



# Leasehold Reform, Housing and Urban Development Act 1993

## 1993 CHAPTER 28

### PART I

#### LANDLORD AND TENANT

#### CHAPTER II

#### INDIVIDUAL RIGHT OF TENANT OF FLAT TO ACQUIRE NEW LEASE

##### *The tenant's notice*

#### **42 Notice by qualifying tenant of claim to exercise right.**

- (1) A claim by a qualifying tenant of a flat to exercise the right to acquire a new lease of the flat is made by the giving of notice of the claim under this section.
- (2) A notice given by a tenant under this section (“the tenant’s notice”) must be given—
  - (a) to the landlord, and
  - (b) to any third party to the tenant’s lease.
- (3) The tenant’s notice must—
  - (a) state the full name of the tenant and the address of the flat in respect of which he claims a new lease under this Chapter;
  - (b) contain the following particulars, namely—
    - (i) sufficient particulars of that flat to identify the property to which the claim extends,
    - (ii) such particulars of the tenant’s lease as are sufficient to identify it, including the date on which the lease was entered into, the term for which it was granted and the date of the commencement of the term,
    - (iii) <sup>F1</sup> .....

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**Changes to legislation:** Leasehold Reform, Housing and Urban Development Act 1993, Section 42 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (iv) <sup>F2</sup> .....
- (c) specify the premium which the tenant proposes to pay in respect of the grant of a new lease under this Chapter and, where any other amount will be payable by him in accordance with any provision of Schedule 13, the amount which he proposes to pay in accordance with that provision;
- (d) specify the terms which the tenant proposes should be contained in any such lease;
- (e) state the name of the person (if any) appointed by the tenant to act for him in connection with his claim, and an address in England and Wales at which notices may be given to any such person under this Chapter; and
- (f) specify the date by which the landlord must respond to the notice by giving a counter-notice under section 45.
- (4) <sup>F3</sup> .....
- [<sup>F4</sup>(4A) A notice under this section may not be given by the personal representatives of a tenant later than two years after the grant of probate or letters of administration.]
- (5) The date specified in the tenant's notice in pursuance of subsection (3)(f) must be a date falling not less than two months after the date of the giving of the notice.
- (6) Where a notice under this section has been given with respect to any flat, no subsequent notice may be given under this section with respect to the flat so long as the earlier notice continues in force.
- (7) Where a notice under this section has been given with respect to a flat and—
- (a) that notice has been withdrawn, or is deemed to have been withdrawn, under or by virtue of any provision of this Chapter, or
- (b) in response to that notice, an order has been applied for and obtained under section 47(1),
- no subsequent notice may be given under this section with respect to the flat within the period of twelve months beginning with the date of the withdrawal or deemed withdrawal of the earlier notice or with the time when the order under section 47(1) becomes final (as the case may be).
- (8) Where a notice is given in accordance with this section, then for the purposes of this Chapter the notice continues in force as from the relevant date—
- (a) until a new lease is granted in pursuance of the notice;
- (b) if the notice is withdrawn, or is deemed to have been withdrawn, under or by virtue of any provision of this Chapter, until the date of the withdrawal or deemed withdrawal; or
- (c) until such other time as the notice ceases to have effect by virtue of any provision of this Chapter;
- but this subsection has effect subject to section 54.
- (9) Schedule 12 (which contains restrictions on terminating a tenant's lease where he has given a notice under this section and makes other provision in connection with the giving of notices under this section) shall have effect.

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### Textual Amendments

- F1** S. 42(3)(b)(iii) repealed (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. 180, [Sch. 14](#); S.I. 2002/1912, [art. 2\(b\)\(ii\)](#), Sch. 1 Pt. 1 (subject to [Sch. 2](#)); S. I. 2002/3012, [art. 2\(b\)\(ii\)](#), Sch. 1 Pt. 1 (subject to [Sch. 2](#))
- F2** S. 42(3)(b)(iv) repealed (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. 180, [Sch. 14](#); S.I. 2002/1912, [art. 2\(b\)\(ii\)](#), Sch. 1 Pt. 1 (subject to [Sch. 2](#)); S. I. 2002/3012, [art. 2\(b\)\(ii\)](#), Sch. 1 Pt. 1 (subject to [Sch. 2](#))
- F3** S. 42(4) repealed (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. 180, [Sch. 14](#); S.I. 2002/1912, [art. 2\(b\)\(ii\)](#), Sch. 1 Pt. 1 (subject to [Sch. 2](#)); S. I. 2002/3012, [art. 2\(b\)\(ii\)](#), Sch. 1 Pt. 1 (subject to [Sch. 2](#))
- F4** S. 42(4A) inserted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), [s. 132\(2\)](#); S.I. 2002/1912, [art. 2\(a\)](#); S. I. 2002/3012, [art. 2\(a\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12A and cross-heading inserted by [2002 c. 15 s. 123\(1\)](#)
- s. 12A(3)(a)(b) words substituted by [S.I. 2009/1941 Sch. 1 para. 140\(5\)](#)
- s. 12A(4)(a) words substituted by [S.I. 2009/1941 Sch. 1 para. 140\(5\)](#)
- s. 12A(4)(c) words substituted by [S.I. 2009/1941 Sch. 1 para. 140\(5\)](#)
- s. 13(2ZA) inserted by [2002 c. 15 s. 121\(3\)](#)
- s. 13(2ZB) inserted by [2002 c. 15 s. 123\(2\)](#)
- s. 13(5A) inserted by [2002 c. 15 Sch. 8 para. 6\(3\)](#)
- s. 29(4A) inserted by [2002 c. 15 Sch. 8 para. 18\(2\)](#)
- s. 29(4A) words added by [S.I. 2003/2096 Sch. para. 20\(b\)](#)
- s. 29(4A)(a) words omitted by [S.I. 2003/2096 Sch. para. 20\(a\)](#)
- s. 29(4A)(d) words substituted by [S.I. 2009/1941 Sch. 1 para. 140\(6\)](#)
- s. 70(15) inserted by [2023 asc 3 Sch. 13 para. 166\(b\)](#)
- s. 78(5A)-(5C) inserted by [2008 c. 17 Sch. 12 para. 15\(3\)](#)
- s. 78(7) inserted by [2008 c. 17 Sch. 12 para. 15\(4\)](#)
- s. 79(2)(2A) substituted for s. 79(2) by [2002 c. 15 Sch. 10 para. 16\(3\)](#)
- s. 156(4) repealed by [2014 asp 14 sch. 2 para. 7](#)
- Sch. 20 para. 5(1A) inserted by [2008 c. 29 Sch. 9 para. 5\(2\)](#)