WELSH STATUTORY INSTRUMENTS

2004 No. 669 (W.62) (C.25)

LANDLORD AND TENANT, WALES

The Commonhold and Leasehold Reform Act 2002 (Commencement No. 2 and Savings) (Wales) Order 2004

Made - - - - 9th March 2004

The National Assembly for Wales, in exercise of the powers conferred upon it by section 181 of the Commonhold and Leasehold Reform Act 2002(**1**), hereby makes the following Order:

Citation, interpretation and application

1.—(1) This Order may be cited as the Commonhold and Leasehold Reform Act 2002 (Commencement No. 2 and Savings) (Wales) Order 2004.

(2) In this Order —

"LVT" ("*TPL*") means a leasehold valuation tribunal;

"the 1967 Act" ("*Deddf 1967*") means the Leasehold Reform Act 1967(**2**);

"the 1985 Act" ("*Deddf 1985*") means the Landlord and Tenant Act 1985(**3**);

"the 1987 Act" ("*Deddf 1987*") means the Landlord and Tenant Act 1987(**4**);

"the 1993 Act" ("*Deddf 1993*") means the Leasehold Reform, Housing and Urban Development Act 1993(**5**);

"the 1996 Act" ("*Deddf 1996*") means the Housing Act 1996(**6**);

references to sections and Schedules are, unless otherwise stated, references to sections of, and Schedules to, the Commonhold and Leasehold Reform Act 2002; and

any reference to a repeal is to a repeal made by section 180 and Schedule 14.

(3) This Order applies to Wales only.

Provisions coming into force on 30th March 2004

2. The following provisions will come into force on 30th March 2004 —

(**1**) 2002 c. 15.
(**2**) 1967 c. 88.
(**3**) 1985 c. 70.
(**4**) 1987 c. 31.
(**5**) 1993 c. 28.
(**6**) 1996 c. 52.

(a) sections 71 to 73, 75 to 77, 79, 81 to 83 , 85 to 91, 93 to 103, 105 to 109, 111 to 113, 159, 163, 173, Schedules 6 and 7;

(b) sections 74, 78, 80, 84, 92, 110, 174 and Schedule 12 to the extent that they are not already in force; and

(c) subject to the savings in Schedule 2 to this Order —

(i) sections 148, 149, 150, 155, 157 in so far as it relates to paragraphs 8 to 13 of Schedule 10, 158, 175, 176 in so far as it relates to paragraphs 1 to 15 of Schedule 13, Schedule 9, paragraphs 8 to 13 of Schedule 10, Schedule 11 and paragraphs 1 to 15 of Schedule 13;

(ii) subsections (1) to (5) of section 172 except in so far as they relate to the application to the Crown of sections 152 to 154, 164 to 171, paragraphs 1 to 7 of Schedule 10 and paragraph 16 of Schedule 13;

(iii) subsection (6) of section 172 except in so far as the substitutions made by that subsection relate to sections 42A and 42B of the 1987 Act;

(iv) to the extent that it is not already in force, section 180 in so far as it relates to the repeals in Schedule 14 which are set out in Schedule 1 to this Order;

(d) subject to subparagraphs (i) to (vi), section 151 to the extent that it is not already in force —

(i) in relation to any case to which subparagraph (ii), (iii), (iv) or (vi) applies, the amendment made by section 151 shall have no effect and the Service Charge (Estimates and Consultation) Order 1988(**7**) will continue to apply;

(ii) this subparagraph applies where qualifying works are begun before 31st March 2004;

(iii) this subparagraph applies where, in relation to qualifying works, the landlord has given or displayed the notice required under section 20 of the 1985 Act before 31st March 2004;

(iv) this subparagraph applies where, in relation to qualifying works to which subparagraph (v) applies, the landlord has given notice in the Official Journal of the European Union in accordance with the Public Works Contracts Regulations 1991(**8**), the Public Services Contracts Regulations 1993(**9**) or the Public Supply Contracts Regulations 1995(**10**) before 31st March 2004;

(v) this subparagraph applies to qualifying works which are carried out under a contract which —

(a) is to be entered into on or after 31st March 2004; and

(b) is for a period of twelve months or less;

(vi) this subparagraph applies where, under an agreement entered into, by or on behalf of the landlord or a superior landlord, before 31st March 2004, qualifying works are carried out at any time in the period starting with that date and ending two months after that date.

(**7**) S.I. 1988/1285.
(**8**) S.I. 1991/2680, to which there are amendments not relevant to this Order.
(**9**) S.I. 1993/3228, to which there are amendments not relevant to this Order.
(**10**) S.I. 1995/201, to which there are amendments not relevant to this Order.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**11**)

John Marek
The Deputy Presiding Officer of the National Assembly

9th March 2004

(**11**) 1998 c. 38.

SCHEDULE 1 Article 2(c)(iv)

REPEALS

PART 1

LEASEHOLD VALUATION TRIBUNALS

Short title and chapter	*Extent of repeal*
Leasehold Reform Act 1967 (c. 88)	Section 21(1A) and (3) to (4A).
Housing Act 1980 (c. 51)	In section 142— Subsection (2), and in subsection (3), the words from the beginning to "and". In Schedule 22— Part 1, and in Part 2, paragraph 8(4) to (6).
Landlord and Tenant Act 1985 (c. 70)	Sections 31A to 31C. In the Schedule, paragraph 8(5).
Landlord and Tenant Act 1987 (c. 31)	Section 23(2). Sections 24A and 24B. In section 38, in the sidenote, the words "by the court". Section 52A In section 53(2), the words "under section 52A(3) or".
Tribunals and Inquiries Act 1992(c. 53)	In Schedule 3, paragraph 13.
Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)	Section 75(4) and (5). In section 88— in subsection (2)(b), the words "constituted for the purposes of that Part of that Act", and subsections (3) to (5) and (7).
Leasehold Reform, Housing and Urban Development Act 1993	In section 91— in subsection (1), the words from the beginning to "this section; and", subsections (3) to (8), subsection (10), and in subsection (11), the words from "and the reference" to the end.