



Housing Act 1996

1996 CHAPTER 52

PART III

LANDLORD AND TENANT

CHAPTER III

LEASEHOLD REFORM

Miscellaneous

114 Minor amendment of section 1(1)(a) of Leasehold Reform Act 1967.

In section 1 of the ^{M1}Leasehold Reform Act 1967 (tenants entitled to enfranchisement or extension), in subsection (1)(a)—

- (a) in sub-paragraph (i), for the words from “or (where” to “that date,” there shall be substituted “, or on or after 1st April 1990 in pursuance of a contract made before that date, and the house and premises had a rateable value at the date of commencement of the tenancy or else at any time before 1st April 1990, ”, and
- (b) in sub-paragraph (ii), for the words from “is entered” to “1990),” there shall be substituted “ does not fall within sub-paragraph (i) above, ”.

Modifications etc. (not altering text)

C1 S. 114 restricted (22.8.1996) by [S.I. 1996/2212](#), [art. 2\(2\)](#), Sch. para. 3

Marginal Citations

M1 1967 c. 88.

Status: Point in time view as at 01/04/1997.

Changes to legislation: Housing Act 1996, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 08 May 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)

115 Power for leasehold valuation tribunal to determine amount of costs payable under Leasehold Reform Act 1967.

In section 21(1) of the Leasehold Reform Act 1967 (matters to be determined by leasehold valuation tribunal), after paragraph (b) there shall be inserted—

“(ba) the amount of any costs payable under section 9(4) or 14(2);”.

Modifications etc. (not altering text)

C2 S. 115 restricted (22.8.1996) by [S.I. 1996/2212](#), [art. 2\(2\)](#), Sch. para. 3

116 Compensation for postponement of termination in connection with ineffective claims.

Schedule 11 (which makes, in relation to claims to enfranchisement or an extended lease under Part I of the Leasehold Reform Act 1967 and claims to collective enfranchisement or a new lease under Chapter I or II of Part I of the ^{M2}Leasehold Reform, Housing and Urban Development Act 1993, provision for compensation of the landlord where the claim has prolonged an existing tenancy, but is ineffective) shall have effect.

Marginal Citations

M2 [1993 c. 28](#).

117 Priority of interests on grant of new lease.

After section 58 of the ^{M3}Leasehold Reform, Housing and Urban Development Act 1993 there shall be inserted—

“58A Priority of interests on grant of new lease.

- (1) Where a lease granted under section 56 takes effect subject to two or more interests to which the existing lease was subject immediately before its surrender, the interests shall have the same priority in relation to one another on the grant of the new lease as they had immediately before the surrender of the existing lease.
- (2) Subsection (1) is subject to agreement to the contrary.
- (3) Where a person who is entitled on the grant of a lease under section 56 to rights of occupation in relation to the flat comprised in that lease was entitled immediately before the surrender of the existing lease to rights of occupation in relation to the flat comprised in that lease, the rights to which he is entitled on the grant of the new lease shall be treated as a continuation of the rights to which he was entitled immediately before the surrender of the existing lease.
- (4) In this section—

“the existing lease”, in relation to a lease granted under section 56, means the lease surrendered on the grant of the new lease, and

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“rights of occupation” has the same meaning as in the ^{M4}Matrimonial Homes Act 1983.”.

Marginal Citations

M3 1993 c. 28.

M4 1983 c. 19.

118 Estate management schemes in connection with enfranchisement by virtue of s. 106.

- (1) Chapter IV of Part I of the 1993 Act, except section 75(1), (estate management schemes in connection with enfranchisement by virtue of that Act) shall also have effect subject to the modifications mentioned in subsections (2) to (4) below.
- (2) In section 69(1) (definition of estate management schemes), for paragraphs (a) and (b) there shall be substituted—
 - “(a) acquiring the landlord’s interest in their house and premises (“the house”) under Part I of the ^{M5}Leasehold Reform Act 1967 by virtue of the provisions of section 1AA of that Act (as inserted by paragraph 1 of Schedule 9 to the Housing Act 1996), or
 - (b) acquiring the landlord’s interest in any premises (“the premises”) in accordance with Chapter I of this Part of this Act by virtue of the amendments of that Chapter made by paragraph 3 of Schedule 9 to the Housing Act 1996.”.
- (3) In section 70 (time limit for applications for approval), for “two years beginning with the date of the coming into force of this section” there shall be substituted “two years beginning with the coming into force of section 118 of the Housing Act 1996”.
- (4) In section 74 (effect of application for approval on claim to acquire freehold), in subsection (1)—
 - (a) in paragraph (b), in sub-paragraph (i), the words from “being” to the end shall be omitted, and
 - (b) after that paragraph there shall be inserted “and
 - (c) in the case of an application for the approval of a scheme as an estate management scheme, the scheme would extend to the house or premises if acquired in pursuance of the notice.”.
- (5) Section 94(6) to (8) of the 1993 Act (estate management schemes relating to Crown land) shall also have effect with the substitution for any reference to a provision of Chapter IV of Part I of that Act of a reference to that provision as it has effect by virtue of subsection (1) above.
- (6) In section 33 of the ^{M6}National Heritage Act 1983 (general functions of the Historic Buildings and Monuments Commission for England), after subsection (2B) there shall be inserted—

“(2C) In subsection (2B), references to provisions of the ^{M7}Leasehold Reform, Housing and Urban Development Act 1993 include references to those provisions as they have effect by virtue of section 118(1) of the Housing Act 1996.”.

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(7) In section 72 of the ^{M8}Planning (Listed Buildings and Conservation Areas) Act 1990 (general duty as respects conservation area in exercise of planning functions), at the end there shall be inserted—

“(3) In subsection (2), references to provisions of the Leasehold Reform, Housing and Urban Development Act 1993 include references to those provisions as they have effect by virtue of section 118(1) of the Housing Act 1996.”.

(8) In this section, “the 1993 Act” means the Leasehold Reform, Housing and Urban Development Act 1993.

Modifications etc. (not altering text)

C3 S. 118 restricted (5.3.1997) by [S.I. 1997/618](#), art.2, [Sch. para. 3](#)

Marginal Citations

M5 1967 c. 88.

M6 1983 c. 47.

M7 1993 c. 28.

M8 1990 c. 9.

119 Leasehold valuation tribunals: pre-trial review.

(1) Procedure regulations may make provision in relation to proceedings before a leasehold valuation tribunal—

- (a) for the holding of a pre-trial review, on the application of a party to the proceedings or of the tribunal’s own motion; and
- (b) for the exercise of the functions of the tribunal in relation to, or at, a pre-trial review by a single member who is qualified to exercise them.

(2) In subsection (1) “procedure regulations” means regulations under section 74(1)(b) of the ^{M9}Rent Act 1977, as that section applies in relation to leasehold valuation tribunals.

(3) For the purposes of subsection (1)(b)—

- (a) a “member” means a member of the panel provided for in Schedule 10 to that Act, and
- (b) a member is qualified to exercise the functions referred to if he was appointed to that panel by the Lord Chancellor.

Commencement Information

I1 S. 119 partly in force; s. 119 not in force at Royal Assent see s. 232(1)-(3); s. 119 in force for certain purposes at 23.8.1996 by [S.I. 1996/2212](#), [art. 2\(1\)](#)

Marginal Citations

M9 1977 c. 42.

Status:

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