
STATUTORY INSTRUMENTS

2002 No. 1912 (C. 58)

HOUSING, ENGLAND

The Commonhold and Leasehold Reform Act
2002 (Commencement No. 1, Savings and
Transitional Provisions) (England) Order 2002

Made - - - - 17th July 2002

The Secretary of State, in exercise of the powers conferred on him by section 181 of the Commonhold and Leasehold Reform Act 2002(1), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, interpretation and extent

1.—(1) This Order may be cited as the Commonhold and Leasehold Reform Act 2002 (Commencement No. 1, Savings and Transitional Provisions) (England) Order 2002.

(2) In this Order—

“the 1967 Act” means the Leasehold Reform Act 1967(2);

“the 1993 Act” means the Leasehold Reform, Housing and Urban Development Act 1993(3);

“the commencement date” means 26th July 2002 and

references to sections and Schedules are, unless otherwise stated, references to sections of, and Schedules to, the Commonhold and Leasehold Reform Act 2002.

(3) This Order extends to England only.

Provisions coming into force on the commencement date

2. The following provisions shall come into force on the commencement date—

(a) sections 114, 129, 132, 133, 137 and 142;

(b) subject to the transitional provisions and savings in Schedule 2 to this Order—

(i) sections 115 to 120, 125, 127, 128, 130, 131, 134 to 136, 138 to 141, 143 to 147, 160 to 162, and;

(1) 2002 c. 15. The Secretary of State can exercise the power under this section only in relation to England—see section 181(4) (b) of the Commonhold and Leasehold Reform Act 2002.

(2) 1967 c. 88.

(3) 1993 c. 28.

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- (ii) section 180 in so far as it relates to those of the repeals in Schedule 14 which are set out in Schedule 1 to this Order;
- (c) sections 74, 78, 80, 84, 92, 110, 122, 151 to 153, 156, 164, 166, 167, 171, 174 and Schedule 12, in so far as they confer power to make regulations.

Signed by authority of the First Secretary of State

17th July 2002

Tony McNulty
Parliamentary Under Secretary of State,
Office of the Deputy Prime Minister

SCHEDULE 1

Article 2(b)(ii)

REPEALS

PART 1

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1993 c. 28	Leasehold Reform, Housing and Urban Development Act 1993	<p>In section 5—</p> <p>in subsection (1), the words “which is at a low rent or for a particularly long term”, and in subsection (2)(c), the words “at a low rent or for a particularly long term”.</p> <p>Section 6.</p> <p>In section 7(3), the words “at a low rent”.</p> <p>Section 8.</p> <p>Section 8A.</p> <p>In section 10—</p> <p>subsections (2), (3) and (4A), and in subsection (6), the definition of “qualifying tenant”.</p> <p>In section 13—</p> <p>in subsection (2), subparagraph (i) of paragraph (b) and the words following that paragraph, and</p> <p>in subsection (3)(e), the words “the following particulars”, the word “namely” and subparagraphs (ii) and (iii).</p>
1996 c. 52.	Housing Act 1996	<p>Section 105(3).</p> <p>Section 111.</p> <p>In Schedule 9, paragraph 3 and sub-paragraphs 5(2) and (3).</p>

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<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
		In Schedule 10, paragraph 4.

PART 2

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1993 c. 28	Leasehold Reform, Housing and Urban Development Act 1993	<p>In section 39—</p> <p>in subsection (2), paragraph (b) and the word “and” before it,</p> <p>subsections (2A) and (2B),</p> <p>subsection (3)(c) and (d), and subsections (4A) and (5).</p> <p>Section 42(3)(b)(iii) and (iv) and (4).</p> <p>In section 45(5), the words “and (b)”.</p> <p>Section 62(4).</p> <p>In section 94—</p> <p>in subsections (3) and (4), the words “which is at a low rent or for a particularly long term”,</p> <p>in subsection (12), the words “which is at a low rent or for a particularly long term” and the words “, 8 and 8A”.</p> <p>In Schedule 13, in paragraph 1, the definition of “the valuation date”.</p>
1996 c. 52.	Housing Act 1996	<p>Section 112.</p> <p>In Schedule 9, paragraph 4.</p>

PART 3

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1967 c. 88	Leasehold Reform Act 1967	In section 1—

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<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
		<p>in subsection (1), the words “, occupying the house as his residence,” and the words “, and occupying it as his residence,”,</p> <p>subsection (2), and</p> <p>in subsection (3)(a) the words “and occupied by”.</p> <p>In section 1AA—</p> <p>in subsection (1)(b), the words “falls within subsection (2) below and”, and subsections (2) and (4).</p> <p>In section 2—</p> <p>in subsection (3), the words “and occupied by” and the words from “and are occupied” to the end, and in subsection (4) the words “or a subletting”.</p> <p>In section 3(3) the words “, except section 1AA,”.</p> <p>In section 6—</p> <p>in subsection (2), the words “in respect of his occupation of the house”, and in subsection (5) the words “or statutory owners, as the case may be,” and the words “or them”.</p> <p>In section 7—</p> <p>in subsection (1), the words “while occupying it as his residence”, the words “, and occupying the house as his residence,” and paragraph (b) and the word “and” before it, in subsection (4), the words “while so occupying the house” and the words “occupying in right of the tenancy”, and subsection (6).</p>

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<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
		In section 9—
		in subsection (1), the words “who reside in the house”,
		in subsection (1A)(a) the words “and where the tenancy has been extended under this Part of this Act, that the tenancy will terminate on the original term date” and
		subsection (1C)(a).
		In section 16—
		subsection (1)(a),
		in subsection (2), the words “or occupied”, the words “(a) or” and the words “the freehold or”,
		in subsection (3), the words “the freehold or” and the proviso, and
		in subsection (4) the words “the freehold or”.
		In section 37—
		in subsection (4) the words “, except section 1AA,”, and in subsection (5), the words from the beginning to “but”.
		In Schedule 3, in paragraph 6, sub-paragraph (1)(d) and, in sub-paragraph (2) the words “and (d)”.
		In Schedule 4A, in paragraph 3(2)(d), the word “assign,”.
1980 c. 51	Housing Act 1980	In Schedule 21, paragraph 1.
1989 c. 42	Local Government and Housing Act 1989	Schedule 11, paragraph 10.

SCHEDULE 2

Article 2(b)(i)

TRANSITIONAL PROVISIONS AND SAVINGS

Collective enfranchisement by tenants of flats

1. The amendments made to the 1993 Act by sections 115 to 120, 125 and 127 to 128 and the repeals in Part 1 of Schedule 1 to this Order shall not have effect in relation to an application for collective enfranchisement in respect of which—

- (a) a notice was given under section 13 of the 1993 Act; or
- (b) an application was made for an order under section 26 of that Act

before the commencement date.

2. Until the coming into force of sections 121 to 124, in a case where there are only two qualifying tenants of flats contained in the premises, section 13(2)(b) of the 1993 Act as amended by section 119, shall not be satisfied unless both tenants are participating tenants as defined in section 14 of that Act.

3. Sub-paragraph (2A) of paragraph 4 of Schedule 6 to the 1993 Act inserted by section 128, shall, until the coming into force of sections 121 to 124, have effect as if the reference to participating members were a reference to participating tenants as defined in section 14 of that Act.

New leases for tenants of flats

4. The amendments made to the 1993 Act by sections 130, 131 and 134 to 136, the repeals to sections 5, 7, 8 and 8A of that Act in Part 1 of Schedule 1 to this Order and the repeals in Part 2 of that Schedule shall not have effect in relation to an application for a new lease of a flat in respect of which—

- (a) a notice was given under section 42 of the 1993 Act, or
- (b) an application was made for an order under section 50 of that Act

before the commencement date.

Enfranchisement and lease extensions for leasehold houses

5. The amendments made to the 1967 Act by sections 138 to 141 and sections 143 to 147 and the repeals in Part 3 of Schedule 1 to this Order, shall not have effect in relation to an application for enfranchisement or an extended lease of a house in respect of which—

- (a) a notice was given under section 8 or 14 of the 1967 Act, or
- (b) an application was made under section 27 of that Act

before the commencement date.

Managers appointed by leasehold valuation tribunal

6. Amendments made to the Landlord and Tenant Act 1987(4) by sections 160 and 161 shall not have effect in relation to an application made under Part II of the Landlord and Tenant Act 1987 before the commencement date.

(4) 1987 c. 31.

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Grounds for application to vary a lease

7. The amendments made to the Landlord and Tenant Act 1987 by section 162 shall not have effect in respect of an application made under section 35 of the Landlord and Tenant Act 1987 before the commencement date.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 26th July 2002 various provisions of the Commonhold and Leasehold Reform Act 2002 in relation to England, subject to the transitional provisions and savings in Schedule 2.

The provisions provide for changes to:

- (a) collective enfranchisement by tenants of flats: sections 114 to 120, 125, 127 to 128;
- (b) acquisition of new leases by tenants of flats: sections 129 to 136;
- (c) enfranchisement and lease extension by tenants of houses: sections 137 to 147;
- (d) applications to a leasehold valuation tribunal for the appointment of a manager to a block of flats: sections 160 and 161; and
- (e) the grounds for applying to vary a lease: section 162.

The Order also brings into force consequential amendments and repeals in other Acts.