Leasehold Reform, Housing and Urban Development Act 1993

1993 CHAPTER 28

PART I

LANDLORD AND TENANT

CHAPTER I

COLLECTIVE ENFRANCHISEMENT IN CASE OF TENANTS OF FLATS

Preliminary

2 Acquisition of leasehold interests.

(1) Where the right to collective enfranchisement is exercised in relation to any premises to which this Chapter applies ("the relevant premises"), then, subject to and in accordance with this Chapter—

(a) there shall be acquired on behalf of the qualifying tenants by whom the right is exercised every interest to which this paragraph applies by virtue of subsection (2); and

(b) those tenants shall be entitled to have acquired on their behalf any interest to which this paragraph applies by virtue of subsection (3);

and any interest so acquired on behalf of those tenants shall be acquired in the manner mentioned in paragraphs (a) and (b) of section 1(1).

(2) Paragraph (a) of subsection (1) above applies to the interest of the tenant under any lease which is superior to the lease held by a qualifying tenant of a flat contained in the relevant premises.

Changes to legislation: *Leasehold Reform, Housing and Urban Development Act 1993, Section 2 is up to date with all changes known to be in force on or before 13 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) Paragraph (b) of subsection (1) above applies to the interest of the tenant under any lease (not falling within subsection (2) above) under which the demised premises consist of or include—

(a) any common parts of the relevant premises, or

(b) any property falling within section 1(2)(a) which is to be acquired by virtue of that provision,

where the acquisition of that interest is reasonably necessary for the proper management or maintenance of those common parts, or (as the case may be) that property, on behalf of the tenants by whom the right to collective enfranchisement is exercised.

(4) Where the demised premises under any lease falling within subsection (2) or (3) include any premises other than—

(a) a flat contained in the relevant premises which is held by a qualifying tenant,

(b) any common parts of those premises, or

(c) any such property as is mentioned in subsection (3)(b),

the obligation or (as the case may be) right under subsection (1) above to acquire the interest of the tenant under the lease shall not extend to his interest under the lease in any such other premises.

(5) Where the qualifying tenant of a flat is a public sector landlord and the flat is let under a secure tenancy **[**[F1]or an introductory tenancy**][**[F2]or a secure contract (or an introductory standard contract)**]**, then if—

(a) the condition specified in subsection (6) is satisfied, and

(b) the lease of the qualifying tenant is directly derived out of a lease under which the tenant is a public sector landlord,

the interest of that public sector landlord as tenant under that lease shall not be liable to be acquired by virtue of subsection (1) to the extent that it is an interest in the flat or in any appurtenant property; and the interest of a public sector landlord as tenant under any lease out of which the qualifying tenant's lease is indirectly derived shall, to the like extent, not be liable to be so acquired (so long as the tenant under every lease intermediate between that lease and the qualifying tenant's lease is a public sector landlord).

(6) The condition referred to in subsection (5)(a) is that either—

(a) the qualifying tenant is the immediate landlord under the secure tenancy **[**[F3]or, as the case may be, the introductory tenancy**][**[F4]or the secure contract (or the introductory standard contract)**]**, or

(b) he is the landlord under a lease which is superior to the secure tenancy **[**[F5]or, as the case may be, the introductory tenancy**][**[F6]or the secure contract (or the introductory standard contract)**]** and the tenant under that lease, and the tenant under every lease (if any) intermediate between it and the secure tenancy **[**[F5]or the introductory tenancy**][**[F6]or the secure contract (or the introductory standard contract)**]**, is also a public sector landlord;

and in subsection (5) "appurtenant property" has the same meaning as in section 1.

(7) In this section "the relevant premises" means any such premises as are referred to in subsection (1).

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Textual Amendments

F1 Words in s. 2(5) inserted (12.2.1997) by S.I. 1997/74, art. 2, **Sch. para. 9(a)(i)**

F2 Words in s. 2(5) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **22(2)(a)**

F3 Words in s. 2(6)(a) inserted (12.2.1997) by S.I. 1997/74, art. 2, **Sch. para. 9(a)(ii)**

F4 Words in s. 2(6)(a) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **22(2)(b)**

F5 Words in s. 2(6)(b) inserted (12.2.1997) by S.I. 1997/74, art. 2, **Sch. para. 9(a)(iii)**

F6 Words in s. 2(6)(b) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **22(2)(c)**

Changes to legislation:
Leasehold Reform, Housing and Urban Development Act 1993, Section 2 is up to date with all changes known to be in force on or before 13 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

- s. 2 omitted by 2024 c. 22 s. 31(4)
- s. 2(1) substituted by 2002 c. 15 Sch. 8 para. 4
- s. 2(3) words repealed by 2002 c. 15 Sch. 14

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. 5(2)(d) and word inserted by 2024 c. 22 Sch. 8 para. 18(1)
- s. 5(2)(aa) inserted by 2024 c. 22 Sch. 3 para. 5(2)
- s. 5A inserted by 2024 c. 22 Sch. 8 para. 18(2)
- s. 8B inserted by 2024 c. 22 Sch. 3 para. 5(3)
- 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(3)(ca) inserted by 2024 c. 22 s. 32(2)
- s. 13(5A) inserted by 2002 c. 15 Sch. 8 para. 6(3)
- s. 21(3)(ba) inserted by 2024 c. 22 s. 31(8)
- s. 24(9) inserted by 2024 c. 22 Sch. 7 para. 2
- s. 27A inserted by 2024 c. 22 s. 42(2)
- 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. 36(1A) inserted by 2024 c. 22 s. 32(4)(a)
- s. 48(3A) inserted by 2024 c. 22 s. 42(3)(a)
- s. 48(8) inserted by 2024 c. 22 Sch. 7 para. 5
- s. 49(4A) inserted by 2024 c. 22 s. 42(4)(a)
- s. 56(1A)(1B) inserted by 2024 c. 22 s. 36(3)(b)
- s. 61(2A)(2B) inserted by 2024 c. 22 Sch. 8 para. 4(2)(b)
- 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. 89A-89H inserted by 2024 c. 22 s. 39(9)
- s. 9191A substituted for s. 91 by 2024 c. 22 s. 42(6)
- s. 92(3)-(5) inserted by 2024 c. 22 s. 42(7)(c)
- s. 9595A substituted for s. 95 by 2024 c. 22 Sch. 3 para. 8
- s. 100(2A) inserted by 2024 c. 22 Sch. 3 para. 5(5)
- s. 156(4) repealed by 2014 asp 14 sch. 2 para. 7
- Sch. A1 inserted by 2024 c. 22 s. 31(3)
- Sch. 1 para. 6(1)(c) and words inserted by 2024 c. 22 Sch. 7 para. 3(2)(a)(ii)
- Sch. 1 para. 7(3A)-(3C) inserted by 2024 c. 22 Sch. 7 para. 3(3)(c)
- Sch. 1 para. 10 and cross-heading inserted by 2024 c. 22 Sch. 7 para. 3(5)
- Sch. 3 para. 15(2A) inserted by 2024 c. 22 s. 31(10)(c)

- Sch. 8 para. 4(4) inserted by 2024 c. 22 Sch. 7 para. 4(b)
- Sch. 9 Pt. 3A inserted by 2024 c. 22 s. 32(5)(b)
- Sch. 9 para. 10(3) inserted by 2024 c. 22 s. 32(5)(c)
- Sch. 9 para. 3A and cross-heading inserted by 2024 c. 22 Sch. 8 para. 21
- Sch. 11 para. 7(2A)-(2C) inserted by 2024 c. 22 Sch. 7 para. 6(3)(b)
- Sch. 11 para. 9A and cross-heading inserted by 2024 c. 22 Sch. 7 para. 6(4)
- Sch. 11 Pt. 3 inserted by 2024 c. 22 Sch. 8 para. 9
- Sch. 11 para. 10A inserted by 2024 c. 22 Sch. 8 para. 22
- Sch. 11 para. 6(2)-(2B) substituted for Sch. 11 para. 6(2) by 2024 c. 22 Sch. 7 para. 6(2)
- Sch. 20 para. 5(1A) inserted by 2008 c. 29 Sch. 9 para. 5(2)