

EXPLANATORY NOTES

Leasehold Reform (Amendment) Act 2014

Chapter 10

£4.00

These notes refer to the Leasehold Reform (Amendment) Act 2014 (c.10)
which received Royal Assent on 13 March 2014

LEASEHOLD REFORM (AMENDMENT) ACT 2014

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes relate to the Leasehold Reform (Amendment) Act 2014 which received Royal Assent on 13 March 2014. They have been provided by the Department for Communities and Local Government, in order to assist the reader of the Act and to help inform debate on it. They do not form part of the Act and have not been endorsed by Parliament.

2. The Notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not seem to require any explanation or comment, none is given.

SUMMARY AND BACKGROUND

3. The Leasehold Reform (Amendment) Act 2014 amends the Leasehold Reform, Housing and Urban Development Act 1993 ('the 1993 Act') to provide that where notices are served under section 13 and section 42 of the 1993 Act, these notices are no longer required to be signed personally by a leasehold tenant ('leaseholder') but may be signed on a leaseholder's behalf.

4. Section 13 of the 1993 Act provides the right for leaseholders to participate in collective enfranchisement and section 42 sets out the right for leaseholders to extend their lease. Previously, notices under both of these sections had to be signed by the leaseholder personally and could not be signed by a person acting under a Power of Attorney or under the direction of the Court of Protection. The amendment allows a person such as a solicitor or relative to sign notices on a leaseholder's behalf.

5. The policy rationale for the amendment is to assist - among others - those physically disabled, seriously ill or mentally incapacitated leaseholders unable to benefit from the exercise of their rights. This includes those elderly or disabled leaseholders who are capable of deciding that they would like to take part in collective enfranchisement or extend their lease but have been unable to exercise these rights as they are physically unable to sign the notice. Such leaseholders may have previously been substantially financially disadvantaged relative to able-bodied leaseholders, as a result of not being able to exercise their rights under section 13 and section 42 of the 1993 Act. The Act could also assist leaseholders living abroad who need to sign these notices.

TERRITORIAL EXTENT AND APPLICATION

6. The Act extends to England and Wales but it does not alter the legal position in relation to Wales. The new provisions contained in the Act apply in relation to England only.

COMMENTARY

Section 1: Amendment of the Leasehold Reform, Housing and Urban Development Act 1993

7. The effect of this section is to restrict the provision in section 99(5)(a) of the 1993 Act so that it applies only in respect of premises in Wales. Notices served under section 13 or section 42 of the 1993 Act, in respect of premises in England, will therefore no longer be subject to the requirement for the notice to be signed personally by the leaseholder. The effect of the amendment is that notices under section 13 and section 42 of the 1993 Act served in respect of premises in England will now fall within section 99(5)(b) of the 1993 Act and may therefore be treated in the same way as all other notices given under Chapter 1 or 2 of Part 1 of the 1993 Act, where a notice may be signed by or on behalf of the leaseholder.

COMMENCEMENT

8. The Act shall come into force two months after it receives Royal Assent.

HANSARD REFERENCES

9. The following table sets out the dates and Hansard references for each stage of this Act's passage through Parliament.

Stage	**Date**	**Hansard Reference**
House of Commons		
Introduction	24th June 2013	Vol. 565 Col. 41
Second Reading	22nd November 2013	Vol. 570 Col. 1551
Committee	18th December 2013	PBC (Bill 045) 2013-2014
Report and Third Reading	24th January 2014	Vol. 574 Col. 558
House of Lords		
Introduction	24th January 2014	Vol. 751 Col. 970

Stage	**Date**	**Hansard Reference**
Second Reading	7th February 2014	Vol. 752 Col. 359
Committee	25th February 2014	Vol. 752 Col. 832
Third Reading	4th March 2014	Vol. 752 Col. 1223
House of Commons Royal Assent	13th March 2014	Vol. 577 Col. 455
House of Lords Royal Assent	13th March 2014	Vol. 752 Col. 1855

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