

This statutory instrument has been made in consequence of a defect in the Commonhold and Leasehold Reform Act 2002 (Commencement No.5 and Saving and Transitional Provision) Order 2004/3056 and is being issued free of charge to all known recipients of that statutory instrument.

S T A T U T O R Y I N S T R U M E N T S

2005 No. 193 (C. 7)

LANDLORD AND TENANT, ENGLAND

**The Commonhold and Leasehold Reform Act 2002
(Commencement No.5 and Saving and Transitional Provision)
(Amendment) (England) Order 2005**

Made - - - -3rd February 2005

The First Secretary of State in exercise of the powers conferred by section 181 of the Commonhold and Leasehold Reform Act 2002(a) hereby makes the following Order:

Citation and application

1. This Order may be cited as the Commonhold and Leasehold Reform Act 2002 (Commencement No.5 and Saving and Transitional Provision) (Amendment) (England) Order 2005 and applies in relation to England only.

Saving and transitional provision

2. In article 4 of the Commonhold and Leasehold Reform Act 2002 (Commencement No.5 and Saving and Transitional Provision) Order 2004 (saving and transitional provision)(b), after paragraph (1), there shall be inserted—

“(1A) Section 126 (valuation date) shall not have effect as regards—

- (a) notices given before 28th February 2005 under section 13 of the Leasehold Reform, Housing and Urban Development Act 1993 (notice by qualifying tenants of claim to exercise right)(c); or
- (b) applications made before 28th February 2005 under section 26 of that Act (applications where relevant landlord cannot be found).”.

Signed by authority of the First Secretary of State

3rd February 2005

Keith Hill
Minister of State,
Office of the Deputy Prime Minister

(a) 2002 c.15. See the definition of “the appropriate authority” in section 181(4).

(b) S.I. 2004/3056

(c) 1993 c.28.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends article 4 of the Commonhold and Leasehold Reform Act 2002 (Commencement No.5 and Saving and Transitional Provision) Order 2004. That Order brings into force on 28th February 2005, in relation to England, provisions of Part 2 (leasehold reform) of the Commonhold and Leasehold Reform Act 2002 (“the 2002 Act”) relating to the collective enfranchisement by tenants of flats.

Among those provisions is section 126 of the 2002 Act which changes the date at which the price payable on enfranchisement is calculated under the Leasehold Reform, Housing and Urban Development Act 1993 (“the 1993 Act”). Currently that date is the date on which it is agreed or decided what interests are to be acquired on behalf of the qualifying tenants. When section 126 comes into force, the calculation date will be the date on which the notice under section 13 of the 1993 Act claiming to exercise the right of enfranchisement is given by the tenant.

The new saving provision inserted by this Order means that the changes made by section 126 of the 2002 Act will not have effect where notice is given under section 13 of the 1993 Act, or application for a vesting order is made under section 26 of the 1993 Act, before 28th February 2005.

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