
STATUTORY INSTRUMENTS

1967 No. 1768

LANDLORD AND TENANT

The Leasehold Reform (Notices) Regulations 1967

Made - - - - 27th November 1967

Laid before Parliament 4th December 1967

Coming into Operation 1st January 1968

I, Gerald, Baron Gardiner, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by section 66 of the Landlord and Tenant Act 1954(a) as applied by section 22(5) of the Leasehold Reform Act 1967(b) hereby make the following Regulations:—

1. These Regulations may be cited as the Leasehold Reform (Notices) Regulations 1967 and shall come into operation on 1st January 1968.

2. The Interpretation Act 1889(c) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. In these Regulations, unless the context otherwise requires—

“the Act” means the Leasehold Reform Act 1967;

a Form referred to by number means the Form so numbered in the Appendix to these Regulations.

4. The Forms in the Appendix to these Regulations or Forms substantially to the like effect shall be used for the following purposes:—

(i) a tenant’s notice of his desire to have the freehold or an extended lease of a house and premises given under Part I of the Act shall be in Form 1;

(ii) a landlord’s notice in reply to a tenant’s notice of his desire to have the freehold or an extended lease of a house and premises, or in reply to a tenant’s notice claiming to be entitled to acquire the freehold or an extended lease, given under Part I of the Act shall be in Form 2;

(iii) a tenant’s notice claiming to be entitled to acquire the freehold or an extended lease given under section 28(1) of the Act to a landlord who is a body to which that section applies shall be in Form 3.

Dated 27th November 1967.

Gardiner, C.

(a) 1954 c. 56.

(b) 1967 c. 88.

(c) 1889 c. 63.

APPENDIX

Form 1

Leasehold Reform Act 1967

Notice of Leaseholder's Claim

Notes 1, 2 & 3. To [*Name and address of landlord*]

and all others on whom a copy of this notice may be served.

*Delete whichever is inapplicable. 1. Take notice that I, as tenant of the house and premises described in the Schedule hereto, desire to have *[the freehold *or* an extended lease] of the said house and premises. I am making this claim in the exercise of my rights under the Leasehold Reform Act 1967. The particulars on which I rely are set out in the Schedule to this notice.

Note 4. 2. You are required, if you are both my immediate landlord and the freeholder, to give me, within two months of the service of this notice, a notice in reply in the prescribed form stating whether or not you admit my right to have *[the freehold *or* an extended lease] (subject to any question as to the correctness of the particulars of the house and premises given in this notice) and, if you do not admit my right, stating the grounds upon which you do not admit it.

(The remaining paragraphs of this form should be deleted where the claimant's immediate landlord is known to be the freeholder of the house and premises.)

Note 5. 3. If you are not my immediate landlord, or if you are my immediate landlord but not the freeholder, you must comply with the requirements of paragraphs 5 and 6 below, but you need only give me the notice in reply mentioned above if you are the person designated as "the reversioner" in accordance with paragraph 2 of Schedule 1 to the Act. If you are the reversioner, you must give the notice in reply within 2 months of the first service of this notice on any landlord.

4. I have served a copy of this notice on the following other person[s] known or believed by me to have an interest in the house and premises superior to my tenancy, namely—
(The names and addresses of the persons on whom copies of this notice have been served should be stated here.)

5. You are required to serve a copy of this notice forthwith on any person who is known or believed by you to have such an interest, but is not stated in this notice to have been served with a copy or known by you to have received a copy. If you serve a copy on any person you are required to add his name to the list of persons receiving copies as set out in paragraph 4 of this notice, and to notify me.

Note 5. 6. If you know who is, or you believe yourself to be, the person designated as the reversioner in accordance with paragraph 2 of Schedule 1 to the Act, you are required to give written notice to me stating whom you know or believe to be the reversioner, and to serve copies of it on all persons known or believed by you to have an interest superior to my tenancy.

7. Anyone who receives a copy of this notice is required forthwith to serve a copy on any person who is known or believed by him to have such an interest but is not stated in the copy or known by him to have received a copy. If he serves such a further copy on any person he is required to add that person's name to the list of persons receiving copies set out in paragraph 4 of this notice and to notify me.

8. If anyone who receives a copy of this notice knows who is or believes himself to be the person designated as the reversioner he is required to give written notice to me stating whom he knows or believes to be the reversioner and to serve copies of it on all persons known or believed by him to have an interest superior to my tenancy. Note 5.

Dated this day of 19 .

Signed.....(Tenant)

.....(Address)

[The name and address of my solicitor or agent, to whom further communications may be sent is.....]

.....]

THE SCHEDULE

- 1. The address of the house.*
- 2. Particulars of the house and premises sufficient to identify the property to which the claim extends. Note 6.*
- 3. The rateable value of the house and premises on 23rd March 1965 (or on the date such a value was first shown in the valuation list, if this date is after 23rd March 1965).*
- 4. Particulars of the tenancy of the house and premises sufficient to identify the instrument creating the tenancy and to show that the tenancy is and has at the material times been a long tenancy at a low rent. Note 7.*
- 5. The date on which the claimant acquired the tenancy.*
- 6. The periods for which in the last ten years and since acquiring the tenancy, the claimant has and has not occupied the house as his residence; and the following particulars about any such periods during which the claimant has occupied the house as his residence—
(i) what parts (if any) of the house have not been in his own occupation and for what periods;
(ii) what other residence (if any) he has had and for what periods, and which was his main residence.*
- 7. Additional particulars where claimant relies on section 6 or 7 of the Act. Note 8.*

Notes

1. Where the tenant's immediate landlord is not the freeholder, the claim may in accordance with the provisions of the Leasehold Reform Act 1967 be served on him or any superior landlord, and copies of the notice must be served by the tenant on anyone else known or believed by him to have an interest superior to his own. (Schedule 3, paragraph 8(1))

2. Where the landlord's interest is subject to a mortgage or other charge and the mortgagee or person entitled to the benefit of the charge is in possession of that interest, or a receiver appointed by him or by the court is in receipt of the rents and profits, the notice may be served either on the landlord or on the person in possession or the receiver. (Schedule 3, paragraph 9(1))

3. Any landlord whose interest is subject to a mortgage or other charge (not being a rent-charge) to secure the payment of money must (subject to special provisions applicable to debenture-holders' charges) on receipt of the claim inform the mortgagee or person entitled to the benefit of the charge. (Schedule 3, paragraph 9(2))

4. The landlord must (unless note 5 applies) serve a notice in reply in Form 2 prescribed in the Leasehold Reform (Notices) Regulations 1967 within two months of service on him of this notice. If he does not admit the tenant's right to have the freehold or an extended lease the notice in reply must state the grounds on which it is not admitted. If the landlord intends to apply to the court for possession of the house and premises in order to redevelop it (section 17) or to occupy it (section 18), his notice must say so. If he does not so intend, but he objects under subsections (4) or (5) of section 2 of the Act to the inclusion in the claim of a part of the house and premises which projects into other property, or to the exclusion from the claim of property let with the house and premises but not occupied with and used for the purposes of the house by any occupant thereof, he must give notice of his objection with or before his notice in reply; unless in his notice in reply he reserves the right to give it later, in which case it must still be given within two months of the service on him of the tenant's notice. If the landlord admits the claim, the admission is binding on him, unless he shows that he was misled by misrepresentation or concealment of material facts, but it does not conclude any question of the correctness of the particulars of the house and premises as set out in the claim. (Schedule 3, paragraph 7)

5. Where the tenant's immediate landlord is not the freeholder any proceedings arising out of the tenant's notice, whether for resisting or for giving effect to the claim, must be conducted by the person who is designated "the reversioner" in accordance with paragraph 2 of Schedule 1 to the Act and he must give the notice in reply. The reversioner means the landlord whose tenancy carries an expectation of possession of the house and premises of 30 years or more after the expiration of all inferior tenancies, and if there is more than one such landlord, it means the landlord whose tenancy is nearest to that of the tenant; if there is no such landlord, it means the owner of the freehold. The tenant will be informed in the notice in reply if it is given by a landlord acting as the reversioner.

6. "Premises" to be included with the house in the claim are any garage, outhouse, garden, yard and appurtenances which at the time of the notice are let to the tenant with the house and are occupied with and used for the purposes of the house or any part of it by him or by another occupant.

7. Where there have been successive tenancies particulars should be given of each tenancy. In the case of a lease already extended under the Act, the date of the extension and the original term date should be given.

8. Where the claimant is giving the notice by virtue of section 6 (rights of trustees and beneficiaries under trusts) or section 7 (rights of members of family succeeding to tenancy on death) he is required (by paragraph 6(2) of Schedule 3) to adapt the notice and show under paragraph 7 of the Schedule to this notice the additional particulars bringing the claim within section 6 or 7. Where the tenancy is or was vested in trustees the claimant should, for the purposes of a claim made in reliance on section 6 of the Act, state the date when the tenancy was acquired by the trustees, the date when the beneficiary occupied the house by virtue of his interest under the trust, and particulars of any periods of occupation by the beneficiary which are relied upon as bringing the case within section 6 of the Act. Where the claimant was a member of the previous tenant's family and became tenant on the latter's death, then, for the purposes of a claim made in reliance on section 7 of the Act, the claimant should state the date on which the previous tenant acquired the tenancy, particulars of his relationship to the previous tenant and his succession to the tenancy, and particulars in respect of any period of occupation by the previous tenant and by himself on which the claimant relies as bringing the case within section 7 of the Act.

Form 2

Leasehold Reform Act 1967

Notice in Reply to Leaseholder's Claim

To [*Name and address of the claimant*]

] Note 1.

1. I have received *[a copy of] your notice dated *Delete any words or paragraphs in square brackets which are inapplicable.
 claiming the right to have *[the freehold or an extended lease] of the house and premises described in your notice in accordance with the provisions of the Leasehold Reform Act 1967.

2. *[I admit your right (subject to any question as to the correctness of the particulars given in your notice of the house and premises), I do not admit your right, on the following grounds—
(state grounds on which the tenant's right is not admitted)

.....

]

*[3. I intend *[or intends] to apply to the court for possession of the house and premises under *[section 17 or section 18] of the Act.] Note 3.

*[4. I reserve the right to give notice under section 2 of the Act of my objection to the exclusion from the house and premises claimed by you premises let to you with the house and premises but not at present occupied by you, or to the continued inclusion in the house and premises parts lying above or below other premises in which I have an interest.] Note 4.

Note 5. †[5. This notice is given by me as the person designated by paragraph 2 of Schedule 1 to the Act as the reversioner of the house and premises.]

†Delete if you are the claimant's immediate landlord and also the freeholder.

Signed

Date.....

[The name and address of my solicitor or agent to whom all further communications may be sent is.....
.....]

Notes

1. This notice must be given within two months of the service of Notice of Leaseholder's Claim. Where there is a chain of landlords the time limit will run from the date of the first service of the claimant's notice to any landlord. (Schedule 3, paragraph 7(1))

2. If the landlord admits the claim he will not thereafter be able to dispute the claimant's right to have the freehold or an extended lease unless he shows that he was misled by misrepresentation or concealment of material facts, but the admission does not conclude any question as to the correctness of the particulars of the house and premises as set out in the claim. (Schedule 3, paragraph 7(4))

3. If the landlord (on the assumption, where this is not admitted, that the claimant has the right claimed) intends to apply to the court for an order for possession of the premises for use as a residence under section 14 or for redevelopment under section 17 of the Act, the notice must say so. (Schedule 3, paragraph 7(3)) (Where the claim is to have the freehold only certain public authorities or bodies can resist it on the ground of an intention to redevelop the property.)

4. If the landlord intends to object (under subsections (4) or (5) of section 2 of the Act) to the exclusion from the claim of property let within the house and premises but not occupied and used for the purposes of the house by any occupant thereof, or to the inclusion of part of the house and premises which projects into other property of the landlord's, notice of his objection must be given before or with this notice, unless the right to give it later is reserved by this notice. (Schedule 3, paragraph 7(2)) In any case notice of the objection must be given within two months of the service of the claimant's notice.

5. Where there is a chain of landlords this notice must be given by the landlord who is designated "the reversioner" in accordance with paragraph 2 of Schedule 1 to the Act. The reversioner means the landlord whose tenancy carries an expectation of possession of the house and premises of 30 years or more after the expiration of all inferior tenancies and if there is more than one such landlord it means the landlord whose tenancy is nearest to that of the tenant; if there is no such landlord, it means the owner of the freehold.

Form 3
Leasehold Reform Act 1967

Notice of Leaseholder's Claim under section 28(1)(b)(ii)

To [Name and address of landlord]

1. Take notice that I, as tenant of the house and premises described in the Schedule hereto, claim to be entitled to acquire the freehold or an extended lease of the said house and premises. The particulars on which I rely are set out in the Schedule to this notice.

2. On you served on me a copy of a certificate Note 1.
given under *[section 28 of the Leasehold Reform Act 1967, certifying that the house and premises will in ten years or less be required for relevant development, or section 57 of the Landlord and Tenant Act 1954, certifying that it is requisite that the use or occupation of the house and premises or a part thereof should be changed,] and I am making this claim in the exercise of my rights under section 28 of the Leasehold Reform Act 1967. *Delete whichever alternative is inapplicable.

3. You are required to give me, within two months of the service of this notice, a notice in reply in the prescribed form stating whether or not you admit my claim (subject to any question as to the correctness of the particulars of the house and premises given in this notice) and, if you do not admit my claim, stating the grounds upon which you do not admit it. Notes 2 & 3.

Dated this day of 19 .

Signed.....(Tenant)
.....(Address)

[The name and address of my solicitor or agent, to whom all further communications may be sent is.....]
.....]

THE SCHEDULE

1. *The address of the house.*
2. *Particulars of the house and premises sufficient to identify the property to which the claim extends.* Note 4.
3. *The rateable value of the house and premises on 23rd March 1965 (or on the date such a value was first shown in the valuation list, if this date is after 23rd March 1965).*
4. *Particulars of the tenancy of the house and premises sufficient to identify the instrument creating the tenancy and to show that the tenancy is and has at the material times been a long tenancy at a low rent.* Note 5.
5. *The date on which the claimant acquired the tenancy.*
6. *The periods for which in the last ten years and since acquiring the tenancy, the claimant has and has not occupied the house as his residence; and the following particulars about any such periods during which the claimant has occupied the house as his residence—*
 - (i) *what parts (if any) of the house have not been in his own occupation and for what periods;*
 - (ii) *what other residence (if any) he has had and for what periods, and which was his main residence.*
7. *Additional particulars where the claimant relies on section 6 or 7 of the Act.* Note 6.

Notes

1. In accordance with the provisions of the Leasehold Reform Act 1967 this notice may not be served later than two months after a copy of the certificate has been served on the tenant.

2. The landlord must serve a notice in reply in Form 2 prescribed in the Leasehold Reform (Notices) Regulations 1967 within two months of service on him of this notice. If he does not admit the tenant's claim to be entitled to acquire the freehold or an extended lease the notice in reply must state the grounds on which it is not admitted. If the landlord admits the claim, the admission is binding on him, unless he shows that he was misled by misrepresentation or concealment of material facts, but it does not conclude any question of the correctness of the particulars of the house and premises as set out in the claim. (Schedule 3, paragraph 7)

3. If the landlord admits the claim the tenant will not be entitled to a grant of the freehold or a new tenancy of the house and premises, but, if the landlord obtains an order of the court under section 17 of the Act for possession of the house and premises in order to redevelop it, the tenant will become entitled to be paid compensation for the loss of the house and premises in accordance with Schedule 2 to the Act.

4. "Premises" to be included with the house in the claim are any garage, outhouse, garden, yard and appurtenances which at the time of the notice are let to the tenant with the house and are occupied with and used for the purposes of the house or any part of it by him or by another occupant.

5. Where there have been successive tenancies particulars should be given of each tenancy. In the case of a lease already extended under the Act, the date of the extension and the original term date should be given.

6. Where the claimant is giving the notice by virtue of section 6 (rights of trustees and beneficiaries under trusts) or section 7 (rights of members of family succeeding to tenancy on death) he is required (by paragraph 6(2) of Schedule 3) to adapt the notice and show under paragraph 7 of the Schedule to this notice the additional particulars bringing the claim within section 6 or 7. Where the tenancy is or was vested in trustees the claimant should, for the purposes of a claim made in reliance on section 6 of the Act, state the date when the tenancy was acquired by the trustees, the date when the beneficiary occupied the house by virtue of his interest under the trust, and particulars of any periods of occupation by the beneficiary which are relied upon as bringing the case within section 6 of the Act. Where the claimant was a member of the previous tenant's family and became tenant on the latter's death, then, for the purposes of a claim made in reliance on section 7 of the Act, the claimant should state the date on which the previous tenant acquired the tenancy, particulars of his relationship to the previous tenant and his succession to the tenancy, and particulars in respect of any period of occupation by the previous tenant and by himself on which the claimant relies as bringing the case within section 7 of the Act.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe the forms of notices to be used for the purposes of the Leasehold Reform Act 1967.

The prescribed forms are to be used (i) by tenants of houses held on long leases claiming the right to enfranchise or to extend their leases, (ii) by landlords replying to such claims, and (iii) by tenants asserting a claim under section 28 of the Act to be entitled to enfranchise or to extend their leases for the purpose of establishing a right to compensation under section 17.

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