



Commonhold and Leasehold Reform Act 2002

2002 CHAPTER 15

PART 2

LEASEHOLD REFORM

CHAPTER 1

RIGHT TO MANAGE

Exercising right

98 Functions relating to approvals

- (1) This section and section 99 apply in relation to the grant of approvals under long leases of the whole or any part of the premises; but nothing in this section or section 99 applies in relation to an approval concerning only a part of the premises consisting of a flat or other unit not held under a lease by a qualifying tenant.
- (2) Where a person who is—
 - (a) landlord under a long lease of the whole or any part of the premises, or
 - (b) party to such a lease otherwise than as landlord or tenant,has functions in relation to the grant of approvals to a tenant under the lease, the functions are instead functions of the RTM company.
- (3) Accordingly, any provisions of the lease making provision about the relationship of—
 - (a) a person who is landlord under the lease, and
 - (b) a person who is party to the lease otherwise than as landlord or tenant,in relation to such functions do not have effect.

Changes to legislation: There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Section 98. (See end of Document for details)

- (4) The RTM company must not grant an approval by virtue of subsection (2) without having given—
- (a) in the case of an approval relating to assignment, underletting, charging, parting with possession, the making of structural alterations or improvements or alterations of use, 30 days' notice, or
 - (b) in any other case, 14 days' notice,
- to the person who is, or each of the persons who are, landlord under the lease.
- (5) Regulations increasing the period of notice to be given under subsection (4)(b) in the case of any description of approval may be made by the appropriate national authority.
- (6) So far as any function of a tenant under a long lease of the whole or any part of the premises—
- (a) relates to the exercise of any function which is a function of the RTM company by virtue of this section, and
 - (b) is exercisable in relation to a person who is landlord under the lease or party to the lease otherwise than as landlord or tenant,
- it is instead exercisable in relation to the RTM company.
- (7) In this Chapter “approval” includes consent or licence and “approving” is to be construed accordingly; and an approval required to be obtained by virtue of a restriction entered on the register of title kept by the Chief Land Registrar is, so far as relating to a long lease of the whole or any part of any premises, to be treated for the purposes of this Chapter as an approval under the lease.

Commencement Information

- II** S. 98 wholly in force at 30.3.2004; s. 98 not in force at Royal Assent see s. 181(1); s. 98 wholly in force at 30.9.2003 for E. by [S.I. 2003/1986](#), [art. 2\(a\)](#); s. 98 wholly in force at 30.3.2004 for W. by [S.I. 2004/669](#), [art. 2\(a\)](#)

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