

*Status: Point in time view as at 12/02/1997.*

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

##### MANDATORY LEASEBACK

###### *Flats etc. let under secure tenancies*

- 2 (1) This paragraph applies where immediately before the appropriate time any flat [<sup>F1</sup>falling within sub-paragraph (1A)] is let under a secure tenancy [<sup>F2</sup>or an introductory tenancy] and either—
- (a) the freeholder is the tenant's immediate landlord, or
  - (b) the freeholder is a public sector landlord and every intermediate landlord of the flat (as well as the immediate landlord under the secure tenancy [<sup>F2</sup>or the introductory tenancy]) is also a public sector landlord.
- [<sup>F3</sup>(1A) A flat 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) Sub-paragraph (1)(b) has effect whether any such intermediate landlord, or the immediate landlord under the secure tenancy [<sup>F4</sup>or the introductory tenancy], is or is not a qualifying tenant of the flat.
- (3) Where this paragraph applies, the nominee purchaser shall grant to the freeholder a lease of the flat in accordance with section 36 and paragraph 4 below.
- (4) In this paragraph any reference to a flat includes a reference to a unit (other than a flat) which is used as a dwelling.

##### Textual Amendments

- F1** Words in Sch. 9 para. 2(1) substituted (1.10.1996) by 1996 c. 52, s. 107, Sch. 10 para. 20(3); S.I. 1996/2212, art. 2(2) (with saving in Sch.)
- F2** Words in Sch. 9 para. 2(1) inserted (12.2.1997) by S.I. 1997/74, art. 2, Sch. para. 9(d)(i)
- F3** Sch. 9 para. 2(1A) inserted (1.10.1996) by 1996 c. 52, s. 107, Sch. 10 para. 20(3); S.I. 1996/2212, art. 2(2) (with savings in Sch.)

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**F4** Words in [Sch. 9 para. 2\(2\)](#) inserted (12.2.1997) by [S.I. 1997/74, art. 2, Sch. para. 9\(d\)\(ii\)](#)

*Flats etc. let by housing associations under tenancies other than secure tenancies*

- 3 (1) This paragraph applies where immediately before the appropriate time any flat [<sup>F5</sup>falling within sub-paragraph (1A)] is let by a housing association under a tenancy other than a secure tenancy and—
- (a) the housing association is the freeholder, and
  - (b) the tenant is not a qualifying tenant of the flat.
- [<sup>F6</sup>(1A) A flat 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 grant to the freeholder (that is to say, the housing association) a lease of the flat in accordance with section 36 and paragraph 4 below.
- (3) In this paragraph any reference to a flat includes a reference to a unit (other than a flat) which is used as a dwelling.

**Textual Amendments**

- F5** Words in [Sch. 9 para. 3\(1\)](#) substituted (1.10.1996) by [1996 c. 52, s. 107, Sch. 10 para. 20\(4\); S.I. 1996/2212, art. 2\(2\)](#) (with savings in [Sch.](#))
- F6** [Sch. 9 para. 3\(1A\)](#) inserted (1.10.1996) by [1996 c. 52, s. 107, Sch. 10 para. 20\(4\); S.I. 1996/2212, art. 2\(2\)](#) (with savings in [Sch.](#))

*Provisions as to terms of lease*

- 4 (1) Any lease granted to the freeholder in pursuance of paragraph 2 or 3, 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 is agreed to by the nominee purchaser and the freeholder with the approval of a leasehold valuation tribunal.
- (2) A leasehold valuation tribunal shall not approve 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 the tenant under the secure tenancy [<sup>F7</sup>or introductory tenancy] referred to in paragraph 2(1) or (as the case may be) under the housing association tenancy referred to in paragraph 3(1).
- (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**

- F7** Words in [Sch. 9 para. 4\(3\)](#) inserted (12.2.1997) by [S.I. 1997/74, art. 2, Sch. para. 9\(d\)\(iii\)](#)

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