



Leasehold Reform Act 1967

1967 CHAPTER 88

PART I

ENFRANCHISEMENT AND EXTENSION OF LONG LEASEHOLDS

Construction

37 Interpretation of Part I.

(1) For the purposes of this Part of this Act—

(a) “the appointed day” means the day appointed for the coming into force of the provisions of this Part of this Act other than sections 34 to 36, and references to the commencement of this Part of this Act shall be construed as referring to the commencement of those provisions;

[^{F1}(aa) “the appropriate tribunal” means—

(i) in relation to a house and premises in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and

(ii) in relation to a house and premises in Wales, a leasehold valuation tribunal;]

(b) “incumbrance” and “tenant’s incumbrance” have, subject to section 12(8) above, the meanings assigned to them by section 8;

[^{F2}(ba) “new towns residuary body” means—

(i) in relation to England, the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008 [^{F3}or the Greater London Authority so far as exercising its new towns and urban development functions]; and

(ii) in relation to Wales, means the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) to (iii) of the New Towns

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Act 1981 (and references to the “Welsh new towns residuary body” shall be construed accordingly);]

- (c) “notice to quit” means a notice to terminate a tenancy (whether a periodical tenancy or a tenancy for a term of years certain) given in accordance with the provisions (whether express or implied) of that tenancy;
- (d) “relevant time” means, in relation to a person’s claim to acquire the freehold or an extended lease under this Part of this Act, the time when he gives notice in accordance with this Act of his desire to have it;
- ^{F4}(e)
- (f) “tenancy” means a tenancy at law or in equity, but does not include a tenancy at will, nor any interest created by way of security and liable to termination by the exercise of any right of redemption or otherwise, nor any interest created by way of trust under a settlement, and “demise” shall be construed accordingly;
- (g) “term date”, in relation to a tenancy granted for a term of years certain, means the date of expiry of that term, and “extended term date” and “original term date” mean respectively the term date of a tenancy with and without an extension under this Part of this Act.

(2) A tenancy to which section 19(2) of the ^{M1}Landlord and Tenant Act 1954 [^{F5}or paragraph 16(2) of Schedule 10 to the Local Government and Housing Act 1988] applies shall be treated for purposes of this Part of this Act as granted to expire at the date which is the term date for purposes of [^{F6}the said Act of 1954 or, as the case may be, the said Schedule 10] (that is to say, the first date after the commencement of [^{F7}the said Act of 1954 or, as the case may be, the coming into force of the said Schedule 10] on which, apart from [^{F8}the said Act of 1954 or, as the case may be, the said Schedule 10], the tenancy could have been brought to an end by notice to quit given by the landlord).

(3) Subject to subsection (2) above, where under section 3(2) of this Act a tenancy created or arising as a tenancy from year to year or other periodical tenancy is to be treated as a long tenancy, the term date of that tenancy shall be taken to be the date (if any) at which the tenancy is to terminate by virtue of a notice to quit given by the landlord before the relevant time, or else the earliest date at which it could at that time (in accordance with its terms and apart from any enactment) be brought to an end by a notice to quit given by the landlord.

(4) Subject to subsection (2) above, in the case of a tenancy granted to continue as a periodical tenancy after the expiration of a term of years certain, or to continue as a periodical tenancy if not terminated at the expiration of such a term, any question whether the tenancy is at any time to be treated for purposes of this Part of this Act ^{F9}. . . as a long tenancy, and (if so) with what term date, shall be determined as it would be if there had been two tenancies, as follows—

- (a) one granted to expire at the earliest time (at or after the expiry of the said term of years) at which the tenancy could (in accordance with its terms and apart from any enactment) be brought to an end by notice to quit given by the landlord; and
- (b) the other granted to commence at the expiration of the first (and not being one to which subsection (2) above applies).

(5) ^{F10}. . . No reference in this Part of this Act to a person occupying property as his residence shall be taken to extend to any occupation of a company or other artificial person nor, where the tenant is a corporation sole, shall the corporator, while in occupation, be treated as occupying as tenant.

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- (6) [^{F11}Section 25(1), (2) and (4) of the ^{M2}Rent Act 1977] shall apply to the ascertainment for purposes of this Part of this Act of the rateable value of a house and premises or any other property as they apply to the ascertainment of that of a dwelling-house for purposes of that Act.
- (7) For purposes of this Part of this Act an order of a court is to be treated as becoming final—
- (a) if not appealed against, on the expiration of the time for bringing an appeal; or
 - (b) if appealed against and not set aside in consequence of the appeal, at the time when the appeal and any further appeal is disposed of by the determination of it and the expiration of the time for bringing a further appeal (if any) or by its being abandoned or otherwise ceasing to have effect.

Textual Amendments

- F1** S. 37(1)(aa) inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 9](#) (with [Sch. 3](#))
- F2** S. 37(1)(ba) inserted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 8 para. 10](#); [S.I. 2008/3068](#), art. 2(1)(w)(3) (with arts. 6-13)
- F3** Words in s. 37(1)(ba)(i) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 19 para. 2](#); [S.I. 2012/628](#), art. 6(i) (with arts. 9, 11, 14, 15, 17)
- F4** S. 37(1) (e) repealed by [Rent Act 1968 \(c. 23\)](#), [Sch. 17](#)
- F5** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194(1), [Sch. 11 para. 12\(a\)](#)
- F6** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194(1), [Sch. 11 para. 12\(b\)](#)
- F7** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194(1), [Sch. 11 para. 12\(c\)](#)
- F8** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194(1), [Sch. 11 para. 12\(d\)](#)
- F9** Words in s. 37(4) repealed (26.7.2002 for E. and 1.1.2003 for W.) by [2002 c. 15](#), s. 180, [Sch. 14](#); [S.I. 2002/1912](#), art. 2(b)(ii), [Sch. 1 Pt. 3](#) (subject to transitional provisions and savings in Sch. 2 of the commencing S.I.); [S.I. 2002/3012](#), art. 2(b)(ii), [Sch. 1 Pt. 3](#) (subject to transitional provisions and savings in Sch. 2 of the commencing S.I.)
- F10** Words in s. 37(5) repealed (26.7.2002 for E. and 1.1.2003 for W.) by [2002 c. 15](#), s. 180, [Sch. 14](#); [S.I. 2002/1912](#), art. 2(b)(ii), [Sch. 1 Pt. 3](#) (subject to transitional provisions and savings in Sch. 2 of the commencing S.I.); [S.I. 2002/3012](#), art. 2(b)(ii), [Sch. 1 Pt. 3](#) (subject to transitional provisions and savings in Sch. 2 of the commencing S.I.)
- F11** Words substituted by [Rent Act 1977 \(c. 42\)](#), s. 155, [Sch. 23 para. 44](#)

Marginal Citations

- M1** 1954 c. 56.
M2 1977 c. 42.

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