

*These notes refer to the Commonhold and Leasehold Reform Act 2002 (c.15) which received Royal Assent on 1st May 2002*

# COMMONHOLD AND LEASEHOLD REFORM ACT 2002

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## EXPLANATORY NOTES

### COMMENTARY ON THE SECTIONS: PART 1

#### *Ground rent*

#### *Forfeiture of leases of dwellings*

#### *Section 168: No forfeiture notice before determination of breach*

291. *Section 168* places restrictions on the service of notices under section 146(1) of the Law of Property Act 1925 in respect of breaches of covenants or conditions in a residential long lease. *Subsection (1)* prohibits the serving of a notice unless one of the conditions of *subsection (2)* is satisfied. These are:
- a) that on an application to a LVT it has been finally determined that a breach has occurred;
  - b) the breach has been admitted;
  - c) a court in any proceedings, or arbitral tribunal in proceedings pursuant to a post dispute arbitration agreement, has finally determined that a breach has occurred.
292. *Subsection (3)* provides that a notice cannot be served until 14 days after a final determination has been made under (a) or (c) above.
293. *Subsection (4)* provides that a landlord may apply to a LVT for a determination that a breach of covenant or condition has occurred but *subsection (5)* precludes this where the matter is to be referred to arbitration under a post dispute arbitration agreement (see section 169(5)) or where the matter has already been determined by a court or arbitral tribunal pursuant to such an agreement.