



# Commonhold and Leasehold Reform Act 2002

## 2002 CHAPTER 15

### PART 2

#### LEASEHOLD REFORM

### CHAPTER 3

#### NEW LEASES FOR TENANTS OF FLATS

#### *Qualifying rules*

#### **130 Replacement of residence test**

- (1) Section 39 of the 1993 Act (the right) is amended as follows.
- (2) In subsection (2)(a) (requirement that tenant is qualifying tenant of flat on the relevant date), for “is” substitute “ has for the last two years been ”.
- (3) Omit subsections (2)(b), (2A) and (2B) (requirement that tenant has occupied flat as only or principal home for three years).

#### **Commencement Information**

- II** S. 130 wholly in force at 1.1.2003; s. 130 not in force at Royal Assent, see s. 181(1); s. 130 in force at 26.7.2002 for E. by [S.I. 2002/1912](#), [art. 2\(b\)\(i\)](#) (subject to transitional provisions and savings in [Sch. 2](#)); s. 130 in force at 1.1.2003 for W. by [S.I. 2002/3012](#), [art. 2\(b\)\(i\)](#) (subject to transitional provisions and savings in [Sch. 2](#))

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*Changes to legislation:* There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Cross Heading: Qualifying rules. (See end of Document for details)

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### 131 Qualifying leases

In section 39(3) of the 1993 Act (which applies for the purposes of Chapter 2 of Part 1 of the 1993 Act the definition of qualifying tenant in Chapter 1 of that Part), omit paragraphs (c) and (d) (leases at a low rent and leases for a particularly long term).

#### Commencement Information

- I2** S. 131 wholly in force at 1.1.2003; s. 131 not in force at Royal Assent, see s. 181(1); s. 131 in force at 26.7.2002 for E. by [S.I. 2002/1912](#), [art. 2\(b\)\(i\)](#) (subject to transitional provisions and savings in [Sch. 2](#)); s. 131 in force at 1.1.2003 for W. by [S.I. 2002/3012](#), [art. 2\(b\)\(i\)](#) (subject to transitional provisions and savings in [Sch. 2](#))

### 132 Personal representatives

- (1) In section 39 of the 1993 Act, after subsection (3) insert—

“(3A) On the death of a person who has for the two years before his death been a qualifying tenant of a flat, the right conferred by this Chapter is exercisable, subject to and in accordance with this Chapter, by his personal representatives; and, accordingly, in such a case references in this Chapter to the tenant shall, in so far as the context permits, be to the personal representatives.”

- (2) In section 42 of the 1993 Act (notice by qualifying tenant of claim to exercise right), before subsection (5) insert—

“(4A) A notice under this section may not be given by the personal representatives of a tenant later than two years after the grant of probate or letters of administration.”

#### Commencement Information

- I3** S. 132 wholly in force at 1.1.2003; s. 132 not in force at Royal Assent, see s. 181(1); s. 132 in force at 26.7.2002 for E. by [S.I. 2002/1912](#), [art. 2\(a\)](#); s. 132 in force at 1.1.2003 for W. by [S.I. 2002/3012](#), [art.2\(a\)](#)

### 133 Crown leases

In section 94 of the 1993 Act (Crown land), for subsection (2) substitute—

“(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.”

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**Changes to legislation:** There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Cross Heading: Qualifying rules. (See end of Document for details)

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**Commencement Information**

- I4** S. 133 wholly in force at 1.1.2003; s. 133 not in force at Royal Assent, see s. 181(1); s. 133 in force at 26.7.2002 for E. by [S.I. 2002/1912](#), [art. 2\(a\)](#); s. 133 in force at 1.1.2003 for W. by [S.I. 2002/3012](#), [art.2\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Cross Heading: Qualifying rules.