

Changes to legislation: There are currently no known outstanding effects for the Leasehold Reform Act 1967, Cross Heading: Certain leases in protected areas. (See end of Document for details)

SCHEDULES

[^{F1}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](#)

Certain leases in protected areas

- [^{F2}4A (1) A lease which does not fall within paragraph 3 or 3A is excluded from the operation of this Part of this Act if—
- (a) the lease meets the conditions mentioned in sub-paragraph (2);
 - (b) any provision in the lease for the tenant to acquire the landlord's interest provides for the tenant to acquire the interest on terms specified in the lease and complying with such requirements as may be prescribed;
 - (c) the lease meets any other prescribed conditions;
 - (d) the lease does not fall within any prescribed exemptions; and
 - (e) the house is in a protected area.
- (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; and
 - (f) 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) The appropriate national authority may by order made by statutory instrument designate an area as a protected area if it considers it appropriate to do so to support the provision in the area of houses, or descriptions of houses, which are available for occupation in accordance with shared ownership arrangements.
- (4) The appropriate national authority must publish the criteria for the time being in force which are to be taken into account by it in deciding whether to designate an area as a protected area.

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- (5) Before making an order under sub-paragraph (3) the appropriate national authority must take such steps as it considers to be reasonable to consult those likely to be affected by the order.
- (6) 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 mentioned in paragraph (f) of that sub-paragraph is not met.
- (7) An order under this paragraph may contain such incidental, supplementary, transitory, transitional or saving provisions as the appropriate national authority considers appropriate.
- (8) In this paragraph “shared ownership arrangements” has the same meaning as in section 70 of the Housing and Regeneration Act 2008.
- (9) An instrument containing—
 - (a) an order of the Secretary of State under this paragraph is subject to annulment in pursuance of a resolution of either House of Parliament;
 - (b) an order of the Welsh Ministers under this paragraph is subject to annulment in pursuance of a resolution of the National Assembly for Wales.]]

Textual Amendments

- F2** Sch. 4A para. 4A and cross-heading 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. 302(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\(1\)\(2\)](#))

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