



# Leasehold Reform, Housing and Urban Development Act 1993

## 1993 CHAPTER 28

### PART I

#### LANDLORD AND TENANT

#### CHAPTER VII

#### GENERAL

#### 94 Crown land.

(1) Subject to subsection (2), Chapters I and II shall apply to a lease from the Crown if (and only if) there has ceased to be a Crown interest in the land subject to it.

[<sup>F1</sup>(2) Chapter 2 applies as against a landlord under a lease from the Crown if—

- (a) a sub-tenant is seeking a new lease under that Chapter and the landlord, or a superior landlord under a lease from the Crown, is entitled to grant such a new lease without the concurrence of the appropriate authority, or
- (b) the appropriate authority notifies the landlord that, as regards any Crown interest affected, it will grant or concur in granting such a new lease.]

(3) The restriction imposed by section 3(2) of the <sup>M1</sup>Crown Estate Act 1961 (general provisions as to management) on the term for which a lease may be granted by the Crown Estate Commissioners shall not apply where—

- (a) the lease is granted by way of renewal of a long lease <sup>F2</sup>. . . , and
- (b) it appears to the Crown Estate Commissioners that, but for the existence of any Crown interest, there would be a right to acquire a new lease under Chapter II of this Part of this Act.

(4) Where, in the case of land belonging—

- (a) to Her Majesty in right of the Duchy of Lancaster, or

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- (b) to the Duchy of Cornwall,
- it appears to the appropriate authority that a tenant under a long lease <sup>F2</sup>. . . would, but for the existence of any Crown interest, be entitled to acquire a new lease under Chapter II, then a lease corresponding to that to which the tenant would be so entitled may be granted to take effect wholly or partly out of the Crown interest by the same person and with the same formalities as in the case of any other lease of such land.
- (5) In the case of land belonging to the Duchy of Cornwall, the purposes authorised by section 8 of the <sup>M2</sup>Duchy of Cornwall Management Act 1863 for the advancement of parts of such gross sums as are there mentioned shall include the payment to tenants under leases from the Crown of sums corresponding to those which, but for the existence of any Crown interest, would be payable by way of compensation under section 61 above.
- (6) The appropriate authority in relation to any area occupied under leases from the Crown may make an application for the approval under section 70 of a scheme for that area which is designed to secure that, in the event of tenants under those leases acquiring freehold interests in such circumstances as are mentioned in subsection (7) below, the authority will—
- (a) retain powers of management in respect of the premises in which any such freehold interests are acquired, and
  - (b) have rights against any such premises in respect of the benefits arising from the exercise elsewhere of the authority's powers of management.
- (7) The circumstances mentioned in subsection (6) are circumstances in which, but for the existence of any Crown interest, the tenants acquiring any such freehold interests would be entitled to acquire them as mentioned in section 69(1)(a) or (b).
- (8) Subject to any necessary modifications—
- (a) subsections (2) to (7) of section 69 shall apply in relation to any such scheme as is mentioned in subsection (6) above as they apply in relation to an estate management scheme; and
  - (b) section 70 shall apply in relation to the approval of such a scheme as it applies in relation to the approval of a scheme as an estate management scheme.
- (9) Subsection (10) applies where—
- (a) any tenants under leases from the Crown are proceeding with a view to acquiring the freehold of any premises in circumstances in which, but for the existence of any Crown interest, they would be entitled to acquire the freehold under Chapter I, or
  - (b) any tenant under a lease from the Crown is proceeding with a view to acquiring a new lease of his flat in circumstances in which, but for the existence of any Crown interest, he would be entitled to acquire such a lease under Chapter II.
- (10) Where—
- (a) this subsection applies in accordance with subsection (9), and
  - (b) any question arises in connection with the acquisition of the freehold of those premises or any such new lease which is such that, if the tenants or tenant were proceeding as mentioned in that subsection in pursuance of a claim made under Chapter I or (as the case may be) Chapter II, [<sup>F3</sup>the appropriate tribunal (within the meaning of the relevant Chapter)] would have jurisdiction to determine it in proceedings under that Chapter, and
  - (c) it is agreed between—

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- (i) the appropriate authority and the tenants or tenant, and
- (ii) all other persons (if any) whose interests would fall to be represented in proceedings brought under that Chapter for the determination of that question by [<sup>F3</sup>the appropriate tribunal (within the meaning of the relevant Chapter)],

that that question should be determined by such a tribunal,  
a leasehold valuation tribunal shall have jurisdiction to determine that question <sup>F4</sup>...

- (11) For the purposes of this section “lease from the Crown” means a lease of land in which there is, or has during the subsistence of the lease been, a Crown interest superior to the lease; and “Crown interest” and “the appropriate authority” in relation to a Crown interest mean respectively—
- (a) an interest comprised in the Crown Estate, and the Crown Estate Commissioners;
  - (b) an interest belonging to Her Majesty in right of the Duchy of Lancaster, and the Chancellor of the Duchy;
  - (c) an interest belonging to the Duchy of Cornwall, and such person as the Duke of Cornwall or the possessor for the time being of the Duchy appoints;
  - (d) any other interest belonging to a government department or held on behalf of Her Majesty for the purposes of a government department, and the Minister in charge of that department.

[<sup>F5</sup>(12) For the purposes of this section “long lease <sup>F6</sup> . . . ” shall be construed in accordance with sections 7 <sup>F7</sup> . . . ]

#### Textual Amendments

- F1** S. 94(2) substituted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 133](#); S.I. 2002/1912, [art. 2\(a\)](#); S. I. 2002/3012, [art. 2\(a\)](#)
- F2** Words in s. 94(3)(4) repealed (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 180, Sch. 14](#); S.I. 2002/1912, [art. 2\(b\)\(ii\)](#), Sch. 1 Pt. 1 (subject to Sch. 2); S. I. 2002/3012, [art. 2\(b\)\(ii\)](#), Sch. 1 Pt. 1 (subject to Sch. 2)
- F3** Words in s. 94(10) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\), art. 1, Sch. 1 para. 121](#) (with Sch. 3)
- F4** Words in s. 94(10) repealed (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 181\(1\), Sch. 14](#); S.I. 2003/1986, [art. 2\(c\)\(iv\)](#), Sch. 1 Pt. 1 (with Sch. 2); S.I. 2004/669, [art. 2\(c\)\(iv\)](#), Sch. 1 Pt. 1 (with Sch. 2)
- F5** S. 94(12) substituted (1.4.1997) by [1996 c. 52, s. 106, Sch. 9 para. 5\(4\)](#); S.I. 1997/618, [art. 2\(1\)](#) (with transitional savings in [art. 2, Sch. para. 2](#))
- F6** Words in s. 94(12) repealed (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 180, Sch. 14](#); S.I. 2002/1912, [art. 2\(b\)\(ii\)](#), Sch. 1 Pt. 1 (subject to Sch. 2); S. I. 2002/3012, [art. 2\(b\)\(ii\)](#) Sch. 1 Pt. 1 (subject to Sch. 2)
- F7** Words in s. 94(12) repealed (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 180, Sch. 14](#); S.I. 2002/1912, [art. 2\(b\)\(ii\)](#), Sch. 1 Pt. 1 (subject to Sch. 2); S. I. 2002/3012, [art. 2\(b\)\(ii\)](#) Sch. 1 Pt. 1 (subject to Sch. 2)

#### Modifications etc. (not altering text)

- C1** S. 94(6)-(8) amended (1.4.1997) by [1996 c. 52, s. 118\(5\)](#); S.I. 1997/618, [art. 2\(1\)](#) (with transitional savings in [art. 2, Sch. para. 3](#))

#### Marginal Citations

- M1** [1961 c. 55.](#)

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**M2** 1863 c. 49.

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**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)