
STATUTORY INSTRUMENTS

1993 No. 2409

**LANDLORD AND TENANT,
ENGLAND AND WALES**

**The Leasehold Reform (Notices)
(Amendment) Regulations 1993**

Made - - - - 30th September 1993
Laid before Parliament 11th October 1993
Coming into force - - 1st November 1993

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred by section 66 of the Landlord and Tenant Act 1954⁽¹⁾ as applied by section 22(5) of the Leasehold Reform Act 1967⁽²⁾ and now vested in them⁽³⁾ 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 Leasehold Reform (Notices) (Amendment) Regulations 1993 and shall come into force on 1st November 1993.

Amendments

2.—(1) The Appendix to the Leasehold Reform (Notices) Regulations 1967⁽⁴⁾ is amended in accordance with the following provisions of this regulation.

- (2) In Form 1 (notice of leaseholder's claim)—
(a) for paragraphs 3 and 4 of the Schedule substitute—

“Note 7.

3. 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 or treated as a long tenancy.

(1) 1954 c. 56.
(2) 1967 c. 88.
(3) *see* S.I. 1974/1896.
(4) S.I. 1967/1768, to which there is an amendment not relevant to these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Note 7A.

4. Particulars of the tenancy of the house and premises sufficient to show that the tenancy is and has at the material times been a tenancy at a low rent or treated as a tenancy at a low rent.”;

(b) after paragraph 6 insert—

“Note 7B.

6A. Additional particulars sufficient to show that the value of the house and premises does not exceed the applicable financial limit specified in section 1(1)(a)(i) or (ii), (5) or (6) of the Act. (These are not required where the right to have the freehold is claimed in reliance on any one or more of the provisions in section 1A or 1B of the Act.)

Note 7C.

6B. Additional particulars sufficient to show whether the house and premises are to be valued in accordance with section 9(1) or section 9(1A) of the Act. (These are not required where the right to have the freehold is claimed in reliance on any one or more of the provisions in section 1A or 1B of the Act.)”;
and

(c) at the end of Note 7 insert—

“In addition to the provisions of section 3 of the Act, section 174(a) of the Housing Act 1985 provides for certain tenancies granted pursuant to the right to buy to be treated as long tenancies. Section 1B of the Act also provides for certain tenancies terminable on death or marriage to be long tenancies for the limited right described in Note 7B.

7A. In addition to the provisions of section 4 of the Act, section 174(b) of the Housing Act 1985 provides for certain shared ownership leases granted pursuant to the right to buy to be treated as tenancies at a low rent. Section 1A(2) of the Act also provides for certain tenancies to be treated as tenancies at a low rent for the limited right described in Note 7B.

7B. A claimant who relies on any one or more of the provisions in section 1A or 1B of the Act has the right to have the freehold at a price determined in accordance with section 9(1C) of the Act, but not the right to have an extended lease. Section 1A(1) applies to a tenancy of a house and premises the value of which exceeds the applicable financial limit. (Sections 1A(2) and 1B are described in Notes 7A and 7 respectively.)

7C. If section 175 of the Housing Act 1985 (leases granted pursuant to the right to buy etc.) applies to a tenancy, the price payable for the house and premises is not determined in accordance with section 9(1).”.

(3) In Form 3 (notice of leaseholder’s claim under section 28(1)(b)(ii))—

(a) for paragraphs 3 and 4 of the Schedule substitute—

“Note 5.

3. Particulars of the tenancy of the house and premises sufficient to identify the instrument

Note 5A. *creating the tenancy and to show that the tenancy is and has at the material times been a long tenancy, or treated as a long tenancy.*

4. *Particulars of the tenancy of the house and premises sufficient to show that the tenancy is and has at the material times been a tenancy at a low rent, or treated as a tenancy at a low rent.”;*

(b) after paragraph 6 of the Schedule insert—

“Note 5B. 6A. *Additional particulars sufficient to show that the value of the house and premises does not exceed the applicable financial limit specified in section 1(1)(a)(i) or (ii), (5) or (6) of the Act. (These are not required where the right to acquire the freehold is claimed in reliance on any one or more of the provisions in section 1A or 1B of the Act.)*

Note 5C. 6B. *Additional particulars sufficient to show whether the house and premises are to be valued in accordance with section 9(1) or section 9(1A) of the Act. (These are not required where the right to acquire the freehold is claimed in reliance on any one or more of the provisions in section 1A or 1B of the Act.)”;*and

(c) at the end of Note 5 insert—

“In addition to the provisions of section 3 of the Act, section 174(a) of the Housing Act 1985 provides for certain tenancies granted pursuant to the right to buy to be treated as long tenancies. Section 1B of the Act also provides for certain tenancies terminable on death or marriage to be long tenancies for the limited right described in Note 5B.

5A. In addition to the provisions of section 4 of the Act, section 174(b) of the Housing Act 1985 provides for certain shared ownership leases granted pursuant to the right to buy to be treated as tenancies at a low rent. Section 1A(2) of the Act also provides for certain tenancies to be treated as tenancies at a low rent for the limited right described in Note 5B.

5B. A claimant who relies on any one or more of the provisions in section 1A or 1B of the Act has the right to have the freehold at a price determined in accordance with section 9(1C) of the Act, but not the right to have an extended lease. Section 1A(1) applies to a tenancy of a house and premises the value of which exceeds the applicable financial limit. (Sections 1A(2) and 1B are described in Notes 5A and 5 respectively.)

5C. If section 175 of the Housing Act 1985 (leases granted pursuant to the right to buy etc.) applies to a tenancy, the price payable for the house and premises is not determined in accordance with section 9(1).”.

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Transitional

4. These Regulations shall not apply in a case where a notice under section 8 or 14 of the Leasehold Reform Act 1967⁽⁵⁾ (tenant's notice of desire to have the freehold or an extended lease) was given before these Regulations come into force.

Signed by authority of the Secretary of State

30th September 1993

G. S. K. Young
Minister of State,
Department of the Environment

30th September 1993

John Redwood
Secretary of State for Wales

(5) 1967 c. 88.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the forms in the Appendix to the Leasehold Reform (Notices) Regulations 1967 (forms of notice to be used by tenants of houses claiming the right to have the freehold or an extended lease under the Leasehold Reform Act 1967). The amendments are consequential upon changes made to the Leasehold Reform Act 1967 by the Leasehold Reform, Housing and Urban Development Act 1993.

Regulation 4 prevents the amendments applying to a claim made before these Regulations come into force.