



Commonhold and Leasehold Reform Act 2002

2002 CHAPTER 15

PART 2

LEASEHOLD REFORM

CHAPTER 5

OTHER PROVISIONS ABOUT LEASES

Forfeiture of leases of dwellings

167 Failure to pay small amount for short period

- (1) A landlord under a long lease of a dwelling may not exercise a right of re-entry or forfeiture for failure by a tenant to pay an amount consisting of rent, service charges or administration charges (or a combination of them) (“the unpaid amount”) unless the unpaid amount—
 - (a) exceeds the prescribed sum, or
 - (b) consists of or includes an amount which has been payable for more than a prescribed period.
- (2) The sum prescribed under subsection (1)(a) must not exceed £500.
- (3) If the unpaid amount includes a default charge, it is to be treated for the purposes of subsection (1)(a) as reduced by the amount of the charge; and for this purpose “default charge” means an administration charge payable in respect of the tenant’s failure to pay any part of the unpaid amount.
- (4) In this section “long lease of a dwelling” does not include—
 - (a) a tenancy to which Part 2 of the Landlord and Tenant Act 1954 (c. 56) (business tenancies) applies,

Changes to legislation: There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Section 167. (See end of Document for details)

- (b) a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1986 (c. 5) in relation to which that Act applies, or
- (c) a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995 (c. 8).

(5) In this section—

- “administration charge” has the same meaning as in Part 1 of Schedule 11,
- “dwelling” has the same meaning as in the 1985 Act,
- “landlord” and “tenant” have the same meaning as in Chapter 1 of this Part,
- “long lease” has the meaning given by sections 76 and 77 of this Act, except that a shared ownership lease is a long lease whatever the tenant’s total share,
- “prescribed” means prescribed by regulations made by the appropriate national authority, and
- “service charge” has the meaning given by section 18(1) of the 1985 Act.

Commencement Information

- II** S. 167 wholly in force at 31.5.2005; s. 167 not in force at Royal Assent see s. 181(1); s. 167 in force for specified purposes at 26.7.2002 for E. by [S.I. 2002/1912](#), [art. 2\(c\)](#); s. 167 in force for specified purposes at 1.1.2003 for W. by [S.I. 2002/3012](#), [art. 2\(c\)](#); s. 167 in force so far as not already in force at 28.2.2005 for E. by [S.I. 2004/3056](#), [art. 3\(e\)](#); s. 167 in force so far as not already in force at 31.5.2005 for W. by [S.I. 2005/1353](#), [art. 2\(e\)](#)

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