

Status: Point in time view as at 01/07/2013.

Changes to legislation: Leasehold Reform, Housing and Urban Development Act 1993, Part III is up to date with all changes known to be in force on or before 30 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)

SCHEDULES

SCHEDULE 9

GRANT OF LEASES BACK TO FORMER FREEHOLDER

Extent Information

E1 Sch. 9 wholly in force at 1.11.1993 see s. 188(2) and S.I. 1993/2134, art. 5

PART III

RIGHT OF FREEHOLDER TO REQUIRE LEASEBACK OF CERTAIN UNITS

Flats without qualifying tenants and other units

- 5 (1) Subject to sub-paragraph (3), this paragraph applies to any unit [^{F1}falling within sub-paragraph (1A)] which is not immediately before the appropriate time a flat let to a person who is a qualifying tenant of it.
- [^{F2}(1A) A unit falls within this sub-paragraph if—
- (a) the freehold of the whole of it is owned by the same person, and
 - (b) it is contained in the specified premises.]
- (2) Where this paragraph applies, the nominee purchaser shall, if the freeholder by notice requires him to do so, grant to the freeholder a lease of the unit in accordance with section 36 and paragraph 7 below.
- (3) This paragraph does not apply to a flat or other unit to which paragraph 2 or 3 applies.

Textual Amendments

- F1** Words in Sch. 9 para. 5(1) substituted (1.10.1996) by 1996 c. 52, s. 107, Sch. 10 para. 20(5); S.I. 1996/2212, art. 2(2) (with savings in Sch.)
- F2** Sch. 9 para. 5(1A) inserted (1.10.1996) by 1996 c. 52, s. 107, Sch. 10 para. 20(5); S.I. 1996/2212, art. 2(2) (with savings in Sch.)

Flat etc. occupied by resident landlord

- 6 [^{F3}(1) Sub-paragraph (2) applies where, immediately before the freehold of a flat or other unit contained in the specified premises is acquired by the nominee purchaser—
- (a) those premises are premises with a resident landlord by virtue of the occupation of the flat or other unit by the freeholder of it, and
 - (b) the freeholder of the flat or other unit is a qualifying tenant of it.

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- (2) If the freeholder of the flat or other unit (“the relevant unit”) by notice requires the nominee purchaser to do so, the nominee purchaser shall grant to the freeholder a lease of the relevant unit in accordance with section 36 and paragraph 7 below; and, on the grant of such a lease to the freeholder, he shall be deemed to have surrendered any lease of the relevant unit held by him immediately before the appropriate time.]
- (3) Sections 5, 7 and 8 shall apply for the purpose of determining whether, for the purposes of sub-paragraph [F4(1)(b)]above, the freeholder is a qualifying tenant of a unit other than a flat as they apply for the purpose of determining whether a person is a qualifying tenant of a flat.

Textual Amendments

- F3** Sch. 9 para. 6(1)(2) substituted (1.10.1996) by 1996 c. 52, s. 107, **Sch. 10 para. 20(6)**; S.I. 1996/2212, **art. 2(2)** (with savings in Sch.)
- F4** Words in Sch. 9 para. 6(3) substituted (1.10.1996) by 1996 c. 52, s. 107, **Sch. 10 para. 20(7)**; S.I. 1996/2212, **art. 2(2)** (with savings in Sch.)

Provisions as to terms of lease

- 7 (1) Any lease granted to the freeholder in pursuance of paragraph 5 or 6, and any agreement collateral to it, shall conform with the provisions of Part IV of this Schedule except to the extent that any departure from those provisions—
- (a) is agreed to by the nominee purchaser and the freeholder; or
 - (b) is directed by [F5the appropriate tribunal] on an application made by either of those persons.
- (2) [F6The appropriate tribunal] shall not direct any such departure from those provisions unless it appears to the tribunal that it is reasonable in the circumstances.
- (3) In determining whether any such departure is reasonable in the circumstances, the tribunal shall have particular regard to the interests of any person who will be the tenant of the flat or other unit in question under a lease inferior to the lease to be granted to the freeholder.
- (4) Subject to the preceding provisions of this paragraph, any such lease or agreement as is mentioned in sub-paragraph (1) may include such terms as are reasonable in the circumstances.

Textual Amendments

- F5** Words in Sch. 9 para. 7(1)(b) substituted (1.7.2013) by *The Transfer of Tribunal Functions Order 2013* (S.I. 2013/1036), art. 1, **Sch. 1 para. 126(a)** (with Sch. 3)
- F6** Words in Sch. 9 para. 7(2) substituted (1.7.2013) by *The Transfer of Tribunal Functions Order 2013* (S.I. 2013/1036), art. 1, **Sch. 1 para. 126(b)** (with Sch. 3)

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