



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

7 **Meaning of “long lease”.**

(1) In this Chapter “long lease” means (subject to the following provisions of this section)

- (a) a lease granted for a term of years certain exceeding 21 years, whether or not it is (or may become) terminable before the end of that term by notice given by or to the tenant or by re-entry, forfeiture or otherwise;
- (b) a lease for a term fixed by law under a grant with a covenant or obligation for perpetual renewal (other than a lease by sub-demise from one which is not a long lease) or a lease taking effect under section 149(6) of the ^{M1}Law of Property Act 1925 (leases terminable after a death or marriage);
- (c) a lease granted in pursuance of the right to buy conferred by Part V of the ^{M2}Housing Act 1985 or in pursuance of the right to acquire on rent to mortgage terms conferred by that Part of that Act; or
- (d) a shared ownership lease, whether granted in pursuance of that Part of that Act or otherwise, where the tenant’s total share is 100 per cent.

(2) A lease terminable by notice after a death or marriage is not to be treated as a long lease for the purposes of this Chapter if—

Status: Point in time view as at 01/11/1993. This version of this provision has been superseded.

Changes to legislation: *Leasehold Reform, Housing and Urban Development Act 1993, Section 7 is up to date with all changes known to be in force on or before 31 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)*

- (a) the notice is capable of being given at any time after the death or marriage of the tenant;
 - (b) the length of the notice is not more than three months; and
 - (c) the terms of the lease preclude both—
 - (i) its assignment otherwise than by virtue of section 92 of the Housing Act 1985 (assignments by way of exchange), and
 - (ii) the sub-letting of the whole of the premises comprised in it.
- (3) Where the tenant of any property under a long lease at a low rent, on the coming to an end of that lease, becomes or has become tenant of the property or part of it under any subsequent tenancy (whether by express grant or by implication of law), then that tenancy shall be deemed for the purposes of this Chapter (including any further application of this subsection) to be a long lease irrespective of its terms.
- (4) Where—
- (a) a lease is or has been granted for a term of years certain not exceeding 21 years, but with a covenant or obligation for renewal without payment of a premium (but not for perpetual renewal), and
 - (b) the lease is or has been renewed on one or more occasions so as to bring to more than 21 years the total of the terms granted (including any interval between the end of a lease and the grant of a renewal),
- this Chapter shall apply as if the term originally granted had been one exceeding 21 years.
- (5) References in this Chapter to a long lease include—
- (a) any period during which the lease is or was continued under Part I of the ^{M3}Landlord and Tenant Act 1954 or under Schedule 10 to the ^{M4}Local Government and Housing Act 1989;
 - (b) any period during which the lease was continued under the ^{M5}Leasehold Property (Temporary Provisions) Act 1951.
- (6) Where in the case of a flat there are at any time two or more separate leases, with the same landlord and the same tenant, and—
- (a) the property comprised in one of those leases consists of either the flat or a part of it (in either case with or without any appurtenant property), and
 - (b) the property comprised in every other lease consists of either a part of the flat (with or without any appurtenant property) or appurtenant property only,
- then in relation to the property comprised in such of those leases as are long leases, this Chapter shall apply as it would if at that time—
- (i) there were a single lease of that property, and
 - (ii) that lease were a long lease;
- but this subsection has effect subject to the operation of subsections (3) to (5) in relation to any of the separate leases.
- (7) In this section—
- “appurtenant property” has the same meaning as in section 1;
 - “shared ownership lease” means a lease—
- (a) granted on payment of a premium calculated by reference to a percentage of the value of the demised premises or the cost of providing them, or

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(b) under which the tenant (or his personal representatives) will or may be entitled to a sum calculated by reference, directly or indirectly, to the value of those premises; and

“total share”, in relation to the interest of a tenant under a shared ownership lease, means his initial share plus any additional share or shares in the demised premises which he has acquired.

Marginal Citations

M1 1925 c. 20.

M2 1985 c. 68.

M3 1954 c. 56.

M4 1989 c. 42.

M5 1951 c. 38.

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