



Commonhold and Leasehold Reform Act 2002

2002 CHAPTER 15

PART 2

LEASEHOLD REFORM

CHAPTER 2

COLLECTIVE ENFRANCHISEMENT BY TENANTS OF FLATS

Qualifying rules

115 Non-residential premises

In section 4(1) of the 1993 Act (right not to apply in case of premises having non-residential parts with floor area exceeding 10 per cent. of total), for “10 per cent.” substitute “25 per cent.”.

Commencement Information

- II** S. 115 wholly in force at 1.1.2003; s. 115 not in force at Royal Assent, see s. 181(1); s. 115 in force at 26.7.2002 for E. by [S.I. 2002/1912](#), [art.2\(b\)\(i\)](#) (subject to transitional provisions and savings in [Sch. 2](#)); s. 115 in force at 1.1.2003 for W. by [S.I. 2002/3012](#), [art. 2\(b\)\(i\)](#) (subject to transitional provisions and savings in [Sch. 2](#))

116 Premises including railway track

In section 4 of the 1993 Act (premises in the case of which right does not apply), insert at the end—

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

“(5) This Chapter does not apply to premises falling within section 3(1) if the freehold of the premises includes track of an operational railway; and for the purposes of this subsection—

- (a) “track” includes any land or other property comprising the permanent way of a railway (whether or not it is also used for other purposes) and includes any bridge, tunnel, culvert, retaining wall or other structure used for the support of, or otherwise in connection with, track,
- (b) “operational” means not disused, and
- (c) “railway” has the same meaning as in any provision of Part 1 of the Railways Act 1993 (c. 43) for the purposes of which that term is stated to have its wider meaning.”

Commencement Information

- I2** S. 116 wholly in force at 1.1.2003; s. 116 not in force at Royal Assent, see s. 181(1); s. 116 in force at 26.7.2002 for E. by [S.I. 2002/1912](#), [art. 2\(b\)\(i\)](#) (subject to transitional provisions and savings in [Sch. 2](#)); s. 116 in force at 1.1.2003 for W. by [S.I. 2002/3012](#), [art. 2\(b\)\(i\)](#) (subject to transitional provisions and savings in [Sch. 2](#))

117 Qualifying leases

- (1) In section 5(1) of the 1993 Act (which provides that a qualifying tenant is a tenant under a long lease which is at a low rent or for a particularly long term), omit “which is at a low rent or for a particularly long term”.
- (2) In section 69(1)(b) of the 1993 Act (estate management schemes), for “by virtue of the amendments of that Chapter made by paragraph 3 of Schedule 9 to the Housing Act 1996 (c. 52)” substitute “in circumstances in which, but for section 117(1) of the Commonhold and Leasehold Reform Act 2002 and the repeal by that Act of paragraph 3 of Schedule 9 to the Housing Act 1996, they would have been entitled to acquire it by virtue of the amendments of that Chapter made by that paragraph”.

Commencement Information

- I3** S. 117 wholly in force at 1.1.2003; s.117 not in force at Royal Assent, see s. 181(1); s. 117 in force at 26.7.2002 for E. by [S.I. 2002/1912](#), {[art. 2\(b\)\(i\)](#)} (subject to transitional provisions and savings in [Sch. 2](#)); s. 117 in force at 1.1.2003 for W. by [S.I. 2002/3012](#), [art. 2\(b\)\(i\)](#) (subject to transitional provisions and savings in [Sch. 2](#))

118 Premises with resident landlord

- (1) Section 10 of the 1993 Act (premises with a resident landlord) is amended as follows.
- (2) For subsection (1) (requirements that premises not be or form part of purpose-built block of flats and that they have been occupied for at least twelve months as only or principal home of owner of freehold or a family member) substitute—

“(1) For the purposes of this Chapter any premises falling within section 3(1) are premises with a resident landlord at any time if—

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- (a) the premises are not, and do not form part of, a purpose-built block of flats;
- (b) the same person has owned the freehold of the premises since before the conversion of the premises into two or more flats or other units; and
- (c) he, or an adult member of his family, has occupied a flat or other unit contained in the premises as his only or principal home throughout the period of twelve months ending with that time.”

(3) For subsection (4) (premises held on trust) substitute—

“(4) Where the freehold of any premises is held on trust, subsection (1) applies as if—

- (a) the requirement in paragraph (b) were that the same person has had an interest under the trust (whether or not also a trustee) since before the conversion of the premises, and
- (b) paragraph (c) referred to him or an adult member of his family.”

Commencement Information

I4 S. 118 wholly in force at 1.1.2003; s. 118 not in force at Royal Assent, see s. 181(1); s. 118 in force at 26.7.2002 for E. by [S.I. 2002/1912](#), [art. 2\(b\)\(i\)](#) (subject to transitional provisions and savings in [Sch. 2](#)); s. 118 in force at 1.1.2003 for W. by [S.I. 2002/3012](#), [art. 2\(b\)\(i\)](#) (subject to transitional provisions and savings in [Sch. 2](#))

119 Proportion of tenants required to participate

In section 13(2)(b) of the 1993 Act (persons by whom initial notice must be given), omit sub-paragraph (i) (initial notice to be given by at least two-thirds of qualifying tenants of flats contained in premises).

Commencement Information

I5 S. 119 wholly in force at 1.1.2003; s. 119 not in force at Royal Assent, see s. 181(1); s. 119 in force at 26.7.2002 for E. by [S.I. 2002/1912](#), [art. 2\(b\)\(i\)](#) (subject to transitional provisions and savings in [Sch. 2](#)); s. 119 in force at 1.1.2003 for W. by [S.I. 2002/3012](#), [art. 2\(b\)\(i\)](#) (subject to transitional provisions and savings in [Sch. 2](#))

120 Abolition of residence condition

In section 13(2) of the 1993 Act, omit the words following paragraph (b) (which require at least one-half of the qualifying tenants by whom the initial notice is given to satisfy the residence condition).

Commencement Information

I6 S. 120 wholly in force at 1.1.2003; s. 120 not in force at Royal Assent, see s. 181(1); s. 120 in force at 26.7.2002 for E. by [S.I. 2002/1912](#), [art. 2\(b\)\(i\)](#) (subject to transitional provisions and savings in [Sch. 2](#)); s. 120 in force at 1.1.2003 for W. by [S.I. 2002/3012](#), [art. 2\(b\)\(i\)](#) (subject to transitional provisions and savings in [Sch. 2](#))

Changes to legislation:

There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Cross Heading: Qualifying rules.