



Leasehold Reform, Housing and Urban Development Act 1993

1993 CHAPTER 28

PART I

LANDLORD AND TENANT

CHAPTER I

COLLECTIVE ENFRANCHISEMENT IN CASE OF TENANTS OF FLATS

Preliminary inquiries by tenants

11 Right of qualifying tenant to obtain information about superior interests etc

- (1) A qualifying tenant of a flat may give—
 - (a) to his immediate landlord, or
 - (b) to any person receiving rent on behalf of his immediate landlord,a notice requiring the recipient to give the tenant (so far as known to the recipient) the name and address of the person who owns the freehold of the relevant premises and the name and address of every other person who has an interest to which subsection (2) applies.
- (2) In relation to a qualifying tenant of a flat, this subsection applies to the following interests, namely—
 - (a) the freehold of any property not contained in the relevant premises—
 - (i) which is demised by the lease held by the tenant, or
 - (ii) which the tenant is entitled under the terms of his lease to use in common with other persons; and
 - (b) any leasehold interest in the relevant premises or in any such property which is superior to that of the tenant's immediate landlord.

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- (3) Any qualifying tenant of a flat may give to the person who owns the freehold of the relevant premises a notice requiring him to give the tenant (so far as known to him) the name and address of every person, apart from the tenant, who is—
- (a) a tenant of the whole of the relevant premises, or
 - (b) a tenant or licensee of any separate set or sets of premises contained in the relevant premises, or
 - (c) a tenant or licensee of the whole or any part of any common parts so contained or of any property not so contained—
 - (i) which is demised by the lease held by a qualifying tenant of a flat contained in the relevant premises, or
 - (ii) which any such qualifying tenant is entitled under the terms of his lease to use in common with other persons.
- (4) Any such qualifying tenant may also give—
- (a) to the person who owns the freehold of the relevant premises, or
 - (b) to any person falling within subsection (3)(a), (b) or (c),
- a notice requiring him to give the tenant—
- (i) such information relating to his interest in the relevant premises or (as the case may be) in any such property as is mentioned in subsection (3)(c), or
 - (ii) (so far as known to him) such information relating to any interest derived (whether directly or indirectly) out of that interest,
- as is specified in the notice, where the information is reasonably required by the tenant in connection with the making of a claim to exercise the right to collective enfranchisement in relation to the whole or part of the relevant premises.
- (5) Where a notice is given by a qualifying tenant under subsection (4), the following rights shall be exercisable by him in relation to the recipient of the notice, namely—
- (a) a right, on giving reasonable notice, to be provided with a list of documents to which subsection (6) applies;
 - (b) a right to inspect, at any reasonable time and on giving reasonable notice, any documents to which that subsection applies; and
 - (c) a right, on payment of a reasonable fee, to be provided with a copy of any documents which are contained in any list provided under paragraph (a) or have been inspected under paragraph (b).
- (6) This subsection applies to any document in the custody or under the control of the recipient of the notice under subsection (4)—
- (a) sight of which is reasonably required by the qualifying tenant in connection with the making of such a claim as is mentioned in that subsection; and
 - (b) which, on a proposed sale by a willing seller to a willing buyer of the recipient's interest in the relevant premises or (as the case may be) in any such property as is mentioned in subsection (3)(c), the seller would be expected to make available to the buyer (whether at or before contract or completion).
- (7) Any person who—
- (a) is required by a notice under any of subsections (1) to (4) to give any information to a qualifying tenant, or
 - (b) is required by a qualifying tenant under subsection (5) to supply any list of documents, to permit the inspection of any documents or to supply a copy of any documents,

shall comply with that requirement within the period of 28 days beginning with the date of the giving of the notice referred to in paragraph (a) or (as the case may be) with the date of the making of the requirement referred to in paragraph (b).

(8) Where—

- (a) a person has received a notice under subsection (4), and
- (b) within the period of six months beginning with the date of receipt of the notice, he—
 - (i) disposes of any interest (whether legal or equitable) in the relevant premises otherwise than by the creation of an interest by way of security for a loan, or
 - (ii) acquires any such interest (otherwise than by way of security for a loan),

then (unless that disposal or acquisition has already been notified to the qualifying tenant in accordance with subsection (7)) he shall notify the qualifying tenant of that disposal or acquisition within the period of 28 days beginning with the date when it occurred.

(9) In this section—

“document” has the same meaning as in Part I of the Civil Evidence Act 1968;

“the relevant premises”, in relation to any qualifying tenant of a flat, means—

- (a) if the person who owns the freehold interest in the flat owns the freehold of the whole of the building in which the flat is contained, that building, or
- (b) if that person owns the freehold of part only of that building, that part of that building;

and any reference to an interest in the relevant premises includes an interest in part of those premises.

12 Right of qualifying tenant to obtain information about other matters

(1) Any notice given by a qualifying tenant under section 11(4) shall, in addition to any other requirement imposed in accordance with that provision, require the recipient to give the tenant—

- (a) the information specified in subsection (2) below; and
- (b) (so far as known to the recipient) the information specified in subsection (3) below.

(2) The information referred to in subsection (1)(a) is—

- (a) whether the recipient has received in respect of any premises containing the tenant’s flat—
 - (i) a notice under section 13 in the case of which the relevant claim is still current, or
 - (ii) a copy of such a notice; and
- (b) if so, the date on which the notice under section 13 was given and the name and address of the nominee purchaser for the time being appointed for the purposes of section 15 in relation to that claim.

(3) The information referred to in subsection (1)(b) is—

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- (a) whether the tenant's flat is comprised in any property in the case of which any of paragraphs (a) to (d) of section 31(2) is applicable; and
- (b) if paragraph (b) or (d) of that provision is applicable, the date of the application in question.

(4) Where—

- (a) within the period of six months beginning with the date of receipt of a notice given by a tenant under section 11(4), the recipient of the notice receives in respect of any premises containing the tenant's flat—
 - (i) a notice under section 13, or
 - (ii) a copy of such a notice, and
- (b) the tenant is not one of the qualifying tenants by whom the notice under section 13 is given,

the recipient shall, within the period of 28 days beginning with the date of receipt of the notice under section 13 or (as the case may be) the copy, notify the tenant of the date on which the notice was given and of the name and address of the nominee purchaser for the time being appointed for the purposes of section 15 in relation to the relevant claim.

(5) Where—

- (a) the recipient of a notice given by a tenant under section 11(4) has, in accordance with subsection (1) above, informed the tenant of any such application as is referred to in subsection (3)(b) above; and
- (b) within the period of six months beginning with the date of receipt of the notice, the application is either granted or refused by the Commissioners of Inland Revenue or is withdrawn by the applicant,

the recipient shall, within the period of 28 days beginning with the date of the granting, refusal or withdrawal of the application, notify the tenant that it has been granted, refused or withdrawn.

(6) In this section “the relevant claim”, in relation to a notice under section 13, means the claim in respect of which that notice is given; and for the purposes of subsection (2) above any such claim is current if—

- (a) that notice continues in force in accordance with section 13(11), or
- (b) a binding contract entered into in pursuance of that notice remains in force, or
- (c) where an order has been made under section 24(4)(a) or (b) or 25(6)(a) or (b) with respect to any such premises as are referred to in subsection (2)(a) above, any interests which by virtue of the order fall to be vested in the nominee purchaser have yet to be so vested.