

*Changes to legislation: There are currently no known outstanding effects for the Leasehold Reform Act 1967, Cross Heading: Certain leases granted by housing associations*  
*Certain housing association and other leases. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 4A

#### EXCLUSION OF CERTAIN SHARED OWNERSHIP LEASES

##### Textual Amendments

**F1** Schedule 4A inserted by [Housing and Planning Act 1986 \(c. 63, SIF 75:1\)](#), s. 18, [Sch. 4 para. 6](#)

*[<sup>F2</sup> Certain leases granted by housing associations][<sup>F2</sup> Certain housing association and other leases]*

##### Textual Amendments

**F2** Sch. 4A para. 3 cross-heading substituted (1.12.2008 for E. for specified purposes, 7.9.2009 for E. in so far as not already in force) by [Housing and Regeneration Act 2008 \(c. 17\)](#), [ss. 301\(2\), 325\(1\)](#); [S.I. 2008/3068, art. 4\(5\)](#) (with [arts. 6-13](#)); [S.I. 2009/2096, art. 2\(2\)\(b\)](#) (with [art. 3\(1\)\(2\)](#))

- 3 (1) A lease granted by a housing association and which complies with the conditions set out in sub-paragraph (2) is excluded from the operation of this Part of this Act, whether or not the interest of the landlord still belongs to such an association.
- (2) The conditions are that the lease—
- (a) was granted for a term of 99 years or more and is not (and cannot become) terminable except in pursuance of a provision for re-entry or forfeiture;
  - (b) was granted at a premium, calculated by reference to the value of the house or the cost of providing it, of not less than 25 per cent., or such other percentage as may be prescribed, of the figure by reference to which it was calculated;
  - (c) provides for the tenant to acquire additional shares in the house on terms specified in the lease and complying with such requirements as may be prescribed;
  - <sup>F3</sup>(d) .....
  - (e) if it enables the landlord to require payment for outstanding shares in the house, does so only in such circumstances as may be prescribed;
  - (f) provides for the tenant to acquire the landlord's interest on terms specified in the lease and complying with such requirements as may be prescribed; and
  - (g) states the landlord's opinion that by virtue of this paragraph the lease is excluded from the operation of this Part of this Act.
- (3) In any proceedings the court may, if of the opinion that it is just and equitable to do so, treat a lease as satisfying the conditions in sub-paragraph (2) notwithstanding that the condition specified in paragraph (g) of that sub-paragraph is not satisfied.
- (4) In this paragraph "housing association" has the same meaning as in the [Housing Associations Act](#) <sup>M1</sup>1985.

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#### Textual Amendments

**F3** Sch. 4A para. 3(2)(d) repealed (26.7.2002 for E. and 1.1.2003 for W.) by 2002 c. 15, ss. 143(3), 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.)

#### Marginal Citations

**M1** 1985 c.69 (61).

- <sup>F2</sup>[ (1) A lease which does not fall within paragraph 3 is excluded from the operation of this Part of this Act if the lease—
- <sup>F3A</sup>
- (a) meets the conditions mentioned in sub-paragraph (2);
  - (b) meets any other prescribed conditions; and
  - (c) does not fall within any prescribed exemptions.
- (2) The conditions referred to in sub-paragraph (1)(a) are that the lease—
- (a) was granted for a term of 99 years or more and is not (and cannot become) terminable except in pursuance of a provision for re-entry or forfeiture;
  - (b) was granted at a premium, calculated by reference to the value of the house or the cost of providing it, of not less than 25 per cent, or such other percentage as may be prescribed, of the figure by reference to which it was calculated;
  - (c) provides for the tenant to acquire additional shares in the house on terms specified in the lease and complying with such requirements as may be prescribed;
  - (d) does not restrict the tenant's powers to mortgage or charge his interest in the house;
  - (e) if it enables the landlord to require payment for outstanding shares in the house, does so only in such circumstances as may be prescribed;
  - (f) provides for the tenant to acquire the landlord's interest on terms specified in the lease and complying with such requirements as may be prescribed; and
  - (g) states the landlord's opinion that by virtue of this paragraph the lease is excluded from the operation of this Part of this Act.
- (3) In any proceedings the court may, if it considers that it is just and equitable to do so, treat a lease as meeting the conditions mentioned in sub-paragraph (2) despite the fact that the condition specified in paragraph (g) of that sub-paragraph is not met.]

#### Textual Amendments

**F4** Sch. 4A para. 3A inserted (1.12.2008 for E. for specified purposes, 7.9.2009 for E. in so far as not already in force) by Housing and Regeneration Act 2008 (c. 17), ss. 301(1), 325(1); S.I. 2008/3068, art. 4(5) (with arts. 6-13); S.I. 2009/2096, art. 2(2)(b) (with art. 3(1)(2))

- 4 (1) A lease for the elderly granted by a [<sup>F5</sup>registered housing association] and which complies with the conditions set out in sub-paragraph (2) is excluded from the operation of this Part of this Act at any time when the interest of the landlord belongs to [<sup>F6</sup>a relevant housing provider] .
- (2) The conditions are that the lease—

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- (a) is granted at a premium which is calculated by reference to a percentage of the value of the house or of the cost of providing it,
- (b) complies, at the time when it is granted, with such requirements as may be prescribed, and
- (c) states the landlord's opinion that by virtue of this paragraph the lease will be excluded from the operation of this Part of this Act at any time when the interest of the landlord belongs to [<sup>F7</sup>a relevant housing provider] .

(3) In this paragraph—

“lease for the elderly” has such meaning as may be prescribed; and

[<sup>F8</sup>“relevant housing provider” means—

- (a) in relation to a lease of social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, a private registered provider of social housing, or
- (b) a registered social landlord within the meaning of Part 1 of the Housing Act 1996.]]

#### Textual Amendments

- F5** Words in Sch. 4A para. 4(1) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 1(1)(2)(a)**
- F6** Words in Sch. 4A para. 4(1) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 2(3)(a)** (with art. 6, Sch. 3)
- F7** Words in Sch. 4A para. 4(2)(c) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 2(3)(a)** (with art. 6, Sch. 3)
- F8** Words in Sch. 4A para. 4(3) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 2(3)(b)** (with art. 6, Sch. 3)

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