
Changes to legislation: Leasehold Reform, Housing and Urban Development Act 1993, Cross Heading:
Freeholder's share of marriage value is up to date with all changes known to be in force on or before 22 April
2024. There are changes that may be brought into force at a future date. Changes that have been made appear
in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 6

PURCHASE PRICE PAYABLE BY NOMINEE PURCHASER

Commencement Information

II Sch. 6 wholly in force at 1.11.1993 see s. 188(2) and [S.I. 1993/2134, art. 5](#)

PART II

FREEHOLD OF SPECIFIED PREMISES

Freeholder's share of marriage value

- 4 (1) The marriage value is the amount referred to in sub-paragraph (2), and the freeholder's share of the marriage value is [^{F1}50 per cent. of that amount].
- (2) [^{F2}Subject to sub-paragraph (2A),] the marriage value is any increase in the aggregate value of the freehold and every intermediate leasehold interest in the specified premises, when regarded as being (in consequence of their being acquired by the nominee purchaser) interests under the control of the participating tenants, as compared with the aggregate value of those interests when held by the persons from whom they are to be so acquired, being an increase in value—
- (a) which is attributable to the potential ability of the participating tenants, once those interests have been so acquired, to have new leases granted to them without payment of any premium and without restriction as to length of term, and
 - (b) which, if those interests were being sold to the nominee purchaser on the open market by willing sellers, the nominee purchaser would have to agree to share with the sellers in order to reach agreement as to price.
- [^{F3}(2A) Where at the relevant date the unexpired term of the lease held by any of those participating members exceeds eighty years, any increase in the value of the freehold or any intermediate leasehold interest in the specified premises which is attributable to his potential ability to have a new lease granted to him as mentioned in sub-paragraph (2)(a) is to be ignored.]
- (3) For the purposes of sub-paragraph (2) the value of the freehold or any intermediate leasehold interest in the specified premises when held by the person from whom it is to be acquired by the nominee purchaser and its value when acquired by the nominee purchaser—
- (a) shall be determined on the same basis as the value of the interest is determined for the purposes of paragraph 2(1)(a) or (as the case may be) paragraph 6(1)(b)(i); and

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(b) shall be so determined as at ^{F4}the relevant date].

(4) Accordingly, in so determining the value of an interest when acquired by the nominee purchaser—

- (a) the same assumptions shall be made under paragraph 3(1) (or, as the case may be, under paragraph 3(1) as applied by paragraph 7(1)) as are to be made under that provision in determining the value of the interest when held by the person from whom it is to be acquired by the nominee purchaser; and
- (b) any merger or other circumstances affecting the interest on its acquisition by the nominee purchaser shall be disregarded.

Textual Amendments

- F1** Words in s. Sch. 6 para. 4(1) substituted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 127](#); S.I. 2002/1912, {art. 2(b)(i)} (subject to Sch. 2); S.I. 2002/3012, [art. 2\(b\)\(i\)](#) (subject to Sch. 2)
- F2** Words in Sch. 6 para. 4(2) inserted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 128\(2\)](#); S.I. 2002/1912 {art. 2(b)(i)} (subject to Sch. 2); S.I. 2002/3012, [art. 2\(b\)\(i\)](#) (subject to Sch. 2)
- F3** Sch. 6 para. 4(2A) inserted (26.7.2002 for E. and 1.1.2003 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), s. 128\(3\)](#); S.I. 2002/1912, [art. 2\(b\)\(i\)](#) (subject to Sch. 2); S.I. 2002/3012, [art. 2\(b\)\(i\)](#) (subject to Sch. 2)
- F4** Words in Sch. 6 substituted (28.2.2005 for E., 31.5.2005 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), ss. 126\(1\), 181\(1\)](#); S.I. 2004/3056, art. 3(a) (with art. 4(1)(1A)) (as amended by S.I. 2005/193, art. 2); S.I. 2005/1353, art. 2(a) (with art. 3(2))

Modifications etc. (not altering text)

- C1** Sch. 6 para. 4(2) modified (temp.) (28.2.2005) by [The Commonhold and Leasehold Reform Act 2002 \(Commencement No.5 and Saving and Transitional Provision\) Order 2004 \(S.I. 2004/3056\), art. 4\(1\)](#)
- C2** Sch. 6 para. 4(2) modified (temp.) (17.5.2005) by [The Commonhold and Leasehold Reform Act 2002 \(Commencement No. 3 and Saving and Transitional Provision\) \(Wales\) Order 2005 \(S.I. 2005/1353\), art. 3\(1\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12A and cross-heading inserted by 2002 c. 15 s. 123(1)
- s. 12A(3)(a)(b) words substituted by S.I. 2009/1941 Sch. 1 para. 140(5)
- s. 12A(4)(a) words substituted by S.I. 2009/1941 Sch. 1 para. 140(5)
- s. 12A(4)(c) words substituted by S.I. 2009/1941 Sch. 1 para. 140(5)
- s. 13(2ZA) inserted by 2002 c. 15 s. 121(3)
- s. 13(2ZB) inserted by 2002 c. 15 s. 123(2)
- s. 13(5A) inserted by 2002 c. 15 Sch. 8 para. 6(3)
- s. 29(4A) inserted by 2002 c. 15 Sch. 8 para. 18(2)
- s. 29(4A) words added by S.I. 2003/2096 Sch. para. 20(b)
- s. 29(4A)(a) words omitted by S.I. 2003/2096 Sch. para. 20(a)
- s. 29(4A)(d) words substituted by S.I. 2009/1941 Sch. 1 para. 140(6)
- s. 70(15) inserted by 2023 asc 3 Sch. 13 para. 166(b)
- s. 78(5A)-(5C) inserted by 2008 c. 17 Sch. 12 para. 15(3)
- s. 78(7) inserted by 2008 c. 17 Sch. 12 para. 15(4)
- s. 79(2)(2A) substituted for s. 79(2) by 2002 c. 15 Sch. 10 para. 16(3)
- s. 156(4) repealed by 2014 asp 14 sch. 2 para. 7
- Sch. 20 para. 5(1A) inserted by 2008 c. 29 Sch. 9 para. 5(2)