



Leasehold Reform Act 1967

1967 CHAPTER 88

PART I

ENFRANCHISEMENT AND EXTENSION OF LONG LEASEHOLDS

Supplementary

27 Enfranchisement where landlord cannot be found.

- (1) Where a tenant of a house having a right under this Part of this Act to acquire the freehold is prevented from giving notice of his desire to have the freehold because the person to be served with the notice cannot be found, or his identity cannot be ascertained, then on an application made by the tenant [^{F1}the court] may, subject to and in accordance with the provisions of this section, make such order as [^{F2}the court] thinks fit with a view to the house and premises being vested in him, his executors, administrators or assigns for the like estate and on the like terms (so far as the circumstances permit) as if he had at the date of his application to [^{F1}the court] given notice of his desire to have the freehold.
- (2) Before making any such order [^{F3}the court] may require the applicant to take such further steps by way of advertisement or otherwise as [^{F4}the court] thinks proper for the purpose of tracing the landlord; and if after an application is made to [^{F3}the court] and before the house and premises are vested in pursuance of the application the landlord is traced, then no further proceedings shall be taken with a view to the house and premises being so vested, but subject to subsection (7) below—
 - (a) the rights and obligations of all parties shall be determined as if the applicant had, at the date of the application, duly given notice of his desire to have the freehold; and
 - (b) [^{F3}the court] may give such directions as [^{F4}the court] thinks fit as to the steps to be taken for giving effect to those rights and obligations, including directions modifying or dispensing with any of the requirements of this Act or of regulations made under this Act.

Changes to legislation: There are currently no known outstanding effects for the Leasehold Reform Act 1967, Section 27. (See end of Document for details)

- (3) Where a house and premises are to be vested in a person in pursuance of an application under this section, then on his paying into [F⁵court] the appropriate sum there shall be executed by such person as the [F⁶court] may designate a conveyance in a form approved by the [F⁶court] and containing such provisions as may be so approved for the purpose of giving effect so far as possible to the requirements of section 10 above; and that conveyance shall be effective to vest in the person to whom the conveyance is made the property expressed to be conveyed, subject as and in the manner in which it is expressed to be conveyed.
- (4) For the purpose of any conveyance to be executed in accordance with subsection (3) above, any question as to the property to be conveyed and the rights with or subject to which it is to be conveyed shall be determined by the [F⁷court], but it shall be assumed (unless the contrary is shown) that the landlord has no interest in property other than the property to be conveyed and, for the purpose of excepting them from the conveyance, any underlying minerals.
- [F⁸(5) The appropriate sum which, in accordance with subsection (3) above, is to be paid into court is the aggregate of—
- (a) such amount as may be determined by (or on appeal from) [F⁹the appropriate tribunal] to be the price payable in accordance with section 9 above; and
 - (b) the amount or estimated amount (as so determined) of any pecuniary rent payable for the house and premises up to the date of the conveyance which remains unpaid.]
- (6) Where a house and premises are vested in a person in accordance with this section, the payment into [F¹⁰court] of the appropriate sum shall be taken to have satisfied any claims against the tenant, his executors, administrators or assigns in respect of the price payable under this Part of this Act for the acquisition of the freehold in the house and premises.
- (7) An application under this section may be withdrawn at any time before execution of a conveyance under subsection (3) above and, after it is withdrawn, subsection (2)(a) shall not apply; but where any step is taken (whether by the landlord or the tenant) for the purpose of giving effect to subsection (2)(a) in the case of any application, the application shall not afterwards be withdrawn except with the landlord's consent or by leave of [F¹¹the court], and [F¹¹the court] shall not give leave unless it appears to [F¹²the court] just to do so by reason of matters coming to the knowledge of the applicant in consequence of the landlord being traced.
- (8) A conveyance executed under subsection (3) above shall have effect as provided by that subsection notwithstanding any interest of the Crown in the property expressed to be conveyed.

Textual Amendments

- F1** Words in s. 27(1) substituted (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), ss. 148\(2\)\(a\)](#), 181(1); S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); S.I. 2004/669, art. 2(c)(i) (with Sch. 2)
- F2** Words in s. 27(1) substituted (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), ss. 148\(2\)\(b\)](#), 181(1); S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

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- F3** Words in s. 27(2) substituted (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), ss. 148\(3\)\(a\)](#), 181(1); S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); S.I. 2004/669, art. 2(c)(i) (with Sch. 2)
- F4** Words in s. 27(2) substituted (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), ss. 148\(3\)\(b\)](#), 181(1); S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); S.I. 2004/669, art. 2(c)(i) (with Sch. 2)
- F5** Word in s. 27(3) substituted (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), ss. 148\(4\)\(a\)](#), 181(1); S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); S.I. 2004/669, art. 2(c)(i) (with Sch. 2)
- F6** Word in s. 27(3) substituted (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), ss. 148\(4\)\(b\)](#), 181(1); S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); S.I. 2004/669, art. 2(c)(i) (with Sch. 2)
- F7** Word in s. 27(4) substituted (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), ss. 148\(5\)](#), 181(1); S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); S.I. 2004/669, art. 2(c)(i) (with Sch. 2)
- F8** S. 27(5) substituted (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), ss. 149\(1\)](#), 181(1); S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); S.I. 2004/669, art. 2(c)(i) (with Sch. 2)
- F9** Words in s. 27(5)(a) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 7](#) (with Sch. 3)
- F10** Word in s. 27(6) substituted (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), ss. 148\(6\)](#), 181(1); S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); S.I. 2004/669, art. 2(c)(i) (with Sch. 2)
- F11** Words in s. 27(7) substituted (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), ss. 148\(7\)\(a\)](#), 181(1); S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); S.I. 2004/669, art. 2(c)(i) (with Sch. 2)
- F12** Words in s. 27(7) substituted (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\), ss. 148\(7\)\(b\)](#), 181(1); S.I. 2003/1986, art. 2(c)(i) (with Sch. 2); S.I. 2004/669, art. 2(c)(i) (with Sch. 2)

Changes to legislation:

There are currently no known outstanding effects for the Leasehold Reform Act 1967, Section 27.