
STATUTORY INSTRUMENTS

1993 No. 2134 (C.41)

**HOUSING, ENGLAND AND WALES
LANDLORD AND TENANT,
ENGLAND AND WALES
URBAN DEVELOPMENT**

The Leasehold Reform, Housing and Urban
Development Act 1993 (Commencement and
Transitional Provisions No. 1) Order 1993

Made - - - - 1st September 1993

The Secretary of State, in exercise of the powers conferred on him by section 188(2) and (3) of the Leasehold Reform, Housing and Urban Development Act 1993(1) and all other powers enabling him in that behalf, hereby makes the following Order—

Citation

1. This Order may be cited as the Leasehold Reform, Housing and Urban Development Act 1993 (Commencement and Transitional Provisions No. 1) Order 1993.

Interpretation

2. In this Order—

“the first commencement date” means the 2nd September 1993;

“the second commencement date” means the 11th October 1993;

“the third commencement date” means the 1st November 1993;

“the 1967 Act” means the Leasehold Reform Act 1967(2);

“the 1985 Act” means the Housing Act 1985(3);

“the 1987 Act” means the Landlord and Tenant Act 1987(4); and

(1) 1993 c. 28.
(2) 1967 c. 88.
(3) 1985 c. 68.
(4) 1987 c. 31.

“the 1993 Act” means the Leasehold Reform, Housing and Urban Development Act 1993 and references to sections and Schedules without more are references to sections of and Schedules to that Act.

Commencement

3. The following provisions of the 1993 Act shall come into force on the first commencement date—

section 26(9),

so much of sections 75, 88, 91, 99 and 108 as confers on the Secretary of State a power to make orders, regulations or declarations,

section 98,

section 100,

section 187(1) in so far as it relates to paragraphs 4, 7 and 27 of Schedule 21, and

section 187(2) in so far as it relates to the repeals in Schedule 22 of section 41(1) of the Housing Act 1988⁽⁵⁾ and paragraph 51 in Schedule 11 to the Local Government and Housing Act 1989⁽⁶⁾.

4. The following provisions of the 1993 Act shall come into force on the second commencement date—

(a) section 123,

sections 128 and 129,

section 131,

section 174,

section 176,

section 179,

section 180 except in so far as it relates to the insertion of section 165A(2) in the Local Government, Planning and Land Act (1980)⁽⁷⁾,

section 182,

section 187(1) in so far as it relates to paragraph 10 of Schedule 21,

section 187(2) in so far as it relates to the repeals in Schedule 22 in the Local Government, Planning and Land Act 1980 and in section 69(2) of the Housing Act 1988; and

(b) subject to the transitional provisions and savings in Schedule 1 to this Order,—

sections 104 to 107,

section 108 in so far as it is not in force,

sections 109 to 120,

sections 124 and 125,

section 130,

sections 133 and 134,

section 178,

section 187(1) in so far as it relates to paragraphs 11 to 25 of Schedule 21,

(5) 1988 c. 50.

(6) 1989 c. 42.

(7) 1980 c. 65.

section 187(2) in so far as it relates to the repeals in Schedule 22 specified in Schedule 2 to this Order, and
Schedule 16.

5. The following provisions of the 1993 Act shall come into force on the third commencement date—

- (a) sections 1 to 25,
 - section 26 in so far as it is not in force,
 - sections 27 to 62,
 - sections 63 to 66,
 - sections 69 to 74,
 - section 75 in so far as it is not in force,
 - sections 76 to 84,
 - section 87,
 - section 88 in so far as it is not in force,
 - sections 89 and 90,
 - section 91 in so far as it is not in force,
 - sections 92 to 97,
 - section 99 in so far as it is not in force,
 - sections 101 to 103,
 - section 187(1) in so far as it relates to paragraphs 1, 9, 26 and 30 of Schedule 21,
 - section 187(2) in so far as it relates to the repeals in Schedule 22 in the Housing Act 1980⁽⁸⁾ and the Housing (Consequential Provision) Act 1985⁽⁹⁾,
 - Schedules 1 to 15; and
- (b) subject to the transitional provisions and savings in Schedule 1 to this Order,—
 - sections 67 and 68,
 - sections 85 and 86,
 - section 187(1) in so far as it relates to paragraph 5 of Schedule 21, and
 - section 187(2) in so far as it relates to the repeals in Schedule 22 in the 1987 Act.

Signed by authority of the Secretary of State

1st September 1993

David Curry
Minister of State,
Department of the Environment

⁽⁸⁾ 1980 c. 51.
⁽⁹⁾ 1985 c. 71.

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SCHEDULE 1

Articles 4 and 5

TRANSITIONAL PROVISIONS AND SAVINGS

1. The amendments made by sections 67 and 68 (amendments to the 1967 Act) do not have effect in a case where the right to acquire the freehold of a house and premises arises other than by virtue of any one or more of the provisions of section 1A and 1B of the 1967 Act in relation to a lease created after the third commencement date pursuant to a contract entered into before that date.

2. The amendments made by—

section 85 (amendments to Part III of the 1987 Act), and

section 187(2) in so far as it relates to the repeals in Schedule 22 in the 1987 Act

do not have effect in a case where a notice under section 27 of the 1987 Act (tenants' preliminary notice) was served before the third commencement date.

3. The amendment made by section 86 (amendment to Part IV of the 1987 Act) does not have effect in a case where an application under section 35(1) of the 1987 Act was made before the third commencement date.

4.—(1) The amendments made by—

sections 104 and 105,

sections 107 to 120,

section 187(1) in so far as it relates to paragraphs 11 to 25 of Schedule 21, and

section 187(2) in so far as it relates to the repeals in the 1985 Act, the Housing and Planning Act 1986⁽¹⁰⁾ and in the Local Government and Housing Act 1989⁽¹¹⁾ specified in Schedule 2 to this Order

(amendments to Part V of the 1985 Act: the right to buy) do not have effect—

(a) in a case where a notice under section 122 of the 1985 Act (tenant's notice claiming to exercise the right to buy) is served before the second commencement date; and

(b) in relation to the operation of Part V of the 1985 Act as applied by the Local Government Reorganisation (Preservation of Right to Buy) Order 1986⁽¹²⁾.

(2) For the purpose of paragraph (1)(a), no account shall be taken of any steps taken under section 177 of the 1985 Act (errors and omissions in notices).

(3) The amendments made by section 106 (exceptions to the right to buy) do not have effect in relation to the operation of Part V of the 1985 Act as applied by the Order mentioned in paragraph (1) (b).

5. The amendments made by—

sections 124 and 125 to Part III of the Housing Act 1988⁽¹³⁾ (housing action trusts), and

section 187(2) in so far as it relates to the repeal in the Housing Act 1988 specified in Schedule 2 to this Order

do not have effect in relation to a proposed disposal in a case where a notice under section 84(2) of that Act was served before the second commencement date.

6. The substitution, by section 130, of section 27A of the 1985 Act shall have effect, in a case where a local housing authority who propose to enter into a management agreement have taken steps

⁽¹⁰⁾ 1986 c. 63.

⁽¹¹⁾ 1989 c. 42.

⁽¹²⁾ S.I.1986/2092.

⁽¹³⁾ 1988 c. 50.

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before the second commencement date to comply with the requirements of section 27A(1) and (2) of the 1985 Act in the form in which it was in force immediately before the second commencement date, so as to enable the authority to take into account the steps already taken when determining what arrangements they consider appropriate for the purpose of section 27A(1) as substituted.

7. The substitutions made by sections 133 and 134 (priority of charges securing repayments of discount) do not have effect in relation to the order of priority between a charge taking effect by virtue of section 36 of the 1985 Act or paragraph 2 of Schedule 2 to the Housing Associations Act 1985(14) (as the case may be) and any advance made before the second commencement date.

8. The substitution, by section 178, of section 157 of the Local Government, Planning and Land Act 1980(15) does not have effect in a case where a notice under subsection (1) of that section was served before the second commencement date.

9.—(1) The amendment made by section 187(1) in so far as it relates to paragraph 5 of Schedule 21 (amendment to Part I of the Land Compensation Act 1973(16) does not have effect in a case where the relevant date is before the third commencement date.

(2) In sub-paragraph (1) “relevant date” has the same meaning as in section 2 of the Land Compensation Act 1973.

10. Section 187(2) in so far as it relates to the repeals of sections 142 and 153B(1)(c) of the 1985 Act and in paragraphs 16B(4) of Schedule 6 to that Act does not have effect in relation to provisions in Part V of the 1985 Act relating to the preserved right to buy in a case where a person has the preserved right to buy (as defined in section 171A of that Act) before the second commencement date.

SCHEDULE 2

Article 4

REPEALS

Repeals coming into force on the second commencement date subject to the transitional provisions and savings in Schedule 1

Chapter	Short Title	Extent of repeal
1985 c. 68	The Housing Act 1985	Section 124(3). Section 128(6). Sections 132 to 135. In section 137, in subsection (1), the words “or the right to mortgage” and, in subsection (2), paragraph (b). In section 138(1), the words “and to the amount to be left outstanding or advanced on

(14) 1985 c. 69.

(15) 1980 c. 65.

(16) 1973 C.26.

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Chapter	Short Title	Extent of repeal
		the security of the dwelling-house”.
		Section 139(3).
		In section 140(5), the words “and to the amount to be left outstanding or advanced on the security of the dwelling-house”.
		Section 142.
		In section 153A(1), paragraphs (c) and (d).
		In section 153B(1), paragraph (c).
		Section 164(6).
		Section 166(6).
		In section 169(3), paragraph (b) and the word “and” immediately preceding that paragraph.
		In section 171C(2), paragraph (b).
		In section 171H, in subsection (1), the words “or the right to a mortgage” and, in subsection (2), paragraph (b).
		In section 177, in subsection (2)(b) the words “or the Corporation” and in subsection (3), the entries relating to section 135 and paragraph 5 of Schedule 9.
		In section 180, the words “the Corporation” and “Corporation”.
		In section 181(1), the words “and paragraph 11 of Schedule 8”.

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Chapter	Short Title	Extent of repeal
		In section 182(1), the words “or the right to a mortgage”.
		In section 187, the definition of “total share”.
		In section 188, the entries beginning “additional share and additional contribution”, “effective discount”, “full mortgage”, “initial share and initial contribution”, “prescribed percentage”, “right to be granted a shared ownership lease”, “right to further advances”, “right to a mortgage” and “total share”.
		In Schedule 6, in paragraphs 16B(4) and 16C(4), paragraph (c) and the word “and” immediately preceding that paragraph.
		Schedules 7 to 9.
1986 c. 63	The Housing and Planning Act 1986	In Schedule 5, paragraph 5.
1988 c. 50	The Housing Act 1988	In section 79(2)(b), the words “in accordance with section 84 below”.
1989 c. 42	The Local Government and Housing Act 1989	Section 164.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 3 of this Order brings into force wholly or partly on 2nd September 1993 a number of provisions of the Leasehold Reform, Housing and Urban Development Act 1993 relating to powers to make orders, regulations, rules or declarations.

Article 4 of this Order brings into force on 11th October 1993 the following provisions of the 1993 Act—

sections 104 and 105 (the right to buy),

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section 106 (exceptions to the right to buy),
section 107 (abolition of right to a mortgage, right to defer completion and right to be granted a shared ownership lease),
section 108 (right to acquire on rent to mortgage terms) in so far as it is not in force,
sections 109 to 120 (right to acquire on rent to mortgage terms),
section 123 (right to information),
sections 124 and 125 (disposals by housing action trusts),
section 128 (power to repeal provisions on housing welfare services made by sections 126 and 127),
sections 129 to 131 (housing management agreements),
sections 133 and 134 (priority of charges securing repayment of discount),
section 174 (financial assistance for urban regeneration),
section 176 (power to direct disposal of unused etc. land held by public bodies),
sections 178, 179 and 180 (partially) (urban development corporations),
section 182 (powers of housing action trusts with respect to private streets),
section 187 (amendments and repeals) in relation to the minor and consequential amendments in paragraphs 10 to 25 of Schedule 21 and the repeals in Schedule 22 referred to in that article and those specified in Schedule 2 to the Order, and
Schedule 16 (right to acquire on rent to mortgage terms).

Article 5 of this Order brings into force on 1st November 1993 the following provisions of the 1993 Act—

sections 1 to 25 (collective enfranchisement in the case of tenants of flats),
section 26 (applications where relevant landlord cannot be found) in so far as it is not in force,
sections 27 to 38 (collective enfranchisement in the case of tenants of flats),
sections 39 to 62 (individual right of tenant of flat to acquire new lease),
sections 63 to 68 (enfranchisement under Leasehold Reform Act 1967),
sections 69 to 74 (estate management schemes in connection with enfranchisement),
section 75 (variation of existing schemes) in so far as it is not in force,
sections 76 to 84 (tenants' right to management audit),
sections 85 and 86 (amendments to Parts III and IV of Landlord and Tenant Act 1987),
section 87 (codes of practice),
section 88 (jurisdiction of leasehold valuation tribunals in relation to enfranchisement etc. of Crown land) in so far as it is not in force,
section 89 (avoidance of provisions preventing occupation of leasehold property by persons with mental disorders),
section 90 (jurisdiction of county courts),
section 91 (jurisdiction of leasehold valuation tribunals) in so far as it is not in force,
sections 92 to 97 (general provisions: enfranchisement and lease renewal),
section 99 (agreements excluding or modifying rights of tenant: enfranchisement and lease renewal) in so far as it is not in force,
sections 101 to 103 (general provisions on Part I: landlord and tenant),

section 187 (amendments and repeals) in relation to the minor and consequential amendments in paragraphs 1, 5, 9, 26 and 30 of Schedule 21 and the repeals in Schedule 22 referred to in that article,

Schedules 1 to 10 (collective enfranchisement in the case of tenants of flats),

Schedules 11 to 14 (individual right of tenant of flat to acquire new lease), and

Schedule 15 (section 9 of Leasehold Reform Act 1967 as amended).

The provisions listed in article 4(b) and article 5(b) are brought into force subject to the transitional provisions and savings in Schedule 1 to the Order.