

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

SCHEDULES

SCHEDULE 1

ENFRANCHISEMENT OR EXTENSION BY SUB-TENANTS

Enfranchisement

- 7 (1) Where a conveyance is executed to give effect to section 8 of this Act—
- (a) section 10 shall have effect in relation to rights and restrictions arising by virtue of any tenancy superior to the tenancy in possession (or by virtue of an agreement collateral to such a tenancy), so far as they are directly or indirectly to the benefit of or enforceable against the claimant during the tenancy in possession, as if they arose by virtue of that tenancy [^{F1}, and the reference in subsection (1A) of that section to the covenants for title implied under Part I of the Law of Property (Miscellaneous Provisions) Act 1994 shall be read as excluding the covenant in section 4(1)(b) of that Act (compliance with terms of lease)]; and
 - (b) [^{F2}subject to paragraph 7A] a separate price shall be payable in accordance with section 9 for each of the interests superior to the tenancy in possession, and . . . ^{F3} section 9 shall apply to the computation of that price with such modifications as are appropriate to relate it to a sale of the interest in question subject to any tenancies intermediate between that interest and the tenancy in possession, together with tenant's incumbrances relative to those tenancies; and
 - (c) so much of section 11 as relates to the application of the purchase price for redemption of rentcharges . . . ^{F4} shall apply only to the price payable for the estate in fee simple; and
 - (d) so much of sections 12 and 13 as relates to the application of the price payable in or towards redemption of charges shall apply separately to the price payable for each interest together with the relative charges.
- (2) Where by reason of section 11(2) of this Act it is necessary to make (otherwise than out of the price payable for the house and premises) any payment for the redemption of a rentcharge . . . ^{F4}, the reversioner, if he is not the landlord liable or primarily liable in respect of the rentcharge . . . ^{F4}, shall not be required to make that payment otherwise than out of money made available for the purpose by that landlord, and it shall be the duty of that landlord to provide for the redemption; and similarly where by reason of section 12(8) proviso of this Act it is necessary to discharge the house and premises from a charge affecting the interest of any landlord.

Textual Amendments

F1 Words in Sch. 1 para. 7(1)(a) inserted (1.7.1995) by 1994 c. 36, s. 21(1), Sch. 1 para. 5(3) (with s. 20); S.I. 1995/1317, art. 2

F2 Words inserted by Housing Act 1980 (c. 51), Sch. 21 para. 6

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- F3** Words repealed by [Housing Act 1980 \(c. 51\)](#), **Sch. 26**
- F4** Words repealed by [Rentcharges Act 1977 \(c. 30\)](#), s. 17(4), **Sch. 2**

[^{F5}7A^{F6}(1) The price payable for a minor superior tenancy is to be calculated in accordance with regulations made by the appropriate national authority instead of in accordance with section 9.]

- (2) “A minor superior tenancy” means a superior tenancy having an expectation of possession of not more than one month and in respect of which the profit rent is not more than £5 per year.
- (3) “Profit rent” means an amount equal to that of the rent payable under the tenancy on which the minor superior tenancy is in immediate reversion, less that of the rent payable under the minor superior tenancy.
- (4) Where the minor superior tenancy or that on which it is in immediate reversion comprises property other than the house and premises, the reference in sub-paragraph (3) to the rent payable under it means so much of that rent as is apportioned to the house and premises.

^{F7}(5)

^{F7}(6)]

- [^{F8}(7) In sub-paragraph (1) “appropriate national authority” means—
 - (a) in relation to a tenancy of land in England, the Secretary of State;
 - (b) in relation to a tenancy of land in Wales, the Welsh Ministers.
- (8) Regulations under sub-paragraph (1) may include transitional provision.
- (9) Regulations under sub-paragraph (1) are to be made by statutory instrument.
- (10) A statutory instrument containing regulations under sub-paragraph (1) is subject to annulment—
 - (a) in the case of an instrument made by the Secretary of State, in pursuance of a resolution of either House of Parliament;
 - (b) in the case of an instrument made by the Welsh Ministers, in pursuance of a resolution of the National Assembly for Wales.]

Textual Amendments

- F5** Para. 7A inserted by [Housing Act 1980 \(c. 51\)](#), **Sch. 21 para. 6**
- F6** Sch. 1 para. 7A(1) substituted (12.5.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(1)(c), **Sch. 10 para. 1(2)** (with [Sch. 10 para. 1\(5\)](#))
- F7** Sch. 1 para. 7A(5)(6) omitted (12.5.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(1)(c), **Sch. 10 para. 1(3)** (with [Sch. 10 para. 1\(5\)](#))
- F8** Sch. 1 paras. 7A(7)-(10) inserted (12.5.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(1)(c), **Sch. 10 para. 1(4)** (with [Sch. 10 para. 1\(5\)](#))

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Textual Amendments

F9 Sch. 1 para. 8 repealed by [Rentcharges Act 1977 \(c. 30\)](#), s. 17(6), **Sch. 2**

- 9 Nothing in this Schedule shall be taken to entitle the claimant to give notice under section 9(3) of this Act of his inability or unwillingness to acquire particular interests superior to the tenancy in possession, but any such notice shall extend to all those interests.

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