
Changes to legislation: There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Paragraph 3. (See end of Document for details)

SCHEDULES

SCHEDULE 6

PREMISES EXCLUDED FROM RIGHT TO MANAGE

Premises with resident landlord and no more than four units

- 3 (1) This Chapter does not apply to premises falling within section 72(1) if the premises—
- (a) have a resident landlord, and
 - (b) do not contain more than four units.
- (2) Premises have a resident landlord if—
- (a) the premises are not, and do not form part of, a purpose-built block of flats (that is, a building which, as constructed, contained two or more flats),
 - (b) a relevant freeholder, or an adult member of a relevant freeholder’s family, occupies a qualifying flat as his only or principal home, and
 - (c) sub-paragraph (4) or (5) is satisfied.
- (3) A person is a relevant freeholder, in relation to any premises, if he owns the freehold of the whole or any part of the premises.
- (4) This sub-paragraph is satisfied if—
- (a) the relevant freeholder, or
 - (b) the adult member of his family,
- has throughout the last twelve months occupied the flat as his only or principal home.
- (5) This sub-paragraph is satisfied if—
- (a) immediately before the date when the relevant freeholder acquired his interest in the premises, the premises were premises with a resident landlord, and
 - (b) he, or an adult member of his family, entered into occupation of the flat during the period of 28 days beginning with that date and has occupied the flat as his only or principal home ever since.
- (6) “Qualifying flat”, in relation to any premises and a relevant freeholder or an adult member of his family, means a flat or other unit used as a dwelling—
- (a) which is contained in the premises, and
 - (b) the freehold of the whole of which is owned by the relevant freeholder.
- (7) Where the interest of a relevant freeholder in any premises is held on trust, the references in sub-paragraphs (2), (4) and (5)(b) to a relevant freeholder are to a person having an interest under the trust (whether or not also a trustee).
- (8) A person is an adult member of another’s family if he is—
- (a) the other’s spouse [^{F1}or civil partner],

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- (b) a son, daughter, son-in-law or daughter-in-law of the other, or of the other's spouse [^{F1}or civil partner], who has attained the age of 18, or
 - (c) the father or mother of the other or of the other's spouse [^{F1}or civil partner];
- and "son" and "daughter" include stepson and stepdaughter ("son-in-law" and "daughter-in-law" being construed accordingly).

Textual Amendments

- F1** Words in Sch. 6 para. 3(8) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 81, 263(2), Sch. 8 para. 66; S.I. 2005/3175, art. 2(1), Sch. 1

Commencement Information

- II** Sch. 6 wholly in force at 30.3.2004; Sch. 6 not in force at Royal Assent see s. 181(1); Sch. 6 in force at 30.9.2003 for E. by S.I. 2003/1986, art. 2(a); Sch. 6 in force at 30.3.2004 for W. by S.I. 2004/669, art. 2(a)

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