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STATUTORY INSTRUMENTS

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**2012 No. 637**

**The Neighbourhood Planning (General) Regulations 2012**

**PART 7**

**Community right to build orders**

**Enfranchisement rights**

**28.**—(1) Subject to paragraph (2), for the purposes of paragraph 11 of Schedule 4C to the 1990 Act, a community organisation may only provide that an enfranchisement right is not exercisable in relation to a property which is not an existing residential property.

(2) An enfranchisement right is not exercisable in relation to land the development of which is authorised by a community right to build order if the community organisation specified in the order proposal—

- (a) the enfranchisement rights which are not exercisable; and
- (b) the properties, or types of properties, in relation to which those rights are not exercisable.

(3) In this regulation—

“existing residential property” means a property (including part of a building)—

- (a) which exists on the date the order proposal was submitted by the community organisation to the local planning authority under regulation 22; and
- (b) in relation to which, on that date, any tenant of the property has an enfranchisement right in respect of the property.

**Notice**

**29.**—(1) Where as a result of the making of a community right to build order an enfranchisement right is not exercisable in respect of a property, a landlord who grants a tenancy in relation to the property must give notice to the tenant affected by endorsing a notice on the face of the tenancy stating that the enfranchisement right in question is not exercisable.

(2) Provided the community organisation complies with regulation 28 a failure to give notice in accordance with paragraph (1) does not cause the enfranchisement right to be exercisable.