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STATUTORY INSTRUMENTS

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**2002 No. 3209**

**LANDLORD AND TENANT, ENGLAND**

**The Leasehold Reform (Notices) (Amendment)  
(No. 2) (England) Regulations 2002**

*Made* - - - - 20th December 2002  
*Laid before Parliament* 10th January 2003  
*Coming into force* - - 10th April 2003

The Secretary of State, in exercise of the powers conferred on him by section 66 of the Landlord and Tenant Act 1954(1), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Leasehold Reform (Notices) (Amendment) (No. 2) (England) Regulations 2002 and shall come into force on 10th April 2003.

(2) These Regulations extend to England only.

**Amendment**

2. In the Schedule to the Leasehold Reform (Notices) Regulations 1997(2) for Form 3, substitute the Form in the Schedule to these Regulations.

**Application**

3. These Regulations shall apply to a notice in reply given by a landlord, in accordance with paragraph 7(1) of Schedule 3 of the Leasehold Reform Act 1967(3), on or after the date these Regulations come into force.

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(1) 1954 c. 56. Section 66(1) and (2) was amended by S.I.1974/1896. Section 66 of the Landlord and Tenant Act 1954 is applied to notices under Part 1 of the Leasehold Reform Act 1967 (c. 88) by section 22(5) of that Act. The Secretary of State can exercise the power under this section only in relation to England: see article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).  
(2) S.I. 1997/640; new forms 1 and 2 were substituted by S.I. 2002/1715.  
(3) 1967 c. 88.

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Signed by authority of the First Secretary of State

20th December 2002

*Tony McNulty*  
Parliamentary Under-Secretary of State,  
Office of the Deputy Prime Minister

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## SCHEDULE

Regulation 2

### FORM OF LANDLORD'S NOTICE UNDER PART 1 OF THE LEASEHOLD REFORM ACT 1967 FORMLEASEHOLD REFORM ACT 1967

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Notice in reply to Tenant's Claim

To: [Name and address of claimant]

1. I have received [a copy of]\* your notice dated ..... (insert date) claiming the right to have [the freehold]\* [an extended lease]\* (\*delete as appropriate) of the house and premises described in your notice. (see Note 1 below).

2. [I admit your right (subject to any question as to the correctness of the particulars given in your notice of the house and premises).]\* (\*delete if inapplicable) (see Note 2 below).

3. [I do not admit your right on the following grounds: (state grounds on which the tenant's right is not admitted)

.....
.....
.....
.....]\*

(\*delete if inapplicable).

4. [The house and premises are within an area of a scheme approved under [section 19 of the Act]\* [section 70 of the Leasehold Reform, Housing and Urban Development Act 1993(a)]\* (\*delete as appropriate or delete entire paragraph if paragraph 2 has been deleted) (see Note 3 below).

5. [In my opinion the house should be valued in accordance with section [9(1)]\*, [9(1A)]\*, [9(1C)]\* of the Act.]\* (\*delete as appropriate or delete the entire paragraph if paragraph 2 has been deleted) (see Note 4 below).

6. [I intend]\* [intends]\* to apply to the court for possession of the house and premises under [section 17]\* [section 18]\* of the Act.]\* (\*delete the entire paragraph, if inapplicable, or delete whichever of the first alternatives does not apply and the reference to section 17 or section 18 as the circumstances require) (see Note 5 below).

7. [I reserve the right to give notice under section 2 of the Act of my objection to the exclusion from the house and premises claimed by you of property let with the house and premises but which is not subject to a tenancy vested in you, or to the continued inclusion in the house and premises of parts lying above or below other premises in which I have an interest.]\* (\*delete the entire paragraph if inapplicable) (see note 6 below).

8. [This notice is given by me as the person designated by paragraph 2 of Schedule 1 to the Act as the reversioner of the house and premises.]\* (\*delete the entire paragraph, if you are the claimant's immediate landlord and also the freeholder) (see note 7 below).

(Signature) .....

(Date) .....

[The name and address of my solicitor or agent, to whom further communications may be sent is .....]\* (\*delete if inapplicable.)

Notes

(References in this Form and these Notes to "the Act" are references to the Leasehold Reform Act 1967)

1. This notice must be given within two months of the service of the notice of the tenant's claim. Where there is a chain of landlords, the time limit runs from the date of the first service of the claimant's notice on any landlord (Schedule 3, paragraphs 7(1) and 8(1)(a) to the Act).

(a) 1993 c.88.

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2. If the landlord admits the claim he will not later be able to dispute the claimant's right to have the freehold or an extended lease, unless he shows that he was misled by misrepresentation or concealment of material facts, but the admission does not conclude any question as to the correctness of the particulars of the house and premises as set out in the claim (Schedule 3, paragraph 7(4) to the Act).

3. Schemes approved under section 19 of the Act (retention of management powers for general benefit of neighbourhood) and section 70 of the Leasehold Reform, Housing and Urban Development Act 1993 (approval by leasehold valuation tribunal of estate management scheme) provide that within a specified area the landlord will retain powers of management and rights against leasehold houses and premises in the event of the tenants acquiring the freehold.

4. Where section 9(1) of the Act applies, the purchase price and cost of enfranchisement is determined on the basis of the value of the land and there is no element of marriage value.

Where section 9(1A) of the Act applies, the purchase price and cost of enfranchisement is determined on the basis of the land and the house including fifty percent of any marriage value (see new section 9(1D) of the Act inserted by section 145 of the Commonhold and Leasehold Reform Act 2002(a)). No marriage value is payable if the unexpired term of the lease exceeds eighty years (see new section 9(1E) of the Act inserted by section 146 of the Commonhold and Leasehold Reform Act 2002). The fact that the tenant has security of tenure will be taken into account in determining the price.

Where section 9(1C) of the Act applies, the purchase price and cost of enfranchisement is determined on the same basis as that under section 9(1A) of the Act, except that there is no security of tenure at the end of the lease, and additional compensation may be payable if the sale of the freehold results in the diminution of value of or any other loss or damage in relation to any interest of the landlord in any other property.

5. If the landlord (on the assumption, where this is not admitted, that the claimant has the right claimed) intends to apply to the court for an order for possession of the premises for redevelopment under section 17 or use as a residence under section 18 of the Act, the notice must say so (Schedule 3, paragraph 7(3) to the Act). (Where a claim is to have a freehold, only certain public authorities or bodies can resist it on the grounds of an intention to redevelop the property).

6. If the landlord intends to object (under subsection (4) or (5) of section 2 of the Act) to the exclusion from the claim of property let with the house and premises to the tenant but not at the relevant time subject to a tenancy vested in him (see amendment to section 2(4) made by section 138(4) of the Commonhold and Leasehold Reform Act 2002), or to the inclusion of part of the house and premises which projects into other property of the landlord's, notice of his objection must be given before or with this notice, unless the right to give it later is reserved by this notice (Schedule 3, paragraph 7(2) to the Act). In any case, notice of the objection must be given within two months of the service of the claimant's notice.

7. Where there is a chain of landlords, this notice must be given by the landlord who is designated as "the reversioner" (see paragraphs 1 and 2 of Schedule 1 to the Act). For this purpose the reversioner is either the landlord whose tenancy carries an expectation of possession of the house and premises of 30 years or more after the expiration of all the inferior tenancies (or, if there is more than one such landlord, the one whose tenancy is nearest to that of the tenant) or, if there is no such landlord, the freeholder.

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(a) 2002 c.15.

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Leasehold Reform (Notices) Regulations 1997 and provide a new form to be used by landlords replying to claims for enfranchisement and extension of long leaseholds under the Leasehold Reform Act 1967. Provisions of this Act which are relevant to the Form in the Schedule to these Regulations have been amended by the Commonhold and Leasehold Reform Act 2002 as mentioned in the Notes to the Form. The new Form is to be used for notices in reply given on or after the date these Regulations come into force. Forms which are substantially to the same effect as those prescribed may also be used.