



Leasehold Reform Act 1967

1967 CHAPTER 88

PART I

ENFRANCHISEMENT AND EXTENSION OF LONG LEASEHOLDS

Enfranchisement

11 Exoneration from, or redemption of, rentcharges etc.

- (1) Where a house and premises are to be conveyed to a tenant in pursuance of section 8 above, section 8(4)(b) shall not preclude the landlord from releasing, or procuring the release of, the house and premises from any rentcharge . . . ^{F1}; and the conveyance may, with the tenant's agreement (which shall not be unreasonably withheld), provide in accordance with section 190(1) of the ^{M1}Law of Property Act 1925 that a rentcharge shall be charged exclusively on other land affected by it in exoneration of the house and premises, or be apportioned between other land affected by it and the house and premises.
- (2) Where, but for this subsection, a conveyance of a house and premises to a tenant might in accordance with section 8 above be made subject, in respect of rents to which this subsection applies, to an annual charge exceeding the annual rent payable under the tenancy at the relevant time, then the landlord shall be bound on or before the execution of the conveyance to secure that the house and premises are discharged from the whole or part of any rents in question to the extent necessary to secure that the annual charge shall not exceed the annual rent so payable; and for this purpose the annual rent shall be calculated in accordance with section 4(1)(b) and (c) and (6) above.
- (3) For purposes of subsection (2) above the house and premises shall be treated as discharged from a rent to the extent to which—
 - (a) the rent is charged on or apportioned to other land so as to confer on the tenant in respect of the house and premises the remedies against the other land provided for by section 190(2) of the Law of Property Act 1925; or
 - (b) the landlord is otherwise entitled to be exonerated from or indemnified against liability for the rent in respect of the house and premises and the tenant will

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(in so far as the landlord’s right is not a right against the tenant himself or his land) become entitled on the conveyance to the like exoneration or indemnity.

- (4) Where for the purpose of complying with subsection (2) above the house and premises are to be discharged from a rent by redemption of it (with or without prior apportionment), and for any reason mentioned in section [F²13(2) below] difficulty arises in paying the redemption price, the tenant may, and if so required by the landlord shall, before execution of the conveyance pay into court on account of the price for the house and premises an amount not exceeding the appropriate amount to secure redemption of the rent; and if the amount so paid by the tenant is less than that appropriate amount, the landlord shall pay into court the balance.
- (5) Where payment is made into court in accordance with subsection (4) above, the house and premises shall on execution of the conveyance be discharged from the rent, and any claim to the redemption money shall lie against the fund in court and not otherwise.
- (6) For purposes of subsection (4) above “the appropriate amount to secure redemption” of a rent is (subject to subsection (7) below) the amount of redemption money agreed to be paid or in default of agreement, the amount [F³specified as the redemption price in instructions for redemption under section 9(4) of the M²Rentcharges Act 1977].
- (7) Where a rent affects other property as well as the house and premises, and the other property is not exonerated or indemnified by means of a charge on the house and premises, then—
 - (a) “the appropriate amount to secure redemption” of the rent for purposes of subsection (4) above shall, if no amount has been agreed or [F⁴specified] as mentioned in subsection (6), be such sum as, on an application under section [F⁴ of the Rentcharges Act 1977] for the apportionment of the rent, may, pending the apportionment, be approved by the apportioning authority as suitable provision (with a reasonable margin) for the redemption money of the part likely to be apportioned to the house and premises; and
 - (b) the apportionment, when made, shall be deemed to have had effect from the date of the payment into court, and if in respect of any property affected by the rent there has been any overpayment or underpayment, the amount shall be made good by abatement of or addition to the next payment after the apportionment and (if necessary) later payments.
- (8) Subsection (2) above applies to rentcharges [F⁵redeemable under sections 8 to 10 of the Rentcharges Act 1977] which during the continuance of the tenancy are, or but for the termination of the tenancy before their commencement would have been, recoverable from the landlord without his having a right to be indemnified by the tenant.

Textual Amendments

- F1** Words repealed by [Rentcharges Act 1977 \(c. 30\), s. 17\(4\), Sch. 2](#)
- F2** Words substituted by [Rentcharges Act 1977 \(c. 30\), s. 17\(4\), Sch. 1 para. 4\(2\) \(b\)](#)
- F3** Words substituted by [Rentcharges Act 1977 \(c. 30\), s. 17\(4\), Sch. 1 para. 4\(2\) \(c\)](#)
- F4** Words substituted by [Rentcharges Act 1977 \(c. 30\) s. 17\(4\), Sch. 1 para. 4\(2\) \(d\)](#)
- F5** Words substituted by [Rentcharges Act 1977 \(c. 30\), s. 17\(4\), Sch. 1 para. 4\(2\) \(e\)](#)

Marginal Citations

- M1** [1925 c. 20.](#)
- M2** [1977 c. 30.](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 11(6) words inserted by [2016 c. 22 s. 138\(8\)\(a\)](#)
- s. 11(7)(a) words inserted by [2016 c. 22 s. 138\(8\)\(b\)](#)
- s. 11(8) word substituted by [2016 c. 22 s. 138\(8\)\(c\)](#)