions within paragraphs (a) to (g), Part 1 of Schedule 11 and sections 164 to 171.

(2) Land is Crown land if there is or has at any time been an interest or estate in the land—

Status: Point in time view as at 01/07/2013. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Section 172. (See end of Document for details)

- (a) comprised in the Crown Estate,
 - (b) belonging to Her Majesty in right of the Duchy of Lancaster,
 - (c) belonging to the Duchy of Cornwall, or
 - (d) belonging to a government department or held on behalf of Her Majesty for the purposes of a government department.
- (3) No failure by the Crown to perform a duty imposed by or by virtue of any of sections 21 to 23A of, or any of paragraphs 2 to 4A of the Schedule to, the 1985 Act makes the Crown criminally liable; but the High Court may declare any such failure without reasonable excuse to be unlawful.
- (4) Any sum payable under any of the provisions mentioned in subsection (1) by the Chancellor of the Duchy of Lancaster may be raised and paid under section 25 of the Duchy of Lancaster Act 1817 (c. 97) as an expense incurred in improvement of land belonging to Her Majesty in right of the Duchy.
- (5) Any sum payable under any such provision by the Duke of Cornwall (or any other possessor for the time being of the Duchy of Cornwall) may be raised and paid under section 8 of the Duchy of Cornwall Management Act 1863 (c. 49) as an expense incurred in permanently improving the possessions of the Duchy.
- (6) In section 56 of the 1987 Act (Crown land)—
- (a) in subsection (1), for “This Act” substitute “ Parts 1 and 3 and sections 42 to 42B (and so much of this Part as relates to those provisions) ”, and
 - (b) in subsection (3), for “this Act” substitute “ the provisions mentioned in subsection (1) ”.

Textual Amendments

- F1** Words in s. 172(1)(b) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), [art. 1](#), [Sch. 1 para. 142](#) (with [Sch. 3](#))

Commencement Information

- I1** S. 172 partly in force; s. 172 not in force at Royal Assent see s. 181(1); s. 172(1)-(5)(6) in force for specified purposes at 30.9.2003 for E. by [S.I. 2003/1986](#), [art. 2\(c\)\(ii\)\(iii\)](#) (with [Sch. 2](#)); s. 172(1)-(5)(6) in force for specified purposes at 30.3.2004 for W. by [S.I. 2004/669](#), [art. 2\(c\)\(ii\)\(iii\)](#) (with [Sch. 2](#)); s. 172(1)-(5) in force for specified purposes. at 28.2.2005 for E. by [S.I. 2004/3056](#), [art. 3\(h\)](#); s. 172(1)-(5) in force for specified purposes at 31.5.2005 for W. by [S.I. 2005/1353](#), [art. 2\(h\)](#)

Status:

Point in time view as at 01/07/2013. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Section 172.