



# Leasehold Reform, Housing and Urban Development Act 1993

## 1993 CHAPTER 28

### PART I

#### LANDLORD AND TENANT

#### CHAPTER I

#### COLLECTIVE ENFRANCHISEMENT IN CASE OF TENANTS OF FLATS

##### *Completion of acquisition*

#### **34 Conveyance to nominee purchaser.**

- (1) Any conveyance executed for the purposes of this Chapter, being a conveyance to the nominee purchaser of the freehold of the specified premises [<sup>F1</sup>, of a part of those premises] or of any other property, shall grant to the nominee purchaser an estate in fee simple absolute in those premises [<sup>F1</sup>, that part of those premises] or that property, subject only to such incumbrances as may have been agreed or determined under this Chapter to be incumbrances subject to which that estate should be granted, having regard to the following provisions of this Chapter.
- (2) Any such conveyance shall, where the nominee purchaser is to acquire any leasehold interest in the specified premises [<sup>F2</sup>, the part of the specified premises] or (as the case may be) in the other property to which the conveyance relates, provide for the disposal to the nominee purchaser of any such interest.
- (3) Any conveyance executed for the purposes of this Chapter shall have effect under section 2(1) of the <sup>M1</sup>Law of Property Act 1925 (conveyances overreaching certain equitable interests etc.) to overreach any incumbrance capable of being overreached under section 2(1)—

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*Changes to legislation: Leasehold Reform, Housing and Urban Development Act 1993, Section 34 is up to date with all changes known to be in force on or before 21 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*

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- (a) as if, where the interest conveyed is settled land for the purposes of the <sup>M2</sup>Settled Land Act 1925, the conveyance were made under the powers of that Act, and
  - (b) as if the requirements of section 2(1) as to payment of the capital money allowed any part of the purchase price paid or applied in accordance with section 35 below or Schedule 8 to this Act to be so paid or applied.
- (4) For the purposes of this section “incumbrances” includes—
- (a) rentcharges, and
  - (b) (subject to subsection (5)) personal liabilities attaching in respect of the ownership of land or an interest in land though not charged on that land or interest.
- (5) Burdens originating in tenure, and burdens in respect of the upkeep or regulation for the benefit of any locality of any land, building, structure, works, ways or watercourse shall not be treated as incumbrances for the purposes of this section; but any conveyance executed for the purposes of this Chapter shall be made subject to any such burdens.
- (6) A conveyance executed for the purposes of this Chapter shall not be made subject to any incumbrance capable of being overreached by the conveyance, but shall be made subject (where they are not capable of being overreached) to—
- (a) rentcharges redeemable under sections 8 to 10 of the <sup>M3</sup>Rentcharges Act 1977, and
  - (b) those falling within paragraphs (c) and (d) of section 2(3) of that Act (estate rentcharges and rentcharges imposed under certain enactments),
- except as otherwise provided by subsections (7) and (8) below.
- (7) Where any land is to be conveyed to the nominee purchaser by a conveyance executed for the purposes of this Chapter, subsection (6) shall not preclude the person who owns the freehold interest in the land from releasing, or procuring the release of, the land from any rentcharge.
- (8) The conveyance of any such land (“the relevant land”) may, with the agreement of the nominee purchaser (which shall not be unreasonably withheld), provide in accordance with section 190(1) of the <sup>M4</sup>Law of Property Act 1925 (charging of rentcharges on land without rent owner’s consent) that a rentcharge—
- (a) shall be charged exclusively on other land affected by it in exoneration of the relevant land, or
  - (b) shall be apportioned between other land affected by it and the relevant land.
- (9) Except to the extent that any departure is agreed to by the nominee purchaser and the person whose interest is to be conveyed, any conveyance executed for the purposes of this Chapter shall—
- (a) as respects the conveyance of any freehold interest, conform with the provisions of Schedule 7, and
  - (b) as respects the conveyance of any leasehold interest, conform with the provisions of paragraph 2 of that Schedule (any reference in that paragraph to the freeholder being read as a reference to the person whose leasehold interest is to be conveyed [<sup>F3</sup>, and with the reference to the covenants for title implied under Part I of the Law of Property (Miscellaneous Provisions) Act 1994 being read as excluding the covenant in section 4(1)(b) of that Act (compliance with terms of lease)]).

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- (10) Any such conveyance shall in addition contain a statement that it is a conveyance executed for the purposes of this Chapter; and any such statement shall comply with such requirements as may be prescribed by [<sup>F4</sup>land registration rules under the Land Registration Act 2002].

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#### Textual Amendments

- F1** Words in s. 34(1) inserted (1.10.1996) by 1996 c. 52, s. 107, **Sch. 10 para. 11(2)**; S.I. 1996/2212, **art. 2(2)** (with savings in **Sch.**)
- F2** Words in s. 34(2) inserted (1.10.1996) by 1996 c. 52, s. 107, **Sch. 10 para. 11(3)**; S.I. 1996/2212, **art. 2(2)** (with savings in **Sch.**)
- F3** Words in s. 34(9) inserted (1.7.1995) by 1994 c. 36, s. 21(1), **Sch. 1 para. 12(1)**; S.I. 1995/1317, **art. 2**
- F4** Words in s. 34(10) substituted (13.10.2003) by Land Registration Act 2002 (c. 9), s. 136(2), **Sch. 11 para. 30(2)** (with s. 129); S.I. 2003/1725, art. 2(1)
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#### Marginal Citations

- M1** 1925 c. 20.
- M2** 1925 c. 18.
- M3** 1977 c. 30.
- M4** 1925 c. 20.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 34 words substituted by [2002 c. 15 Sch. 8 para. 23](#)

**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\(2\)](#)