



# Leasehold Reform Act 1967

## 1967 CHAPTER 88

### PART II

#### AMENDMENTS OF OTHER ACTS

#### **38 Modification of right to possession under Landlord and Tenant Act 1954.**

- (1) The grounds on which under section 13 of the <sup>M1</sup>Landlord and Tenant Act 1954 a landlord may apply to the court for possession of property comprised in a tenancy (and which may accordingly under section 4 be specified in a landlord's notice to resume possession), in the case of applications made after the commencement of this Part of this Act, shall not include the ground mentioned in section 12(1)(a) (redevelopment), except where the landlord seeking to obtain possession is a body to which section 28 above applies and the property is required for relevant development within the meaning of section 28; but on any application by such a body under section 13 of that Act for possession on that ground a certificate given by a Minister of the Crown as provided by section 28(1) above shall be conclusive that the property is so required.
- (2) In section 57 of the Landlord and Tenant Act 1954 (under which a tenant's rights under Part II of that Act are curtailed if an authority within the section is the landlord or a superior landlord and obtains a certificate similar to that under section 28 above) references to a local authority shall apply to any body to which section 28 above applies and which is not otherwise within the said section 57.
- (3) For purposes of this section, section 28(5) to (8) above shall have effect from the commencement of this Part of this Act.

#### **Modifications etc. (not altering text)**

- C1** S. 38(1) amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, [Sch. 13 para. 17](#)  
S. 38(1) amended (1.4.1995) by [S.I. 1995/401](#), art. 18, [Sch. para. 3](#)

*Status: Point in time view as at 01/04/2006.*

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#### Marginal Citations

**M1** 1954 c. 56.

### 39 Application of Rent Acts to long tenancies and adaptation of Landlord and Tenant Act 1954.

- (1) Section 21(2) of the <sup>M2</sup>Rent Act 1957 (which applies Part I of the <sup>M3</sup>Landlord and Tenant Act 1954 to long tenancies not at a low rent) shall cease to have effect; and—
- (a) ..... <sup>F1</sup>
- (2) Subsection (1) above shall have effect subject to the adaptations of Part I of the Landlord and Tenant Act 1954, and of the [<sup>F2</sup><sup>M4</sup>Rent Act 1968] as it applies to a statutory tenancy arising by virtue of the said Part I, which are made by Schedule 5 to this Act; and the transitional and supplementary provisions made by that Schedule shall have effect in relation to subsection (1) above and to statutory tenancies so arising.
- (3) ..... <sup>F3</sup>

#### Textual Amendments

- F1** S. 39(1) (a) (c) repealed by Rent Act 1968 (c. 23), Sch. 17 and s. 39(1)(b) repealed by Counter-Inflation Act 1973 (c. 9), Sch. 6
- F2** Words substituted by Rent Act 1968 (c. 23), Sch. 15; continued by Rent Act 1977 (c. 42), Sch. 24 para. 30
- F3** S. 39(3) repealed by Statute Law (Repeals) Act 1976 (c. 16), Sch. 1 Pt. XV

#### Marginal Citations

- M2** 1957 c. 25.
- M3** 1954 c. 56.
- M4** 1968 c. 23.

### 40 Amendments of Places of Worship (Enfranchisement) Act 1920.

- (1) In section 1(1) of the <sup>M5</sup> Places of Worship (Enfranchisement) Act 1920 after the words “place of worship”, where first occurring, there shall be inserted the words “ or, in connexion with a place of worship, for the purpose of a minister’s house ” ; and accordingly in section 5 of that Act—
- (a) in the definition of “place of worship” for the words “caretaker’s house or minister’s house” there shall be substituted the words “ or caretaker’s house ” ; and
- (b) in the definition of “trustees” after the words “place of worship” there shall be inserted the words “ or minister’s house ”.
- (2) In section 1(1) of the Places of Worship (Enfranchisement) Act 1920 after paragraph (a) of the proviso there shall be inserted as a new paragraph (aa) the following :—
- “(aa) where the person entitled to the freehold or an immediate reversion requires that underlying minerals be excepted, the trustees shall not be entitled to acquire his interest in the minerals if proper provision is made for the support of the premises as they have been enjoyed

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during the lease and in accordance with the terms of the lease and of the trust ; and”.

- (3) After section 1(1) of the Places of Worship (Enfranchisement) Act 1920 there shall be inserted as a new subsection (1A) :—

“(1A) Where the residence house of a benefice is held by the incumbent under a lease to which this Act applies, this Act shall have effect (with any necessary modifications) in relation to the enlargement of the incumbent’s leasehold interest into a fee simple, and in relation to the estate so acquired, as it would have effect if the residence house were vested for that interest in trustees ; and the powers and provisions of the Parsonages Measure 1938 (as amended by any subsequent enactment) relating to the purchase of houses for parsonages shall apply for and in relation to the acquisition under this Act of the freehold reversion.”.

- (4) In section 2 of the <sup>M6</sup>Places of Worship (Enfranchisement) Act 1920 for the words from “the Lands Clauses Acts”, where first occurring, to the end of paragraph (a) there shall be substituted—

“Part I of the Compulsory Purchase Act 1965 shall apply as if the trustees were an authority authorised to acquire the premises by virtue of a compulsory purchase order, made under the Acquisition of Land (Authorisation Procedure) Act 1946 ; but in relation to any acquisition under this Act the following provisions shall have effect :—

- (a) in Part I of the Compulsory Purchase Act 1965 section 4 (time limit for acquisition) shall not apply, and for the purposes of the said Part I “land” shall include easements in or relating to land ;”and accordingly in the Places of Worship (Enfranchisement) Act 1920 there shall be omitted the definition in section 5 of “the county court” and the Schedule (which adapted for purposes of that Act the enactments originally applied by section 2, and in particular made in relation to re-sales special provision about the right to pre-emption conferred by the Land Clauses Acts but not by the Compulsory Purchase Act 1965).

- (5) Section 4 of the Places of Worship (Enfranchisement) Act 1920 (under which the trusts of a place of worship may be enforced after enfranchisement by the Charity Commissioners, and if the trusts are not observed, the Commissioners may require the land to be sold) shall be omitted.

- (6) In section 5 of the Places of Worship (Enfranchisement) Act 1920, in the definition of “freehold reversion”, there shall be omitted the words from “and, where” onwards (being words relating to copyhold land and land of customary tenure).

- (7) In accordance with the provisions of this section the <sup>M7</sup>Places of Worship (Enfranchisement) Act 1920 shall, subject to subsection (8) below, have effect as set out in Schedule 6 to this Act.

- (8) This section and the repeals made by Part II of Schedule 7 to this Act shall not affect the operation of the Places of Worship (Enfranchisement) Act 1920 where an interest has been acquired, or notice to treat for its acquisition has been served, under that Act before this section comes into force, except that section 4 of that Act shall cease to have effect for any purpose.

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#### Modifications etc. (not altering text)

- C2** The text of s. 40(1)–(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

- M5** 1920 c. 56.  
**M6** 1920 c. 56.  
**M7** 1920 c. 56.

### 41 Short title, repeals, extent and commencement.

- (1) This Act may be cited as the Leasehold Reform Act 1967.
- (2) The enactments mentioned in Schedule 7 to this Act are hereby repealed to the extent specified in the third column of that Schedule, but subject to the savings mentioned at the end of Parts I and II of the Schedule.
- (3) This Act shall not extend to Scotland or Northern Ireland.
- (4) Sections 34 to 36 of this Act shall come into force on the day it is passed; and, <sup>F4</sup> . . . the other provisions of Part I shall come into force on such day as the Minister of Housing and Local Government and the Secretary of State may appoint by order made by them jointly by statutory instrument, which shall be laid before Parliament after being made.
- (5) Part II of this Act shall come into force at the end of one month following the day on which this Act is passed.

#### Textual Amendments

- F4** Words in s. 41(4) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIII** Group1

#### Modifications etc. (not altering text)

- C3** 1.1.1968 appointed under s. 41(4) by [S.I. 1967/1836](#)  
**C4** Reference to Minister of Housing and Local Government to be construed as reference to Secretary of State: [S.I. 1970/1681](#), **art. 6(3)**

**Status:**

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