



Commonhold and Leasehold Reform Act 2002

2002 CHAPTER 15

PART 1

COMMONHOLD

Commonhold unit

17 Leasing: residential

- (1) It shall not be possible to create a term of years absolute in a residential commonhold unit unless the term satisfies prescribed conditions.
- (2) The conditions may relate to—
 - (a) length;
 - (b) the circumstances in which the term is granted;
 - (c) any other matter.
- (3) Subject to subsection (4), an instrument or agreement shall be of no effect to the extent that it purports to create a term of years in contravention of subsection (1).
- (4) Where an instrument or agreement purports to create a term of years in contravention of subsection (1) a party to the instrument or agreement may apply to the court for an order—
 - (a) providing for the instrument or agreement to have effect as if it provided for the creation of a term of years of a specified kind;
 - (b) providing for the return or payment of money;
 - (c) making such other provision as the court thinks appropriate.
- (5) A commonhold unit is residential if provision made in the commonhold community statement by virtue of section 14(1) requires it to be used only—
 - (a) for residential purposes, or

*Changes to legislation: There are currently no known outstanding effects for the
Commonhold and Leasehold Reform Act 2002, Section 17. (See end of Document for details)*

(b) for residential and other incidental purposes.

Modifications etc. (not altering text)

- C1** S. 17 applied (27.9.2004) by [Law of Property Act 1922 \(c. 16\)](#), [Sch. 15 para. 5\(3\)](#) (as added by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. 68, [Sch. 5 para. 1](#)); [S.I. 2004/1832](#), art. 2
- S. 17 applied (27.9.2004) by [Law of Property Act 1925 \(c. 20\)](#), s. 149(8) (as added by [Commonhold and Leasehold Act 2002 \(c. 15\)](#), s. 68, [Sch. 5 para 3](#)); [S.I. 2004/1832](#), art. 2

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