



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

Supplemental

38 Interpretation of Chapter I.

(1) In this Chapter (unless the context otherwise requires)—

[^{F1}“appropriate tribunal” means—

(a) in relation to premises in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and

(b) in relation to premises in Wales, a leasehold valuation tribunal.]

“conveyance” includes assignment, transfer and surrender, and related expressions shall be construed accordingly;

“the initial notice” means the notice given under section 13;

[^{F2}“introductory standard contract” has the same meaning given by section 16 of the Renting Homes (Wales) Act 2016 (anaw 1);]

[^{F3}“introductory tenancy” has the same meaning as in Chapter 1 of Part V of the Housing Act 1996,]

“the nominee purchaser” shall be construed in accordance with section 15;

“the participating tenants” shall be construed in accordance with section 14;

Changes to legislation: *Leasehold Reform, Housing and Urban Development Act 1993, Section 38 is up to date with all changes known to be in force on or before 22 April 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*

“premises with a resident landlord” shall be construed in accordance with section 10;

“public sector landlord” means any of the persons listed in section 171(2) of the ^{M1}Housing Act 1985;

“qualifying tenant” shall be construed in accordance with section 5;

“the relevant date” has the meaning given by section 1(8);

“relevant landlord” and “the reversioner” shall be construed in accordance with section 9;

“the right to collective enfranchisement” means the right specified in section 1(1);

[^{F2}“secure contract” has the same meaning given by section 8 of the Renting Homes (Wales) Act 2016;]

“secure tenancy” has the meaning given by section 79 of the Housing Act 1985;

“the specified premises” shall be construed in accordance with section 13(12);

“the terms of acquisition” has the meaning given by section 24(8);

“unit” means—

- (a) a flat;
- (b) any other separate set of premises which is constructed or adapted for use for the purposes of a dwelling; or
- (c) a separate set of premises let, or intended for letting, on a business lease.

- (2) Any reference in this Chapter (however expressed) to the acquisition or proposed acquisition by the nominee purchaser is a reference to the acquisition or proposed acquisition by the nominee purchaser, on behalf of the participating tenants, of such freehold and other interests as fall to be so acquired under a contract entered into in pursuance of the initial notice.
- (3) Any reference in this Chapter to the interest of a relevant landlord in the specified premises is a reference to the interest in those premises by virtue of which he is, in accordance with section 9(2)(b) [^{F4}or (2A)(b)], a relevant landlord.
- (4) Any reference in this Chapter to agreement in relation to all or any of the terms of acquisition is a reference to agreement subject to contract.

Textual Amendments

- F1** Words in s. 38 inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 105** (with Sch. 3)
- F2** Words in s. 38(1) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **22(3)**
- F3** Definition in s. 38(1) inserted (12.2.1997) by [S.I. 1997/74](#), art. 2, **Sch. para. 9(b)**
- F4** Words in s. 38(3) inserted (1.10.1996) by [1996 c. 52](#), s. 107, **Sch. 10 para. 13**; [S.I. 1996/2212](#), art. **2(2)** (with savings in Sch.)

Marginal Citations

- M1** 1985 c. 68.

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 38(1) words inserted by [2002 c. 15 Sch. 8 para. 27\(2\)](#)
- s. 38(1) words inserted by [2002 c. 15 Sch. 8 para. 27\(3\)](#)
- s. 38(1) words repealed by [2002 c. 15 Sch. 14](#)
- s. 38(2) words substituted by [2002 c. 15 Sch. 8 para. 27\(4\)\(a\)](#)
- s. 38(2) words substituted by [2002 c. 15 Sch. 8 para. 27\(4\)\(b\)](#)

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. 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(5A) inserted by [2002 c. 15 Sch. 8 para. 6\(3\)](#)
- 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. 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. 156(4) repealed by [2014 asp 14 sch. 2 para. 7](#)
- Sch. 20 para. 5(1A) inserted by [2008 c. 29 Sch. 9 para. 5\(2\)](#)