



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

Applications to court or leasehold valuation tribunal

46 Proceedings relating to validity of tenant's notice.

(1) Where—

- (a) the landlord has given the tenant a counter-notice under section 45 which (whether it complies with the requirement set out in subsection (2)(b) or (c) of that section) contains such a statement as is mentioned in subsection (2) (b) of that section, and
- (b) the court is satisfied, on an application made by the landlord, that on the relevant date the tenant had no right under this Chapter to acquire a new lease of his flat,

the court shall by order make a declaration to that effect.

(2) Any application for an order under subsection (1) must be made not later than the end of the period of two months beginning with the date of the giving of the counter-notice to the tenant; and if, in a case falling within paragraph (a) of that subsection, either—

- (a) no application for such an order is made by the landlord within that period, or
- (b) such an application is so made but is subsequently withdrawn,

section 49 shall apply as if the landlord had not given the counter-notice.

Status: Point in time view as at 01/12/1993.

Changes to legislation: *Leasehold Reform, Housing and Urban Development Act 1993, Section 46 is up to date with all changes known to be in force on or before 19 May 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)*

- (3) If on any such application the court makes such a declaration as is mentioned in subsection (1), the tenant's notice shall cease to have effect on the order becoming final.
- (4) If, however, any such application is dismissed by the court, then (subject to subsection (5)) the court shall make an order—
 - (a) declaring that the landlord's counter-notice shall be of no effect, and
 - (b) requiring the landlord to give a further counter-notice to the tenant by such date as is specified in the order.
- (5) Subsection (4) shall not apply if—
 - (a) the counter-notice complies with the requirement set out in section 45(2)(c), and
 - (b) either—
 - (i) an application for an order under section 47(1) is pending, or
 - (ii) the period specified in section 47(3) as the period for the making of such an application has not expired.
- (6) Subsection (3) of section 45 shall apply to any further counter-notice required to be given by the landlord under subsection (4) above as if it were a counter-notice under that section complying with the requirement set out in subsection (2)(a) of that section.

Status:

Point in time view as at 01/12/1993.

Changes to legislation:

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