



# Leasehold Reform Act 1967

## 1967 CHAPTER 88

### PART I

#### ENFRANCHISEMENT AND EXTENSION OF LONG LEASEHOLDS

*Land held for public purposes, ecclesiastical land, etc.*

#### **28 Retention or resumption of land required for public purposes.**

- (1) Where the landlord of any property is a body to which this section applies, and a Minister of the Crown certifies that the property will in ten years or less be required for relevant development, then—
- (a) a notice of a person's desire to have the freehold or an extended lease under this Part of this Act of a house comprised in the property shall be of no effect;
  - (b) if the tenancy of any such house has not been extended under this Part of this Act, but the tenant, being entitled to acquire the freehold or an extended lease thereunder, either—
    - (i) before a copy of the certificate has been served on him, has given notice of his desire to have the freehold or an extended lease; or
    - (ii) not later than two months after a copy of the certificate is served on him, gives the landlord written notice, in the prescribed form, claiming to be so entitled;then section 17 above shall apply as if the tenancy had been so extended;
  - (c) for the purposes of any application by the landlord under section 17 above in relation to property comprised in the certificate (whether the application is made by virtue of paragraph (b) above or otherwise), the certificate shall be conclusive that the ground specified in section 17(1) is established.
- (2) Where by virtue of subsection (1)(b) above a tenancy of any property is to be treated as having been extended, then as regards that property the tenancy shall not terminate either by effluxion of time or in pursuance of any notice given by the landlord or the tenant or by the termination of a superior tenancy.

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- (3) In the case of a tenancy to which Part II of the <sup>M1</sup>Landlord and Tenant Act 1954 applies, subsections (1) and (2) above shall have effect where a certificate is given under section 57 of that Act as they have effect where a certificate is given under this section; but where by virtue of subsection (1)(b) above a tenancy is to be treated as having been extended, no compensation shall be payable under section 59 of that Act in respect of the tenancy or any immediate or derivative sub-tenancy.
- (4) A Minister shall not give a certificate under this section with respect to any house, unless the landlord has given to the tenant of the house written notice stating—
- (a) that the question of giving such a certificate is under consideration by that Minister; and
  - (b) that if within twenty-one days of the giving of the notice the tenant makes to that Minister representations in writing with respect to that question, they will be considered before the question is determined;
- and if the tenant makes any such representations within those twenty-one days the Minister shall consider them before determining whether to give the certificate.
- (5) This section applies—
- (a) to any local authority, that is to say, the Mayor and commonalty and citizens of the City of London, . . . <sup>F1</sup> any county council, borough council or district council [<sup>F2</sup> . . . <sup>F3</sup>, any joint authority established by Part IV of the Local Government Act 1985], [<sup>F4</sup> any economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, any combined authority established under section 103 of that Act,]<sup>F5</sup> any authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities), [<sup>F6</sup> the London Fire and Emergency Planning Authority,] any joint board in which all the constituent authorities are local authorities within this paragraph <sup>F7</sup> . . . [<sup>F8</sup> any police authority established under [<sup>F9</sup> section 3 of the Police Act 1996]<sup>F10</sup> and the Metropolitan Police Authority]; and] within the meaning of the <sup>M2</sup>Police Act 1964;
    - <sup>F11</sup>(aa) to the Broads Authority; and]
    - <sup>F12</sup>(ab) to any National Park authority; and]
    - (b) to the [<sup>F13</sup> new towns residuary body] and to any development corporation within the meaning of [<sup>F14</sup> the <sup>M3</sup>New Towns Act 1981]; and
    - <sup>F15</sup>(bb) to the Development Board for Rural Wales];
    - <sup>F16</sup>(bc) . . . . .
    - (c) to any university body, that is to say, any university, university college or college of a university, and for this purpose “college of a university” includes, in the case of a university organised on a collegiate basis, a constituent college or other society recognised by the university and, in the case of London University, a college incorporated in the university or a school of the university; and
    - <sup>F17</sup>(d) to [<sup>F18</sup> any Strategic Health Authority,] any [<sup>F19</sup> [<sup>F20</sup> Local Health Board], any Special Health Authority]<sup>F21</sup>, any Primary Care Trust]<sup>F22</sup>, any National Health Service trust and any NHS foundation trust]; and]
    - (e) to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking; and
    - <sup>F23</sup>(ee) to the National Rivers Authority;]

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- (f) to any body not included above which is a harbour authority within the meaning of the <sup>M4</sup>Harbours Act 1964 . . . <sup>F24</sup>, but in respect only of the body's functions as harbour authority . . . <sup>F24</sup>.
- [<sup>F25</sup>(g) a housing action trust established under Part III of the Housing Act 1988.]
- (6) In subsection (1) above “relevant development”, in relation to any body to which this section applies, means development for purposes (other than investment purposes) of that body, but in relation to a local authority includes any development to be undertaken, whether or not by [<sup>F26</sup>that authority, in order to secure—
- (a) the development or redevelopment of an area defined by a development plan under the [<sup>F27</sup>Planning and Compulsory Purchase Act 2004] as an area of comprehensive development; or
- (b) the treatment as a whole, by development, redevelopment or improvement, or partly by one and partly by another method, of any area in which the property is situated]

However—

- (a) <sup>F28</sup>the purposes of a county council or . . . council shall be taken to include the purposes of a police authority which is a committee of the council; and
- (b) the purposes of a university body shall be taken to include the purposes of any related university body (a university and the colleges of that university within the meaning of subsection (5)(c) above being related to one another within the meaning of this paragraph); and
- (c) <sup>M5</sup>[<sup>F29</sup>in the case of a [<sup>F30</sup>Strategic Health Authority,][<sup>F31</sup>[<sup>F32</sup>Local Health Board], Special Health Authority][<sup>F33</sup>, Primary Care Trust][<sup>F34</sup>, National Health Service trust or NHS foundation trust] , the purposes of [<sup>F35</sup>the National Health Service Act 2006 or the National Health Service (Wales) Act 2006] shall be substituted for the purposes of the body.]
- [<sup>F36</sup>(6A) In subsections (5) and (6) above, any reference to a county council shall be read, in relation to Wales, as including a reference to a county borough council.]
- (7) If it appears to the Minister of Housing and Local Government or to the Secretary of State that this section should apply to any body or description of bodies having functions of a public nature but not included above, he may by order direct that this section shall apply to that body or description of bodies.
- (8) The power to make orders under subsection (7) above shall include power to vary or revoke any order made for the purposes of that subsection, and shall be exercisable by statutory instrument of which a draft shall be laid before Parliament.

#### Textual Amendments

- F1** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)
- F2** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, [Sch. 14 para. 43](#)
- F3** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237, [Sch. 13 Pt. I](#)
- F4** Words in s. 28(5)(a) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), [Sch. 6 para. 5](#); S.I. 2009/3318, art. 2(c)
- F5** Words in s. 28(5)(a) inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 13 para. 27](#); S.I. 2008/917, art. 2(1)(p)
- F6** Words in s. 28(5)(a) inserted (3.7.2000) by 1999 c. 29, s. 328, [Sch. 29 Pt. I para. 8](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/1094, [art. 4\(a\)\(h\)](#)

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- F7** Word in s. 28(5)(a) repealed (3.7.2000) by 1999 c. 29, s. 423, **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F8** Words in s. 28(5)(a) substituted (1.10.1994 for certain purposes and otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 48; S.I. 1994/2025, art. 6; S.I. 1994/3262, art. 4, Sch. 1**
- F9** Words in s. 28(5)(a) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7 Pt. I para. 2(d)**
- F10** Words in s. 28(5)(a) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 21** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F11** S. 28(5)(aa) inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), **Sch. 6 para. 6**
- F12** S. 28(5)(ab) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 7** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**
- F13** Words in s. 28(5)(b) substituted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 8 para. 6; S.I. 2008/3068, art. 2(1)(w)(3)** (with arts. 6-13)
- F14** Words substituted by virtue of Interpretation Act 1978 (c. 30), **s. 17(2) (a)**
- F15** S. 28(5) (*bb*) inserted by Development of Rural Wales Act 1976 (c. 75), **Sch. 7 para. 5(2)**
- F16** S. 28(5)(bc) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 17, **Sch. 17 Pt. 2; S.I. 2006/378, art. 4(1), Sch. paras. 1013(h)**
- F17** S. 28(5) (*d*) substituted by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 4 para. 111(1)**
- F18** Words in s. 28(5)(d) inserted (1.10.2002) by S.I. 2002/2469, reg. 4, **Sch. 1 Pt. 1 para. 4(a)**
- F19** Words in s. 28(5)(d) substituted (1.4.1996) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. III para. 94** (with Sch. 2 paras. 6, 16)
- F20** Words in s. 28(5)(d) substituted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), art. 1(1), **Sch. para. 5**
- F21** Words in s. 28(5)(d) inserted (8.2.2000) by S.I. 2000/90, art. 3, **Sch. 1 para. 7(a)**
- F22** Words in s. 28(5) substituted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 4 para. 12(a); S.I. 2004/759, art. 2**
- F23** S. 28(5)(ee) inserted by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 35** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 190, 193(1), Sch. 25 para. 35, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F24** Words repealed by Water Act 1989 (c. 15, SIF 130), s. 190(3), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- F25** S. 28(5)(g) added by Housing Act 1988 (c. 50, SIF 61, 75:1), s. 140(1), **Sch. 17 para. 15**
- F26** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 17(1)**
- F27** Words in s. 28(6)(a) substituted (28.9.2004 for E., 15.10.2005 for W. ) by Planning and Compulsory Purchase Act 2004 (c. 5), **Sch. 7 para. 3** (with s. 111); S.I. 2004/2202, art. 2(i), S.I. 2005/2847, art. 2(f)
- F28** Words repealed by Local Government Act 1972 (c. 70), **Sch. 30**
- F29** S. 28(6) (*c*) substituted by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 4 para. 111(2)**
- F30** Words in s. 28(6)(c) inserted (1.10.2002) by S.I. 2002/2469, **reg. 4 Sch. 1 Pt. 1 para. 4(a)**
- F31** S. 28(6): words in para. (*c*) of the second sentence substituted (1.4.1996) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. III para. 94** (with Sch. 2 paras. 6, 16)
- F32** Words in s. 28(6)(c) substituted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), art. 1(1), **Sch. para. 5**
- F33** Words in s. 28(6)(c) inserted (8.2.2000) by S.I. 2000/90, art. 3, **Sch. 1 para. 7(b)**
- F34** Words in s. 28(6)(c) substituted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 4 para. 12(b); S.I. 2004/759, art. 2**
- F35** Words in s. 28(6)(c) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 32** (with Sch. 3 Pt. 1)
- F36** S. 28(6A) inserted (1.4.1996) by 1994 c. 19, s. 22(2), **Sch. 8 para. 1(1)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

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#### **Modifications etc. (not altering text)**

- C1** S. 28(5)(a) amended by **Local Government Act 1985** (c. 51, SIF 81:1), s. 84, **Sch. 13 para. 17**
- C2** S. 28(5)(a) extended by **S.I. 1985/1884**, art. 10, **Sch. 3 para. 4(b)**  
S. 28(5)(a) amended (1.4.1995) by **S.I. 1995/401**, art. 18, **Sch. para. 3**  
S. 28(5)(a) extended (5.7.1994) by **1994 c. 19**, ss. 39, 66(2)(b), **Sch. 13 para. 24(b)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)
- C3** Reference to Minister of Housing and Local Government to be construed as reference to Secretary of State: **S.I. 1970/1681**, **art. 6(3)**

#### **Marginal Citations**

- M1** 1954 c. 56.  
**M2** 1964 c. 48.(95)  
**M3** 1981 c. 64.  
**M4** 1964 c. 40.  
**M5** 1977 c. 49.

## **29 Reservation of future right to develop.**

- (1) Where a tenant of a house and premises acquires the freehold under this Part of this Act, the landlord being a local authority, there shall, if so required by the local authority, be included in the conveyance under section 8 above such covenants on the part of the tenant restricting the carrying out of development or clearing of land as are necessary to reserve the land for possible development by the authority.
- (2) Where a tenant of a house and premises acquires an extended lease under this Part of this Act, the landlord being a local authority, such covenants as are mentioned in subsection (1) above shall, if so required by the local authority, be included in the instrument extending the lease under section 14 above and, if so included, then in the terms of any subsequent tenancy at a low rent which is by virtue of section 3(3) above to be treated (with or without any intervening tenancies) as a single tenancy with that under the extended lease.
- (3) Where a covenant is entered into to give effect to subsection (1) or (2) above, it shall be expressed to be so entered into, and Part I of Schedule 4 to this Act shall have effect with respect to the operation and enforcement of any covenant so entered into.
- (4) Where a tenant of a house and premises acquires the freehold or an extended lease under this Part of this Act, the landlord being a local authority, and afterwards the local authority or any other person acquires compulsorily any interest in the property, then for the purpose of assessing compensation in accordance with the <sup>M6</sup>Land Compensation Act 1961 no account shall be taken of any increase in the value of that interest which is attributable to the carrying out of development in contravention of a covenant entered into to give effect to subsection (1) or (2) above, or to any prospect of carrying out any such development; and any compensation payable to a tenant under section 17 above shall be assessed without regard to any increase in the value of his interest which under this subsection would be disregarded on a compulsory purchase of that interest.
- (5) For purposes of this section “local authority” means a local authority as defined in section 28(5)(a) above.
- (6) Subsections (1) to (4) above shall have effect in relation—

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- (a) to the [<sup>F37</sup>new towns residuary body] and to any development corporation within the meaning of [<sup>F38</sup>the New Towns Act 1981]; and
- (b) to any university body as defined in section 28(5)(c) above;
- as if any reference in those subsections or in Part I of Schedule 4 to this Act to a local authority were a reference to [<sup>F39</sup>that residuary body] , corporation or university body;
- <sup>F40</sup> ...

<sup>F41</sup>(6A) .....

- [<sup>F42</sup>(6B) Where the landlord is a university body, the possible development for which land may be reserved by a covenant entered into to give effect to subsection (1) or (2) above [<sup>F43</sup>—
- (a) includes development by a related university body (within the meaning of section 28(6)(b) above); and
- (b) must be development for the purposes (other than investment purposes) of the university body or any such related university body.]]

[<sup>F44</sup>(6C) Subsections (1) to (4) above shall have effect in relation to a housing action trust as if any reference in those subsections or in Part I of Schedule 4 to this Act to a local authority were a reference to the trust.]

- (7) Part II of Schedule 4 to this Act shall have effect to enable property to be re-acquired compulsorily where it is subject to a covenant entered into to give effect to subsection (1) above with the [<sup>F45</sup>Welsh new towns residuary body]<sup>F46</sup>. . . or a university body.
- (8) This section shall apply, with the necessary adaptations, where a new tenancy is granted in satisfaction of the right to an extended lease under this Part of this Act, as it applies where a lease is extended in accordance with this Part of this Act.

#### Textual Amendments

- F37** Words in s. 29(6)(a) substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 8 para. 7\(2\)\(a\)](#); S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)
- F38** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), s. 17(2) (a)
- F39** Words in s. 29(6) substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 8 para. 7\(2\)\(b\)](#); S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)
- F40** Words in s. 29(6) repealed (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 177(2), 188(2), [Sch. 18 Pt. 2](#) (with s. 177(4))
- F41** S. 29(6A) repealed (1.10.1998) by 1998 c. 38, s. 152, [Sch. 18 Pt. IV](#) (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, [art. 4](#)
- F42** S. 29(6B) inserted by [Housing Act 1980 \(c. 51\)](#), [Sch. 21 para. 5](#)
- F43** Words in s. 29(6B) substituted (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), [ss. 177\(3\)](#), 188(2) (with s. 177(4))
- F44** S. 29(6C) inserted by [Housing Act 1988 \(c. 50\)](#), SIF 61, 75:1, s. 140(1), [Sch. 17 para. 16](#)
- F45** Words in s. 29(7) substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 8 para. 7\(3\)](#); S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)
- F46** Words in s. 29(7) repealed (1.10.1998) by 1998 c. 38, s. 152, [Sch. 18 Pt. IV](#) (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, [art. 4](#)

#### Modifications etc. (not altering text)

- C4** S. 29(5) amended by [Local Government Act 1985 \(c. 51\)](#), SIF 81:1, s. 84, [Sch. 13 para. 17](#)  
S. 29(5) amended (1.4.1995) by S.I. 1995/401, art. 18, [Sch. para. 3](#)

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#### Marginal Citations

M6 1961 c. 33.

### 30 Reservation of right of pre-emption in new town or overspill area.

- (1) Where a tenant of a house and premises acquires the freehold under this Part of this Act, the landlord being a body to which this section applies, there shall, if so required by the landlord, be included in the conveyance under section 8 above the following covenants on the part of the tenant, that is to say,—
  - (a) a covenant that no tenancy of the property comprised in the conveyance or any part of that property shall be granted except with the consent in writing of the landlord; and
  - (b) such covenant as appears to the landlord to be requisite for securing that, in the event of any proposal to sell that property or any part of it, the landlord will have a right of pre-emption at the price mentioned in subsection (4) below.
- (2) Where a tenant of a house and premises acquires an extended lease under this Part of this Act, the landlord being a body to which this section applies, such covenants as are mentioned in subsection (1) above shall, if so required by the landlord, be included in the instrument extending the lease under section 14 above and, if so included, then in the terms of any subsequent tenancy at a low rent which is by virtue of section 3(3) above to be treated (with or without intervening tenancies) as a single tenancy with that under the extended lease.
- (3) Where a covenant is entered into to give effect to subsection (1) or (2) above, it shall be expressed to be so entered into, and Part I of Schedule 4 to this Act shall have effect, with respect to the operation and enforcement of any covenant so entered into as it applies in the case of a covenant entered into with the same body to give effect to section 29(1) or (2) above.
- (4) The price referred to in subsection (1)(b) above, in relation to an interest in any property, is a sum equal to (and, in default of agreement, to be determined in the like manner as) the compensation which would be payable for that interest if acquired by the execution, on such date as may be determined in accordance with the covenant, of a vesting declaration under Schedule 4 to this Act.
- (5) Section 19 of the <sup>M7</sup>Landlord and Tenant Act 1927 (covenants not to assign etc. without licence or consent) shall not have effect in relation to any covenant entered into to give effect to subsection (2) above.
- (6) This section shall apply, with the necessary adaptations, where a new tenancy is granted in satisfaction of the right to an extended lease under this Part of this Act, as it applies where a lease is extended in accordance with this Part of this Act.
- (7) This section applies—
  - (a) to the [<sup>F47</sup>new towns residuary body]<sup>F48</sup> . . . and to a development corporation within the meaning of [<sup>F49</sup>the <sup>M8</sup>New Towns Act 1981]; and
  - (b) in respect of housing provided by them by virtue of section 5 of the <sup>M9</sup>Town Development Act 1952 (which authorises a council to exercise its powers for the purpose of relieving congestion or over-population outside their area), the council of any receiving district for purposes of that Act, . . . <sup>F50</sup>

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#### Textual Amendments

- F47** Words in s. 30(7)(a) substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\), s. 325\(1\), Sch. 8 para. 8](#); S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)
- F48** Words in s. 30(7) repealed (1.10.1998) by 1998 c. 38, s. 152, [Sch. 18 Pt. IV](#) (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, [art. 4](#)
- F49** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 17\(2\) \(a\)](#)
- F50** Words repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), ss. 3, 5\(2\), Sch. 1 Pt. I, Sch. 4](#)

#### Marginal Citations

- M7** 1927 c. 36.
- M8** 1981 c. 64.
- M9** 1952 c. 54.

### 31 Ecclesiastical property.

- (1) The provisions of this section shall have effect as regards the operation of this Part of this Act on tenancies (including subtenancies) of ecclesiastical property, that is to say, property belonging to a capitular body within the meaning of the <sup>M10</sup>Cathedrals Measure 1963 or belonging to [<sup>F51</sup>a diocesan board of finance as diocesan glebe land]; and in this section “ecclesiastical landlord” means the capitular body or [<sup>F51</sup>diocesan board of finance] having an interest as landlord in ecclesiastical property.
- (2) In relation to an interest of an ecclesiastical landlord, the consent of the Church Commissioners shall be required to sanction—
- the provisions to be contained in a conveyance in accordance with section 10 above, or in a lease granting a new tenancy under section 14, and the price or rent payable, except as regards matters determined by the court [<sup>F52</sup>a leasehold valuation tribunal] or the [<sup>F53</sup>Upper Tribunal] ;
  - any exercise of the ecclesiastical landlord’s rights under section 17 above, except as aforesaid, and any agreement for the payment of compensation to a tenant in accordance with that section without an application thereunder;
  - any grant of a tenancy in satisfaction of the right to an extended lease under this Part of this Act;
- [<sup>F54</sup>and the Church Commissioners shall be entitled to appear and be heard in any proceedings under this Part of this Act to which an ecclesiastical landlord is a party or in which he is entitled to appear and be heard][<sup>F54</sup>provided that the consent of the Church Commissioners shall only be required if their consent would be required if the transaction were carried out under the Endowments and Glebe Measure 1976 or the Cathedrals Measure 1999] .
- (3) Where the ecclesiastical property forms part of the endowment of a cathedral church, any sum received by the capitular body by way of the price payable for the property under section 9 above, or by way of compensation under any provision of this Part of this Act providing for compensation to be recovered by or awarded to a landlord, shall be treated as part of that endowment; and the powers conferred by sections 21 and 23 of the <sup>M11</sup>Cathedrals Measure 1963 in relation to the investment in the acquisition of land of moneys forming part of the endowment of a cathedral church shall extend to the application of any such moneys in the payment of compensation in accordance



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with section 17 above (whether possession is obtained under that section or without an application thereunder).

- (4) In the case of ecclesiastical property belonging to [<sup>F55</sup>a diocesan board of finance]—
- (a) no consent or concurrence other than that of the Church Commissioners under subsection (2) above shall be required to a disposition under this Part of this Act of the [<sup>F56</sup>interest of the diocesan board of finance] (including a grant of a tenancy in satisfaction of the right to an extended lease);
  - (b) .....<sup>F57</sup>
  - (c) any sum receivable by the [<sup>F58</sup>diocesan board of finance] by way of the price payable for the property under section 9 above, or of any such compensation as is mentioned in subsection (3) above, shall be paid to [<sup>F59</sup>the Church Commissioners][<sup>F59</sup>board] to be applied for purposes for which the proceeds of a sale by agreement of the property would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale, and any sum required for the payment of compensation as mentioned in subsection (3) above may be paid by [<sup>F59</sup>the Church Commissioners][<sup>F59</sup>board] on behalf of the incumbent out of any moneys in [<sup>F60</sup>their][<sup>F60</sup>its] hands;
  - (d) .....<sup>F61</sup>

[<sup>F62</sup>(5) In this section “diocesan board of finance” and “diocesan glebe land” have the same meaning as in the Endowments and Glebe Measure 1976.]

#### Textual Amendments

- F51** Words substituted by [Church of England \(Legal Aid and Miscellaneous Provisions\) Measure 1988 \(No. 1, SIF 21:1\), s. 10\(a\)](#)
- F52** Words inserted by [Housing Act 1980 \(c. 51\), Sch. 23 para. 9](#)
- F53** Words in s. 31(2)(a) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\), art. 1, Sch. 1 para. 85 \(with Sch. 5\)](#)
- F54** Words in s. 31(2) substituted (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), s. 16\(2\), Sch. 5 para. 15\(a\)](#); 2006 No. 2, Instrument made by Archbishops
- F55** Words substituted by [Church of England \(Legal Aid and Miscellaneous Provisions\) Measure 1988 \(No. 1, SIF 21:1\), s. 10\(b\)\(i\)](#)
- F56** Words substituted by [Church of England \(Legal Aid and Miscellaneous Provisions\) Measure 1988 \(No. 1, SIF 21:1\), s. 10\(b\)\(ii\)](#)
- F57** S. 31(4)(b) repealed (provinces of Canterbury and York) by [Church of England \(Legal Aid and Miscellaneous Provisions\) Measure 1988 \(No. 1, SIF 21:1\), s. 10\(b\)\(iii\)](#)
- F58** Words substituted by [Church of England \(Legal Aid and Miscellaneous Provisions\) Measure 1988 \(No. 1, SIF 21:1\), s. 10\(b\)\(iv\)](#)
- F59** Words in s. 31(4)(c) substituted (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), s. 16\(2\), Sch. 5 para. 15\(b\)](#); 2006 No. 2, Instrument made by Archbishops
- F60** Word in s. 31(4)(c) substituted (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), s. 16\(2\), Sch. 5 para. 15\(b\)](#); 2006 No. 2, Instrument made by Archbishops
- F61** S. 31(4)(d) repealed (provinces of Canterbury and York) by [Church of England \(Legal Aid and Miscellaneous Provisions\) Measure 1988 \(No. 1, SIF 21:1\), s. 10\(b\)\(v\)](#)
- F62** S. 31(5) substituted (provinces of Canterbury and York) by [Church of England \(Legal Aid and Miscellaneous Provisions\) Measure 1988 \(No. 1, SIF 21:1\), s. 10\(c\)](#)

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**Modifications etc. (not altering text)**

**C5** S. 31 amended (30.6.1999 with application as mentioned) by 1999 Measure No. 1, ss. 36(2)-(6), 38(2) (3)

**Marginal Citations**

**M10** 1963 No. 2.

**M11** 1963 No. 2.

**32 Saving for National Trust.**

This Part of this Act shall not prejudice the operation of section 21 of the <sup>M12</sup>National Trust Act 1907, and accordingly a person shall not be entitled under this Part of this Act to acquire the freehold of property if an interest in the property is under that section vested inalienably in the National Trust for Places of Historic Interest or Natural Beauty.

**Marginal Citations**

**M12** 1907 c. cxxvi.

**[32A** <sup>F63</sup>**Property transferred for public benefit etc.**

- (1) A notice of a person's desire to have the freehold of a house and premises under this Part shall be of no effect if at the relevant time the whole or any part of the house and premises is qualifying property and either—
  - (a) the tenancy was created after the commencement of Chapter III of Part I of the Leasehold Reform, Housing and Urban Development Act 1993; or
  - (b) (where the tenancy was created before that commencement) the tenant would not be entitled to have the freehold if either or both of sections 1A and 1B above were not in force [<sup>F64</sup> [<sup>F65</sup> or if section 1AA above were not in force]].
- (2) For the purposes of this section the whole or any part of the house and premises is qualifying property if—
  - (a) it has been designated under section 31(1)(b), (c) or (d) of the Inheritance Tax Act 1984 (designation and undertakings relating to conditionally exempt transfers), whether with or without any other property, and no chargeable event has subsequently occurred with respect to it; or
  - (b) an application to the Board for it to be so designated is pending; or
  - (c) it is the property of a body not established or conducted for profit and a direction has been given in relation to it under section 26 of that Act (gifts for public benefit), whether with or without any other property; or
  - (d) an application to the Board for a direction to be so given in relation to it is pending.
- (3) For the purposes of subsection (2) above an application is pending as from the time when it is made to the Board until such time as it is either granted or refused by the Board or withdrawn by the applicant; and for this purpose an application shall not be regarded as made unless and until the applicant has submitted to the Board all such information in support of the application as is required by the Board.

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- (4) A notice of a person's desire to have the freehold of a house and premises under this Part shall cease to have effect if—
- (a) before completion of the conveyance in pursuance of the tenant's notice, the whole or any part of the house and premises becomes qualifying property; and
  - (b) the condition set out in subsection (1)(a) or (as the case may be) subsection (1)(b) above is satisfied.
- (5) Where a tenant's notice ceases to have effect by virtue of subsection (4) above—
- (a) section 9(4) above shall not apply to require the tenant to make any payment to the landlord in respect of costs incurred by reason of the notice; and
  - (b) the person who applied or is applying for designation or a direction shall be liable to the tenant for all reasonable costs incurred by the tenant in connection with his claim to acquire the freehold of the house and premises.
- (6) Where it is claimed that subsection (1) or (4) above applies in relation to a tenant's notice, the person making the claim shall, at the time of making it, furnish the tenant with evidence in support of it; and if he fails to do so he shall be liable for any costs which are reasonably incurred by the tenant in consequence of the failure.
- (7) In subsection (2) above—
- (a) paragraphs (a) and (b) apply to designation under section 34(1)(a), (b) or (c) of the Finance Act 1975 or section 77(1)(b), (c) or (d) of the Finance Act 1976 as they apply to designation under section 31(1)(b), (c) or (d) of the Inheritance Tax Act 1984; and
  - (b) paragraphs (c) and (d) apply to a direction under paragraph 13 of Schedule 6 to the Finance Act 1975 as they apply to a direction under section 26 of that Act of 1984.
- (8) In this section—
- “the Board” means the Commissioners of Inland Revenue;
  - “chargeable event” means—
    - (a) any event which in accordance with any provision of Chapter II of Part II of the Inheritance Tax Act 1984 (exempt transfers) is a chargeable event, including any such provision as applied by section 78(3) of that Act (conditionally exempt occasions); or
    - (b) any event which would have been a chargeable event in the circumstances mentioned in section 79(3) of that Act (exemption from ten-yearly charge).]

#### Textual Amendments

- F63** S. 32A inserted (1.11.1993 subject as mentioned in [S.I. 1993/2134](#) art. 5(b), Sch. 1 para. 1) by [1993 c. 28, s. 68](#); [S.I. 1993/2134, art. 5\(b\)](#)
- F64** Words in s. 32A(1)(b) repealed (7.9.2009 for E.) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. [325\(1\)](#), [Sch. 16](#); [S.I. 2009/2096](#), art. 2(2)(a)(c) (with art. 3(1)(2))
- F65** Words in s. 32A(1)(b) inserted (1.4.1997) by [1996 c. 52, s. 106, Sch. 9 para. 2\(1\)\(6\)](#); [S.I. 1997/618, art. 2\(1\)](#) (with Sch.)

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### 33 Crown land.

- (1) In the case of a tenancy from the Crown this Part of this Act shall apply in favour of the tenant as in the case of any other tenancy if there has ceased to be a Crown interest in the land, and as against a landlord holding a tenancy from the Crown shall apply also if either—
  - (a) his sub-tenant is seeking an extended lease and the landlord, or a superior landlord holding a tenancy from the Crown, has a sufficient interest to grant it and is entitled to do so without the concurrence of the appropriate authority; or
  - (b) the appropriate authority notifies the landlord that as regards any Crown interest affected the authority will grant or concur in granting the freehold or extended lease.
- (2) For purposes of this section “tenancy from the Crown” means a tenancy of land in which there is, or has during the subsistence of the tenancy been, a Crown interest superior to the tenancy, and “Crown interest” and “the appropriate authority” in relation to a Crown interest mean respectively—
  - (a) an interest comprised in the Crown Estate, and the Crown Estate Commissioners;
  - (b) an interest belonging to Her Majesty in right of the Duchy of Lancaster, and the Chancellor of the Duchy;
  - (c) an interest belonging to the Duchy of Cornwall, and such person as the Duke of Cornwall or the possessor for the time being of the Duchy appoints;
  - (d) any other interest belonging to a government department or held on behalf of Her Majesty for the purposes of a government department, and the Minister in charge of that department.
- [<sup>F66</sup>(2A) For the purposes of this Part of this Act, an interest belonging to the Welsh new towns residuary body in a tenancy of land is to be treated as if it were not an interest belonging to the Crown.]
- (3) The restriction imposed by section 3(2) of the <sup>M13</sup>Crown Estate Act 1961 on the term for which a lease may be granted by the Crown Estate Commissioners shall not apply where the lease is granted by way of extension of a long tenancy at a low rent and it appears to the Crown Estate Commissioners that, if the tenancy were not a tenancy from the Crown, there would be a right to an extended lease under this Part of this Act.
- (4) Where, in the case of land belonging to Her Majesty in right of the Duchy of Lancaster or to the Duchy of Cornwall, it appears to the appropriate authority that a tenant under a long lease at a low rent would, if the tenancy were not a tenancy from the Crown, be entitled to an extended lease under this Part of this Act, then a lease corresponding to that to which the tenant would be so entitled may be granted to take effect wholly or partly out of the Crown interest by the same person and with the same formalities as in the case of any other lease of such land.
- (5) In the case of land belonging to the Duchy of Cornwall, the purposes authorised by section 8 of the <sup>M14</sup>Duchy of Cornwall Management Act 1863 for the advancement of parts of such gross sums as are therein mentioned shall include the payment to tenants of sums corresponding to those which, if the tenancies were not tenancies from the Crown, would be payable by way of compensation under section 17 above.

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**Textual Amendments**

**F66** S. 33(2A) inserted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), **Sch. 8 para. 9**; S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

**Marginal Citations**

**M13** 19661 c. 55.

**M14** 1863 c. 49.

[<sup>F67</sup>**33A Exclusion of certain shared ownership leases.**

The provisions of Schedule 4A to this Act shall have effect to exclude certain shared ownership leases from the operation of this Part of this Act.]

**Textual Amendments**

**F67** S. 33A inserted by [Housing and Planning Act 1986 \(c. 63, SIF 75:1\)](#), s. 18, **Sch. 4 para. 5**

**Status:**

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**Changes to legislation:**

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