

## SCHEDULES

### SCHEDULE 21

Section 187(1).

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Land Registration Act 1925 (c. 21)*

- 1 In section 49(1) of the Land Registration Act 1925 (rules to provide for notices of other rights, interests and claims), there shall be added at the end—
- “(k) orders made under section 26(1) or 50(1) of the Leasehold Reform, Housing and Urban Development Act 1993 which in the case of unregistered land may be protected by registration under the Land Charges Act 1972 and which, notwithstanding section 59 of this Act, it may be deemed expedient to protect by notice instead of by caution.”

##### *Landlord and Tenant Act 1954 (c. 56)*

- 2 In subsection (1) of section 60 of the Landlord and Tenant Act 1954 (special provisions as to premises provided by English Industrial Estates Corporation etc.), for the words “the English Industrial Estates Corporation” there shall be substituted the words “the Urban Regeneration Agency”.

##### *Parliamentary Commissioner Act 1967 (c. 13)*

- 3 (1) In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation), after the entry “Urban development corporations.” there shall be inserted the following entry—
- “Urban Regeneration Agency.”
- (2) After Note 10 of that Schedule there shall be inserted the following Note—
- “11 In the case of the Urban Regeneration Agency no investigation under this Act shall be conducted in respect of any action in connection with functions in relation to town and country planning.”

##### *Leasehold Reform Act 1967 (c. 88)*

- 4 In subsection (1A) of section 21 of the Leasehold Reform Act 1967 (jurisdiction of leasehold valuation tribunals), for the words from “be” onwards there shall be substituted the words “comply with any requirements imposed by regulations under subsection (4A)(a) or (b) below”.

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*Land Compensation Act 1973 (c. 26)*

- 5 After section 12 of the Land Compensation Act 1973 (tenants entitled to enfranchisement or extension under Leasehold Reform Act 1967) there shall be inserted the following section—

**“12A Tenants participating in collective enfranchisement, or entitled to individual lease extension, under Part I of Leasehold Reform, Housing and Urban Development Act 1993.**

- (1) A tenancy to which subsection (2) or (3) below applies (“a qualifying tenancy”) shall be treated as an owner’s interest as defined in section 2(4) above whether or not the unexpired term on the date of service of the notice of claim is of the length there specified.
- (2) This subsection applies to a tenancy if the tenant, on the relevant date—
  - (a) is in respect of the tenancy a qualifying tenant for the purposes of Chapter I of Part I of the 1993 Act (collective enfranchisement); and
  - (b) by virtue of the tenancy, either—
    - (i) is a participating tenant in relation to a claim to exercise the right to collective enfranchisement under that Chapter; or
    - (ii) is one of the participating tenants on whose behalf the acquisition by the nominee purchaser has been made in pursuance of such a claim.
- (3) This subsection applies to a tenancy if the tenant, on the relevant date and in respect of the tenancy, is a qualifying tenant for the purposes of Chapter II of Part I of the 1993 Act (individual right to acquire new lease) who—
  - (a) has on or before that date given notice under section 42 of that Act (notice by qualifying tenant of claim to exercise right); and
  - (b) has not acquired a new lease before that date.
- (4) If no claim is made in respect of a qualifying tenancy before the claimant has ceased to be entitled to it in consequence of a lease being granted to him by the nominee purchaser or, as the case may be, under Chapter II of Part I of the 1993 Act, the claimant may make a claim in respect of the qualifying tenancy as if he were still entitled to it.
- (5) No claim shall be made by virtue of subsection (4) above after the claimant has ceased to be entitled to the lease referred to in that subsection, but such a claim may be made before the first claim day if it is made before the claimant has disposed of that lease and after he has made a contract for disposing of it.
- (6) Compensation shall not be payable before the first claim day on any claim made by virtue of subsection (5) above.
- (7) Any notice of a claim made by virtue of this section shall contain, in addition to the matters mentioned in section 3 above, a statement that it is made in respect of a qualifying tenancy as defined in this section and, if made by virtue of subsection (4) or (5) above, sufficient particulars to show that it falls within that subsection.
- (8) In relation to a claim made by virtue of subsection (4) above, section 4(4)(a) above shall have effect as if the reference to the date of service of notice of the claim were a reference to the relevant date.

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(9) In this section—

- (a) “the 1993 Act” means the Leasehold Reform, Housing and Urban Development Act 1993; and
- (b) “participating tenant”, “nominee purchaser” and “the acquisition by the nominee purchaser” shall be construed in accordance with sections 14, 15 and 38(2) of that Act respectively.”

*Local Government Act 1974 (c. 7)*

6 (1) In subsection (1) of section 25 of the Local Government Act 1974 (authorities subject to investigation), after paragraph (be) there shall be inserted the following paragraph—

“(bf) the Urban Regeneration Agency;”.

(2) In subsection (7) of section 26 of that Act (matters subject to investigation) after paragraph (b) there shall be inserted the following paragraph—

“(ba) where the complaint relates to the Urban Regeneration Agency, any designated area within the meaning of Part III of the Leasehold Reform, Housing and Urban Development Act 1993;”.

(3) In Schedule 5 to that Act (matters not subject to investigation) after paragraph 7 there shall be inserted the following paragraph—

“8 Action taken by the Urban Regeneration Agency which is not action in connection with functions in relation to town and country planning.”

*Rent Act 1977 (c. 42)*

7 In subsection (1)(b) of section 74 of the Rent Act 1977 (regulations), for the words from “by rent officers” onwards there shall be substituted the words—

- “(i) by rent officers under this Act; and
- (ii) by rent assessment committees whether under this Act or otherwise; and”.

*Derelict Land Act 1982 (c. 42)*

8 In subsection (5) of section 1 of the Derelict Land Act 1982 (powers of Secretary of State), in the definition of “the prescribed percentage”, for paragraphs (b) and (c) there shall be substituted the following paragraph—

“(b) in any other case, 80 per cent. or such other percentage as may be prescribed by order made by the Secretary of State with the consent of the Treasury.”

*National Heritage Act 1983 (c. 47)*

9 After subsection (2A) of section 33 of the National Heritage Act 1983 (general functions of the Historic Buildings and Monuments Commission for England) there shall be inserted the following subsection—

“(2B) In relation to England, the Commission may make, or join in the making of, applications under section 73(1) of the Leasehold Reform, Housing and Urban Development Act 1993, and may exercise, or participate in the

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exercise of, any rights or powers conferred by a scheme approved under section 70 of that Act.”

*Housing Act 1985 (c. 68)*

10 In subsection (3) of section 101 of the Housing Act 1985 (rent not to be increased on account of tenant’s improvements), for paragraph (a) there shall be substituted the following paragraph—

“(a) a person in whom the tenancy was vested, or to whom the tenancy was disposed of, under section 89 (succession to periodic tenancy) or section 90 (devolution of term certain) on the death of the tenant or in the course of the administration of his estate;”.

11 In subsection (2) of section 130 of that Act (reduction of discount where previous discount given), after paragraph (aa) there shall be inserted the following paragraph—

“(ab) in pursuance of the provision required by paragraphs 3 to 5 or paragraph 7 of Schedule 6A (redemption of landlord’s share), or”.

12 For subsection (3) of section 140 of that Act (landlord’s first notice to complete) there shall be substituted the following subsection—

“(3) A notice under this section shall not be served earlier than twelve months after—

- (a) the service of the landlord’s notice under section 125 (notice of purchase price and other matters), or
- (b) where a notice has been served under section 146 (landlord’s notice admitting or denying right to acquire on rent to mortgage terms), the service of that notice.”

13 (1) Immediately before section 153A of that Act (tenant’s notices of delay) there shall be inserted the following italic cross heading—

*“Tenant’s sanction for landlord’s delays”.*

(2) In subsection (1) of that section—

- (a) in paragraph (e), for the words “right to be granted a shared ownership lease” there shall be substituted the words “right to acquire on rent to mortgage terms”; and
- (b) for the words “any of the cases in paragraphs (a) to (d)” there shall be substituted the words “either of the cases in paragraphs (a) and (b)”.

(3) In subsection (3) of that section—

- (a) for the words “right to be granted a shared ownership lease” there shall be substituted the words “right to acquire on rent to mortgage terms”;
- (b) for the words “any of the cases in paragraphs (a) to (d)” there shall be substituted the words “either of the cases in paragraphs (a) and (b)”;
- (c) for the words “section 125, section 146 or section 147” there shall be substituted the words “or section 125”.

14 (1) In subsection (1) of section 153B of that Act (payments of rent attributable to purchase price etc.), for the words “right to be granted a shared ownership lease” there shall be substituted the words “right to acquire on rent to mortgage terms”.

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- (2) In subsection (2) of that section, for the words “any of paragraphs (c) to (e)” there shall be substituted the words “paragraph (d) or (e)”.
- (3) In subsection (3) of that section, for the words “the tenant’s initial contribution for the grant of a shared ownership lease” there shall be substituted the words “the tenant’s initial payment”.
- 15 In subsection (2) of section 158 of that Act (consideration for reconveyance or surrender under section 157), after paragraph (a) there shall be inserted the following paragraph—
- “(aa) any covenant required by paragraph 1 of Schedule 6A (obligation to redeem landlord’s share where conveyance or grant executed in pursuance of right to acquire on rent to mortgage terms), and”.
- 16 (1) In subsection (1) of section 164 of that Act (Secretary of State’s general power to intervene), for the words “right to be granted a shared ownership lease” there shall be substituted the words “right to acquire on rent to mortgage terms”.
- (2) In subsection (4) of that section, for the words “the right to a mortgage or the right to be granted a shared ownership lease” there shall be substituted the words “or the right to acquire on rent to mortgage terms”.
- (3) In subsection (5) of that section, for the words “the right to a mortgage and the right to be granted a shared ownership lease” there shall be substituted the words “and the right to acquire on rent to mortgage terms”.
- 17 In subsection (1) of section 167 of that Act (power to give directions as to covenants and conditions), after paragraph (b) there shall be inserted the words “or
- (c) in the case of conveyances or grants executed in pursuance of the right to acquire on rent to mortgage terms, the conveyances or grants would not conform with Schedule 6A,”.
- 18 In subsection (2) of section 170 of that Act (power to give assistance in connection with legal proceedings), for the words “right to be granted a shared ownership lease” there shall be substituted the words “right to acquire on rent to mortgage terms”.
- 19 In subsection (2) of section 171C of that Act (modifications of Part V in relation to preserved right), for the words “right to be granted a shared ownership lease” there shall be substituted the words “right to acquire on rent to mortgage terms”.
- 20 (1) In subsection (2) of section 177 of that Act (errors and omissions in notices), for the words “right to be granted a shared ownership lease” there shall be substituted the words “right to acquire on rent to mortgage terms”.
- (2) In subsection (3) of that section, for the entries relating to section 147 and paragraph 1(3) of Schedule 8 there shall be substituted the following entry—
- “section 146 (landlord’s notice admitting or denying right to acquire on rent to mortgage terms).”
- 21 For section 178 of that Act there shall be substituted the following section—

**“178 Costs.**

An agreement between the landlord and a tenant claiming to exercise—

- (a) the right to buy,

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- (b) the right to acquire on rent to mortgage terms, or
- (c) any such right as is mentioned in paragraph 2(1) or 6(1) of Schedule 6A (redemption of landlord's share: right to make final or interim payment),

is void in so far as it purports to oblige the tenant to bear any part of the costs incurred by the landlord in connection with the tenant's exercise of that right."

22 In subsection (1) of section 179 of that Act (provisions restricting right to buy etc. of no effect), for the words "right to be granted a shared ownership lease" there shall be substituted the words "right to acquire on rent to mortgage terms".

23 In subsection (1) of section 181 of that Act (jurisdiction of county court), for the words "a shared ownership lease granted in pursuance of this Part" there shall be substituted the words "a conveyance or grant executed in pursuance of the right to acquire on rent to mortgage terms".

24 (1) In subsection (2) of section 184 of that Act (land let with or used for purposes of dwelling-house), for the words "right to be granted a shared ownership lease" there shall be substituted the words "right to acquire on rent to mortgage terms".

(2) In subsection (3) of that section, for the words "right to be granted a shared ownership lease" there shall be substituted the words "right to acquire on rent to mortgage terms".

25 In section 188 of that Act (index of defined expressions: Part V), at the appropriate places in alphabetical order there shall be inserted the following entries—

"district valuer	section 622"
"final payment	paragraph 1 of Schedule 6A"
"initial payment and interim payment	section 143B and paragraph 6 of Schedule 6A"
"landlord's share	section 148 and paragraph 7 of Schedule 6A"
"minimum initial payment and maximum initial payment	section 143B"
"prescribed	section 614"
"right to acquire on rent to mortgage terms	section 143".

*Landlord and Tenant Act 1987 (c. 31)*

26 In subsection (2) of section 4 of the Landlord and Tenant Act 1987 (relevant disposals), after paragraph (d) there shall be inserted the following paragraph—

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“(da) a disposal of any freehold or leasehold interest in pursuance of Chapter I of Part I of the Leasehold Reform, Housing and Urban Development Act 1993;”.

- 27 In subsection (2) of section 13 of that Act (determination by rent assessment committees of questions relating to purchase notices), for the words from “be” to “particulars,” there shall be substituted the words “comply with such requirements (if any) as to the form of, or the particulars to be contained in, any such application”.

*Town and Country Planning Act 1990 (c. 8)*

- 28 In subsection (5)(a) of section 1 of the Town and Country Planning Act 1990 (subsections (1) to (4) of that section have effect subject to sections 5 to 8), for “8” there shall be substituted “8A”.

- 29 After section 8 of that Act (local planning authority in housing action area) there shall be inserted the following section—

**“8A The Urban Regeneration Agency.**

- (1) Where a designation order under section 170 of the Leasehold Reform, Housing and Urban Development Act 1993 (power to make designation orders) makes such provision as is mentioned in subsection (1) of section 171 of that Act (Agency as local planning authority), the Urban Regeneration Agency shall be the local planning authority for such area as may be specified in the order in place of any authority who would otherwise be the local planning authority for that area for such purposes and in relation to such kinds of development as may be so specified.
- (2) Where such an order makes such provision as is mentioned in subsection (3) (a) of section 171 of that Act, the Urban Regeneration Agency shall have the functions specified in the order for such area as may be so specified in place of any authority (except the Secretary of State) who would otherwise have them in that area.”

*Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)*

- 30 (1) In subsection (1) of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (general duty as respects conservation areas in exercise of planning functions), for the words “powers under” there shall be substituted the words “functions under or by virtue of”.

- (2) In subsection (2) of that section there shall be added at the end “and sections 70 and 73 of the Leasehold Reform, Housing and Urban Development Act 1993”.

- 31 In paragraphs 2 and 4 of Schedule 4 to that Act (further provisions as to exercise of functions by different authorities), for the words “and 8” there shall be substituted the words “8 and 8A”.

*Planning (Hazardous Substances) Act 1990 (c. 10)*

- 32 After subsection (5) of section 3 of the Planning (Hazardous Substances) Act 1990 (hazardous substances authorities in certain special cases) there shall be inserted the following subsection—

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“(5A) If the land is in an area for which the Urban Regeneration Agency is the local planning authority in relation to all kinds of development, the Agency shall be the hazardous substances authority for the land unless subsection (1) or (2) applies.”