



Commonhold and Leasehold Reform Act 2002

2002 CHAPTER 15

PART 2

LEASEHOLD REFORM

CHAPTER 1

RIGHT TO MANAGE

Qualifying rules

75 Qualifying tenants

- (1) This section specifies whether there is a qualifying tenant of a flat for the purposes of this Chapter and, if so, who it is.
- (2) Subject as follows, a person is the qualifying tenant of a flat if he is tenant of the flat under a long lease.
- (3) Subsection (2) does not apply where the lease is a tenancy to which Part 2 of the Landlord and Tenant Act 1954 (c. 56) (business tenancies) applies.
- (4) Subsection (2) does not apply where—
 - (a) the lease was granted by sub-demise out of a superior lease other than a long lease,
 - (b) the grant was made in breach of the terms of the superior lease, and
 - (c) there has been no waiver of the breach by the superior landlord.
- (5) No flat has more than one qualifying tenant at any one time; and subsections (6) and (7) apply accordingly.

Changes to legislation: There are currently no known outstanding effects for the
Commonhold and Leasehold Reform Act 2002, Section 75. (See end of Document for details)

- (6) Where a flat is being let under two or more long leases, a tenant under any of those leases which is superior to that held by another is not the qualifying tenant of the flat.
- (7) Where a flat is being let to joint tenants under a long lease, the joint tenants shall (subject to subsection (6)) be regarded as jointly being the qualifying tenant of the flat.

Commencement Information

- II** S. 75 wholly in force at 30.3.2004; s. 75 not in force at Royal Assent see s. 181(1); s. 75 wholly in force at 30.9.2003 for E. by [S.I. 2003/1986, art. 2\(a\)](#); s. 75 wholly in force at 30.3.2004 for W. by [S.I. 2004/669, art. 2\(a\)](#)

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