



Leasehold Reform, Housing and Urban Development Act 1993

1993 CHAPTER 28

PART I

LANDLORD AND TENANT

CHAPTER II

INDIVIDUAL RIGHT OF TENANT OF FLAT TO ACQUIRE NEW LEASE

Termination or suspension of acquisition procedures

52 Withdrawal by tenant from acquisition of new lease.

- (1) At any time before a new lease is entered into in pursuance of the tenant's notice, the tenant may withdraw that notice by the giving of a notice to that effect under this section ("a notice of withdrawal").
- (2) A notice of withdrawal must be given—
 - (a) to the landlord for the purposes of this Chapter;
 - (b) to every other landlord (as defined by section 40(4)); and
 - (c) to any third party to the tenant's lease.
- (3) Where a notice of withdrawal is given by the tenant to any person in accordance with subsection (2), the tenant's liability under section 60 for costs incurred by that person shall be a liability for costs incurred by him down to the time when the notice is given to him.

53 Deemed withdrawal of tenant's notice.

- (1) Where—

Status: Point in time view as at 01/11/1993.

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- (a) in a case to which subsection (1) of section 48 applies, no application under that subsection is made within the period specified in subsection (2) of that section, or
- (b) in a case to which subsection (3) of that section applies, no application for an order under that subsection is made within the period specified in subsection (5) of that section,

the tenant's notice shall be deemed to have been withdrawn at the end of the period referred to in paragraph (a) or (b) above (as the case may be).

- (2) Where, in a case falling within paragraph (a) or (b) of subsection (1) of section 49, no application for an order under that subsection is made within the period specified in subsection (3) of that section, the tenant's notice shall be deemed to have been withdrawn at the end of that period.
- (3) Where, in a case to which subsection (4) of section 49 applies, no application for an order under that subsection is made within the period specified in subsection (6) of that section, the tenant's notice shall be deemed to have been withdrawn at the end of that period.
- (4) The following provisions, namely—
 - (a) section 43(3),
 - (b) section 48(4), and
 - (c) section 49(5),

also make provision for a notice under section 42 to be deemed to have been withdrawn at a particular time.

54 Suspension of tenant's notice during currency of claim under Chapter I.

- (1) If, at the time when the tenant's notice is given—
 - (a) a notice has been given under section 13 with respect to any premises containing the tenant's flat, and
 - (b) the relevant claim under Chapter I is still current,
 the operation of the tenant's notice shall be suspended during the currency of that claim; and so long as it is so suspended no further notice shall be given, and no application shall be made, under this Chapter with a view to resisting or giving effect to the tenant's claim.
- (2) If, at any time when the tenant's notice continues in force, a notice is given under section 13 with respect to any premises containing the tenant's flat, then, as from the date which is the relevant date for the purposes of Chapter I in relation to that notice under section 13, the operation of the tenant's notice shall be suspended during the currency of the relevant claim under Chapter I; and so long as it is so suspended no further notice shall be given, and no application shall be made or proceeded with, under this Chapter with a view to resisting or giving effect to the tenant's claim.
- (3) Where the operation of the tenant's notice is suspended by virtue of subsection (1) or (2), the landlord shall give the tenant a notice informing him of its suspension—
 - (a) (if it is suspended by virtue of subsection (1)) not later than the date specified in the tenant's notice in pursuance of section 42(3)(f); or
 - (b) (if it is suspended by virtue of subsection (2)) as soon as possible after the date referred to in that subsection;

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and any such notice shall in addition inform the tenant of the date on which the notice under section 13 was given and of the name and address of the nominee purchaser for the time being appointed for the purposes of section 15 in relation to the relevant claim under Chapter I.

(4) Where—

- (a) the operation of the tenant's notice is suspended by virtue of subsection (1), and
- (b) as a result of the relevant claim under Chapter I ceasing to be current, the operation of the tenant's notice subsequently ceases to be so suspended and the tenant's notice thereupon continues in force in accordance with section 42(8), then, as from the date when that claim ceases to be current ("the termination date"), this Chapter shall apply as if there were substituted for the date specified in the tenant's notice in pursuance of section 42(3)(f) such date as results in the period of time intervening between the termination date and that date being equal to the period of time intervening between the relevant date and the date originally so specified.

(5) Where—

- (a) the operation of the tenant's notice is suspended by virtue of subsection (2), and
- (b) its suspension began in circumstances falling within subsection (6), and
- (c) as a result of the relevant claim under Chapter I ceasing to be current, the operation of the tenant's notice subsequently ceases to be so suspended and the tenant's notice thereupon continues in force in accordance with section 42(8), any relevant period shall be deemed to have begun on the date when that claim ceases to be current.

(6) The circumstances referred to in subsection (5)(b) are that the suspension of the operation of the tenant's notice began—

- (a) before the date specified in the tenant's notice in pursuance of section 42(3)(f) and before the landlord had given the tenant a counter-notice under section 45; or
- (b) after the landlord had given the tenant a counter-notice under section 45 complying with the requirement set out in subsection (2)(b) or (c) of that section but—
 - (i) before any application had been made for an order under section 46(1) or 47(1), and
 - (ii) before the period for making any such application had expired; or
- (c) after an order had been made under section 46(4) or 47(4) but—
 - (i) before the landlord had given the tenant a further counter-notice in accordance with the order, and
 - (ii) before the period for giving any such counter-notice had expired.

(7) Where—

- (a) the operation of the tenant's notice is suspended by virtue of subsection (2), and
- (b) its suspension began otherwise than in circumstances falling within subsection (6), and
- (c) as a result of the relevant claim under Chapter I ceasing to be current, the operation of the tenant's notice subsequently ceases to be so suspended and the tenant's notice thereupon continues in force in accordance with section 42(8),

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any relevant period shall be deemed to have begun on the date on which the tenant is given a notice under subsection (8) below or, if earlier, the date on which the tenant gives the landlord a notice informing him of the circumstances by virtue of which the operation of the tenant's notice has ceased to be suspended.

- (8) Where subsection (4), (5) or (7) applies, the landlord shall, as soon as possible after becoming aware of the circumstances by virtue of which the operation of the tenant's notice has ceased to be suspended as mentioned in that subsection, give the tenant a notice informing him that, as from the date when the relevant claim under Chapter I ceased to be current, the operation of his notice is no longer suspended.
- (9) Subsection (8) shall not, however, require the landlord to give any such notice if he has received a notice from the tenant under subsection (7).
- (10) In subsections (5) and (7) "relevant period" means any period which—
- (a) is prescribed by or under this Part for the giving of any notice, or the making of any application, in connection with the tenant's notice; and
 - (b) was current at the time when the suspension of the operation of the tenant's notice began.
- (11) For the purposes of this section—
- (a) "the relevant claim under Chapter I", in relation to a notice under section 13, means the claim in respect of which that notice is given; and
 - (b) any such claim is current if—
 - (i) that notice continues in force in accordance with section 13(11), or
 - (ii) a binding contract entered into in pursuance of that notice remains in force, or
 - (iii) where an order has been made under section 24(4)(a) or (b) or 25(6) (a) or (b) with respect to any such premises as are referred to in subsection (1) or (2) above (as the case may be), any interests which by virtue of the order fall to be vested in the nominee purchaser for the purposes of Chapter I have yet to be so vested.

55 Effect on tenant's notice of institution of compulsory acquisition procedures.

- (1) A notice given by a tenant under section 42 shall be of no effect if on the relevant date—
- (a) any person or body of persons who has or have been, or could be, authorised to acquire the whole or part of the tenant's flat compulsorily for any purpose has or have, with a view to its acquisition for that purpose—
 - (i) served notice to treat on the landlord or the tenant, or
 - (ii) entered into a contract for the purchase of the interest of either of them in the flat or part of it, and
 - (b) the notice to treat or contract remains in force.
- (2) A notice given by a tenant under section 42 shall cease to have effect if, before a new lease is entered into in pursuance of it, any such person or body of persons as is mentioned in subsection (1) serves or serve notice to treat as mentioned in that subsection.
- (3) Where subsection (2) applies in relation to a notice given by a tenant under section 42, then on the occasion of the compulsory acquisition in question the compensation payable in respect of any interest in the tenant's flat (whether or not the one to which

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the relevant notice to treat relates) shall be determined on the basis of the value of the interest subject to and with the benefit of the rights and obligations arising from the tenant's notice and affecting that interest.

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