



# 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 <sup>M1</sup>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.

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**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 <sup>M2</sup>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 <sup>M3</sup>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 <sup>M4</sup>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 <sup>M5</sup>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 <sup>M6</sup>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 <sup>M7</sup>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 <sup>M8</sup>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.

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**Modifications etc. (not altering text)**

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

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**Marginal Citations**

**M5** 1967 c. 88.

**M6** 1983 c. 47.

**M7** 1993 c. 28.

**M8** 1990 c. 9.

**<sup>F1</sup>119 Leasehold valuation tribunals: pre-trial review.**

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**Textual Amendments**

**F1** S. 119 repealed (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002](#) (c. 15), s. 181(1), [Sch. 14](#); [S.I. 2003/1986](#), art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2); [S.I. 2004/669](#), art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2)

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**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\(1\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

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

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

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

- s. 124(1A) inserted by [2016 c. 22 Sch. 7 para. 20\(2\)](#)
- s. 124(6) inserted by [2016 c. 22 Sch. 7 para. 20\(6\)](#)
- s. 124A124B inserted by [2016 c. 22 Sch. 7 para. 21](#)
- s. 125A(3A)(3B) inserted by [2016 c. 22 Sch. 7 para. 22\(3\)](#)
- s. 130A inserted by [2016 c. 22 Sch. 8 para. 7](#)
- s. 133(1A) inserted by [2016 c. 22 Sch. 8 para. 9\(2\)](#)
- s. 143J(3A) inserted by [2016 c. 22 Sch. 8 para. 13\(2\)](#)
- s. 143J(7)(a) words omitted by [S.I. 2022/1166 reg. 25\(11\)\(b\)](#) (This amendment comes into force immediately after 2016 c. 22, s. 120 and Sch. 8 para. 13(3) come into force)
- s. 143GA143GB inserted by [2016 c. 22 Sch. 8 para. 10](#)
- s. 143MA(3A)-(3D) inserted by [2016 c. 22 Sch. 7 para. 27\(3\)](#)
- s. 143MB inserted by [2016 c. 22 Sch. 7 para. 28](#)