



# Leasehold Reform Act 1967

## 1967 CHAPTER 88

### PART I

#### ENFRANCHISEMENT AND EXTENSION OF LONG LEASEHOLDS

##### *Landlord's overriding rights*

#### **18 Residential rights (exclusion of enfranchisement or extension).**

- (1) Subject to subsection (2) below, where the tenancy of a house and premises has not been extended under section 14 above, but the tenant has a right to acquire the freehold or an extended lease and has given notice of his desire to have it, the landlord may, at any time before effect is given to the notice, apply to the court for an order that he may resume possession of the property on the ground that it or part of it is or will be reasonably required by him for occupation as the only or main residence of the landlord or of a person who is at the time of the application an adult member of the landlord's family.
- (2) A landlord shall not be entitled to apply to the court under this section if his interest in the house and premises, or an interest which has merged in that interest but would otherwise have had a duration extending at least five years longer than that of the tenancy, was purchased or created after the 18th February 1966; and for purposes of this subsection the duration of any interest in the house and premises (including the tenancy) shall be taken to be the period until it is due to expire or, if capable of earlier determination by notice given by a person as landlord, the date or earliest date which has been or could be specified in such a notice.
- (3) Where the landlord's interest is held on trust, subsection (1) above shall apply as if the reference to occupation as the residence of the landlord were a reference to the like occupation of a person having an interest under the trust (whether or not also a trustee), and the reference to a member of the landlord's family were a reference to the like member of such a person's family; and for purposes of subsection (1) a person is an adult member of another's family if that person is—
  - (a) the other's [<sup>F1</sup>spouse or civil partner]; or

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*Changes to legislation: There are currently no known outstanding effects for the Leasehold Reform Act 1967, Section 18. (See end of Document for details)*

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- (b) a son or daughter or a son-in-law or daughter-in-law of the other, or of the other's [<sup>F1</sup>spouse or civil partner], who has attained the age of eighteen; or
- (c) the father or mother of the other, or of the other's [<sup>F1</sup>spouse or civil partner].

In paragraph (b) above any reference to a person's son or daughter includes a reference to any stepson or stepdaughter, any illegitimate son or daughter, . . . <sup>F2</sup> of that person, and "son-in-law" and "daughter-in-law" shall be construed accordingly.

- (4) If on an application under subsection (1) above the court is satisfied that the landlord has established the ground mentioned in that subsection and is not disentitled by subsection (2), the court shall by order declare that the landlord is entitled as against the tenant to obtain possession of the house and premises and the tenant is entitled to be paid compensation by the landlord for the loss of the house and premises:

Provided that the court shall not make an order under this subsection if the court is satisfied that having regard to all the circumstances of the case, including the question whether other accommodation is available for the landlord or the tenant, greater hardship would be caused by making the order than by refusing to make it.

- (5) Where an order is made under subsection (4) above, the tenancy shall determine and the compensation become payable in accordance with Schedule 2 to this Act; and the provisions of that Schedule shall have effect as regards the measure of compensation under any such order and the effects of the order where there are sub-tenancies, and as regards other matters relating to applications and orders under this section.
- (6) Where a landlord makes an application under this section,—
  - (a) any notice previously given by the tenant of his desire to have the freehold or an extended lease of the house and premises under this Part of this Act shall be suspended until the time when an order under subsection (4) or an order dismissing the application becomes final or the application is withdrawn; and
  - (b) on an order under subsection (4) becoming final, the notice shall cease to have effect, but section 9(4) or 14(2) above shall not apply to require the tenant to make any payment to the landlord in respect of costs incurred by reason of the notice;

and a notice of the tenant's desire to have the freehold shall be of no effect if given after the making of the application and before the time referred to in paragraph (a) above or after an order under subsection (4) above has become final.

#### **Textual Amendments**

- F1** Words in s. 18(3) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(2\), Sch. 8 para. 7; S.I. 2005/3175, art. 2\(1\), Sch. 1](#)
- F2** Words repealed by [Children Act 1975 \(c. 72\), Sch. 4 Pt. I](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Leasehold Reform Act 1967, Section 18.