
 STATUTORY INSTRUMENTS

1982 No. 62

HOUSING, ENGLAND AND WALES

LANDLORD AND TENANT

**The Housing (Exclusion of Shared Ownership Tenancies from
the Leasehold Reform Act 1967) Regulations 1982**

<i>Made</i> - - - -	20th January 1982
<i>Laid before Parliament</i>	1st February 1982
<i>Coming into Operation</i>	22nd February 1982

The Secretary of State for the Environment, in relation to England, and the Secretary of State for Wales, in relation to Wales, in exercise of the powers conferred by section 140 of the Housing Act 1980 (a) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Housing (Exclusion of Shared Ownership Tenancies from the Leasehold Reform Act 1967) Regulations 1982, and shall come into operation on 22nd February 1982.

Requirement for exclusion of tenancies from Leasehold Reform Act 1967

2. A lease granted by a registered housing association complies with these regulations for the purposes of section 140(4)(b) of the Housing Act 1980 if—

- (i) it provides for the tenant to acquire the landlord's interest in the property, whether under an option to purchase or otherwise, for a consideration which is to be calculated in accordance with the terms of the lease and which is reasonable, having regard to the premium or premiums paid by the tenant under the lease; or
- (ii) it is a lease for the elderly, as defined in regulation 3 below.

Interpretation

3. In regulation 2 above, "lease for the elderly" means a lease which—

- (i) is a lease of one of a group of dwellinghouses which it is the practice of a registered housing association to let for occupation by persons of pensionable age, where a social service or special facilities are provided in close proximity to the group of dwellinghouses for the only or main purpose of assisting those persons;
- (ii) does not provide for the tenant to acquire the interest of the landlord under an option to purchase;

- (iii) provides for an absolute covenant by the tenant not to underlet or part with possession of the property or any part thereof, nor to assign the same except—
 - (a) to the tenant's spouse if he is residing at the property at the date of the tenant's death, or
 - (b) to a member of the tenant's family or household, who was residing with him at the time of his death, where the grant of a tenancy in the property to that person would not infringe the objects of the landlord;
- (iv) provides that, if during the term the tenant's affairs are made subject to the jurisdiction of the Court of Protection or if the tenant shall die, then the landlord shall be entitled to determine the term by giving to the tenant not less than six months notice in writing; and
- (v) provides that the tenant shall at any time be entitled to surrender the term by giving to the landlord not less than six months notice in writing.

19th January 1982.

Michael R. D. Heseltine,
Secretary of State for the Environment.

20th January 1982

Nicholas Edwards,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

Section 140 of the Housing Act 1980 specifies conditions which a lease granted by a registered housing association has to comply with, if it is to be excluded from the provisions of the Leasehold Reform Act 1967(c.88). One condition is that the lease shall comply with the requirements of Regulations made by the Secretary of State.

These are the Regulations. They make provision for the exclusion from the Act, if the requirements specified are met, of leases which provide for the acquisition of the landlord's interest by the tenant, and of leases which are granted as part of leasehold schemes providing sheltered accommodation for the elderly.

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