

Status: Point in time view as at 01/01/2003.

Changes to legislation: Leasehold Reform Act 1967, SCHEDULE 3 is up to date with all changes known to be in force on or before 22 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 3 **E+W**

Sections 22 and 34.

VALIDITY OF TENANTS’ NOTICES, EFFECT ON LANDLORD AND TENANT ACT 1954 ETC. AND PROCEDURE GENERALLY

PART I **E+W**

Restrictions on claims by tenant, and effect of claims on other notices, forfeitures, etc.

- 1 (1) A claim to acquire the freehold or an extended lease of any property shall be of no effect if made after the tenant has given notice terminating the tenancy of that property (not being a notice that has been superseded by the grant, express or implied, of a new tenancy), or if made during the subsistence of an agreement for a future tenancy to which section 28 of the ^{M1}Landlord and Tenant Act 1954 [^{F1}or paragraph 17 of Schedule 10 to the Local Government and Housing Act 1989] applies.
- (2) A tenant’s notice terminating the tenancy of any property, shall be of no effect if given during the currency of a claim made in respect of the tenancy to acquire the freehold or an extended lease of that property.
- (3) In sub-paragraphs (1) and (2) above references to a notice terminating a tenancy include a tenant’s request for a new tenancy under section 26 of the Landlord and Tenant Act 1954, and a tenant’s notice under section 27(1) of that Act that he does not desire the tenancy to be continued.

Textual Amendments

- F1** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\), s. 194\(1\), Sch. 11 para. 13\(1\)](#)

Marginal Citations

- M1** [1954 c. 56.](#)

- 2 (1) A claim to acquire the freehold or an extended lease of any property shall be of no effect if made more than two months after a landlord’s notice terminating the tenancy of that property has been given under section 4 or 25 of the Landlord and Tenant Act 1954 [^{F2}or served under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989] (whether or not that notice has effect to terminate the tenancy):

Provided that—

- (a) this sub-paragraph shall not apply where the landlord gives his written consent to a claim being made after the end of those two months; and
- (b) where a tenant, having given notice of his desire to have the freehold, gives after the end of those two months a further notice under section 9(3) of this Act of his inability or unwillingness to acquire the house and premises at the

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price he must pay, he may with the notice under section 9(3) give a notice of his desire to have an extended lease (if he then has a right thereto).

- (2) A landlord’s notice terminating a tenancy of any property under section 4 or 25 of the ^{M2}Landlord and Tenant Act 1954 [^{F3}or under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989] shall be of no effect if given [^{F3}or served] during the currency of a claim made in respect of the tenancy to acquire the freehold or an extended lease of that property, and shall cease to have effect on the making of such a claim.
- (3) Where any such landlord’s notice ceases (by virtue of sub-paragraph (2) above ^{F4}. . .) to have effect on the making of a claim, but the claim is not effective, then if within one month after the period of currency of that claim (or any subsequent claim made by virtue of the proviso to sub-paragraph (1) above) a landlord’s notice terminating the tenancy is given under section 4 or 25 of the Landlord and Tenant Act 1954 [^{F5}or served under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989], the earliest date which may be specified therein as the date of termination shall be [^{F6}the date of termination specified in the previous notice or the expiration of three months from the giving of the new notice, whichever is the later.
- (i) in the case of a notice given under the said Act of 1954]the date of termination specified in the previous notice or the expiration of three months from the giving of the new notice, whichever is the later
- [^{F7}(ii) in the case of a notice served under the said Schedule 10, the date of termination specified in the previous notice or the expiration of the period of four months beginning on the date of service of the new notice, whichever is the later].
- (4) Where by virtue of sub-paragraph (3) above a landlord’s notice specifies as the date of termination of a tenancy a date earlier than six months after the giving of the notice, then—
- (a) if it is a notice proposing a statutory tenancy, section 7(2) of the Landlord and Tenant Act 1954 shall apply in relation to the notice with the substitution, for references to the period of two months ending with the date of termination specified in the notice and the beginning of that period, of references to the period of three months beginning with the giving of the notice and the end of that period; and
- (b) if it is a notice under section 25 of that Act, an application under section 24 for a new tenancy shall not be entertained unless it is made within three months after the giving of the notice.

Textual Amendments

- F2** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194(1), **Sch. 11 para. 13(2)(a)**
- F3** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194(1), **Sch. 11 para. 13(2)(b)**
- F4** Words in [Sch. 3, para. 2\(3\)](#) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIII** Group 1
- F5** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194(1), **Sch. 11 para. 13(2)(c)(i)**
- F6** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194(1), **Sch. 11 para. 13(2)(c)(ii)**

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F7 Sch. 3 para. 2(3)(ii) added by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194(1), [Sch. 11 para. 13\(2\)\(c\)\(iii\)](#)

Marginal Citations

M2 [1954 c. 56](#).

- 3 (1) Where a tenant makes a claim to acquire the freehold or an extended lease of any property, then during the currency of the claim and for three months thereafter the tenancy in that property shall not terminate either by effluxion of time or in pursuance of a notice to quit given by the landlord or by the termination of a superior tenancy; but if the claim is not effective, and but for this sub-paragraph the tenancy would have so terminated before the end of those three months, the tenancy shall so terminate at the end of the three months.
- (2) Sub-paragraph (1) above shall not be taken to prevent an earlier termination of the tenancy in any manner not there mentioned, nor affect the power under section 146(4) of the ^{M3}Law of Property Act 1925 to grant a tenant relief against the termination of a superior tenancy, or any right of the tenant to relief under section 16(2) of the Landlord and Tenant Act 1954 or under paragraph 9 of Schedule 5 to that Act.
- [^{F8}(3) The reference in sub-paragraph (2) above to section 16(2) of, and paragraph 9 of Schedule 5 to, the Landlord and Tenant Act ^{M4}1954 includes a reference to those provisions as they apply in relation to Schedule 10 to the Local Government and Housing Act ^{M5}1989.]

Textual Amendments

F8 Sch. 3 para. 3(3) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194(1), [Sch. 11 para. 13\(3\)](#)

Marginal Citations

M3 [1925 c. 20](#).

M4 [1954 c.56 \(75:1\)](#).

M5 [1989 c.42 \(75:1\)](#).

- 4 (1) Where a tenant makes a claim to acquire the freehold or an extended lease of any property, then during the currency of the claim no proceedings to enforce any right of re-entry or forfeiture terminating the tenancy shall be brought in any court without the leave of that court, and leave shall not be granted unless the court is satisfied that the claim was not made in good faith; but where leave is granted, the claim shall cease to have effect.
- (2) Where a claim is made to acquire the freehold or an extended lease of property comprised in a tenancy, the tenancy shall be deemed for purposes of the claim to be a subsisting tenancy notwithstanding that the claim is made when proceedings are pending to enforce a right of re-entry or forfeiture terminating the tenancy and notwithstanding any order made afterwards in those proceedings, and if the claim is effective, the court in which the proceedings were brought may set aside or vary any such order to such extent and on such terms as appear to that court to be appropriate:
- Provided that if it appears to that court that the claim is not made in good faith, or there has been unreasonable delay in making it, and that apart from the claim effect should be given to the right of re-entry or forfeiture, the court shall order that the

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tenancy shall not be treated as subsisting nor the claim as valid by virtue of this sub-paragraph.

- (3) Where a court other than the county court—
- (a) grants leave under sub-paragraph (1) above; or
 - (b) makes an order under the proviso to sub-paragraph (2) above on the ground that a claim was not made in good faith;

the court may make any such order as the county court is authorised to make by section 20(5) or (6) of this Act.

- (4) A tenant who, in proceedings to enforce a right of re-entry or forfeiture or a right to damages in respect of a failure to comply with any terms of the tenancy, applies for relief under section 16 of the ^{M6}Landlord and Tenant Act 1954 is not thereby precluded from making a claim to acquire the freehold or an extended lease; but if he gives notice under section 16(2) (under which the tenant is relieved from any order for recovery of possession or for payment of damages, but the tenancy is cut short), any claim made by him to acquire the freehold or an extended lease of property comprised in the tenancy, with or without other property, shall be of no effect, or, if already made, shall cease to have effect.

- (5) Sub-paragraph (4) above shall apply in relation to proceedings relating to a superior tenancy with the substitution for the references to section 16 and to section 16(2) of the Landlord and Tenant Act 1954 of references to paragraph 9 and to paragraph 9(2) of Schedule 5 to that Act.

- [^{F9}(6) The references in this paragraph—
- (a) to section 16 of the Landlord and Tenant Act ^{M7}1954 and subsection (2) of that section, and
 - (b) paragraph 9 of Schedule 5 to that Act and sub-paragraph (2) of that paragraph,

include references to those provisions as they apply in relation to Schedule 10 to the Local Government and Housing Act ^{M8}1989.]

Textual Amendments

F9 Sch. 3 para. 3(6) inserted by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194(1), **Sch. 11 para. 13(4)**

Marginal Citations

M6 1954 c. 56.

M7 1954 c.56 (75:1).

M8 1989 c.42 (75:1).

- 5 (1) For purposes of this Part of this Schedule—
- (a) references to a claim to acquire the freehold or an extended lease shall be taken as references to a notice of a person’s desire to acquire it under Part I of this Act and, except in so far as the contrary intention appears, as including a claim made by a tenant not entitled to acquire it and a claim made by a person who is not a tenant; and
 - (b) references to a claim being effective shall be taken as references to the freehold or an extended lease being acquired in pursuance of the claim; and

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- (c) references to the currency of a claim shall be taken as references to the period from the giving of a notice which has effect or would, if valid, have effect to the time when the notice is effective or ceases to have effect, or (not being a valid notice) is set aside by the court or withdrawn or would, if valid, cease to have effect, and those references shall include any period when the notice is suspended.
- (2) For purposes of subparagraph (1)(c) above the date when a notice ceases to have effect or is set aside or would, if valid, cease to have effect in consequence of an order of a court shall be taken to be the date when the order becomes final.

PART II **E+W**

Procedural Provisions

- 6 (1) A tenant’s notice under Part I of this Act of his desire to have the freehold or an extended lease of a house and premises shall be in the prescribed form, and shall contain the following particulars:—
- (a) the address of the house, and sufficient particulars of the house and premises to identify the property to which the claim extends;
 - (b) such particulars of the tenancy and ^{F10} in the case of a tenancy falling within section 4(1)(i) of this Act,] of the rateable value of the house and premises as serve to identify the instrument creating the tenancy and show that
 - ^{F11}(i) (apart from the operation, if any, of the proviso to section 4(1) of this Act) the tenancy is and has at the material times been a long tenancy at a low rent;
 - ^{F11}(ii) at the material time the rateable value was within the limits specified for the purposes of section 1;]
 - (c) the date on which the tenant acquired the tenancy;
 - ^{F12}(d)
 - ^{F13}(e) in the case of a tenancy falling within section 1(1)(a)(ii) of this Act, the premium payable as a condition of the grant of the tenancy.]
- ^{F14}(1A) Where the tenant gives the notice by virtue of section 1AA of this Act, subparagraph (1) above shall have effect with the substitution for paragraph (b) of—
- (“ such particulars of the tenancy as serve to identify the instrument creating the tenancy and show that the tenancy is one in relation to which section 1AA(1) of this Act has effect to confer a right to acquire the freehold of the house and premises;”.]
- (2) Where the tenant gives the notice by virtue of section 6 ^{F15}, 6A] or 7 of this Act, sub-paragraph (1)(c) ^{F16} . . . above shall apply with the appropriate modifications of references to the tenant, so that the notice shall show the particulars bringing the case within section 6 ^{F15}, 6A] or 7.
- (3) The notice shall not be invalidated by an inaccuracy in the particulars required by this paragraph or any misdescription of the property to which the claim extends; and where the claim extends to property not properly included in the house and premises, or does not extend to property that ought to be so included, the notice may with the leave of the court, and on such terms as the court may see fit to impose, be amended so as to exclude or include that property.

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Textual Amendments

- F10** Words inserted by S.I. 1990/434, reg. 2, **Sch. para. 10(a)**
- F11** Words inserted (prosp.) by Housing Act 1980 (c. 51), s. 153(4), **Sch. 21 para. 7**
- F12** **Sch. 3 para. 6(1)(d)** repealed (26.7.2002 for E. and 1.1.2003 for W.) by 2002 c. 15, s. 180, **Sch. 14**; S.I. 2002/1912, art. 2(b)(ii), **Sch. 1 Pt. 3** (subject to transitional provisions and savings in Sch. 2 of the commencing S.I.); S.I. 2002/3012, art. 2(b)(ii), **Sch. 1 Pt. 3** (subject to transitional provisions and savings in Sch. 2 of the commencing S.I.)
- F13** **Sch. 3 para. 6(1)(e)** inserted by S.I. 1990/434, reg. 2, **Sch. para. 10(b)**
- F14** **Sch. 3 Pt. II para. 6(1A)** inserted (1.4.1997) by 1996 c. 52, s. 106, **Sch. 9 para. 2(1)(8)**; S.I. 1997/618, **art. 2(1)** (with Sch.)
- F15** Words in **Sch. 3 para. 6(2)** inserted (26.7.2002 for E. and 1.1.2003 for W.) by 2002 c. 15, s. 142(2); S.I. 2002/1912, **art. 2(a)** (subject to transitional provisions and savings in Sch. 2 of the commencing S.I.); S.I. 2002/3012, **art. 2(a)** (subject to transitional provisions and savings in Sch. 2 of the commencing S.I.)
- F16** Words in **Sch. 3 para. 6(2)** repealed (26.7.2002 for E. and 1.1.2003 for W.) by 2002 c. 15, s. 180, **Sch. 14**; S.I. 2002/1912, art. 2(b)(ii), **Sch. 1 Pt. 3** (subject to transitional provisions and savings in Sch. 2 of the commencing S.I.); S.I. 2002/3012, art. 2(b)(ii), **Sch. 1 Pt. 3** (subject to transitional provisions and savings in Sch. 2 of the commencing S.I.)

- 7 (1) Where a tenant of a house gives the landlord notice in accordance with Part I of this Act of the tenant’s desire to have the freehold or an extended lease, the landlord shall within two months give the tenant a notice in reply in the prescribed form stating whether or not the landlord admits the tenant’s right to have the freehold or extended lease (subject to any question as to the correctness of the particulars given in the tenant’s notice of the house and premises); and if the landlord does not admit the tenant’s right, the notice shall state the grounds on which it is not admitted.
- (2) Subject to sub-paragraph (3) below, where under Part I of this Act the landlord may object to the inclusion of any part of the house and premises as described in the tenant’s notice, or may object to the exclusion of other property, the notice of his objection shall be given with or before his notice in reply, unless the right to give it later is reserved by the notice in reply.
- (3) If (on the assumption, where it is not admitted, that the tenant has the right claimed) it is intended to apply to the court for possession of the house and premises under section 17 or 18 of this Act, the notice in reply shall state that it is the intention to do so, and sub-paragraph (2) above shall not apply.
- (4) Where a landlord’s notice in reply admits the tenant’s right to have the freehold or extended lease of a house and premises, the admission shall be binding on the landlord, so far as relates to the matters [^{F17}relevant to the existence of that right], unless the landlord shows that he was induced to make the admission by misrepresentation or the concealment of material facts; but the admission shall not conclude any question whether the particulars of the house and premises in the tenant’s notice are correct.
- (5) The tenant shall not institute proceedings in the court with a view to the enforcement of his right to have the freehold or an extended lease before the landlord has given his notice in reply or two months have elapsed without his doing so since the giving of the tenant’s notice.

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Textual Amendments

F17 Words in **Sch. 3 Pt. II para. 7(4)** substituted (1.4.1997) by 1996 c. 52, s. 106, **Sch. 9 para. 2(1)(9)**; S.I. 1997/618, **art. 2(1)** (with Sch.)

- 8 (1) Where a person (“the claimant”) gives notice as tenant of a house of his desire to have the freehold or an extended lease under Part I of this Act, —
- (a) the notice shall be regarded as served on the landlord if it is served on any of the persons having an interest in the house and premises superior to the claimant’s tenancy and references to the relevant time shall be construed accordingly;
 - (b) copies of the notice shall be served by the claimant on any other persons known or believed by him to have such an interest;
 - (c) the notice shall state whether copies are being served in accordance with paragraph (b) above on anyone other than the recipient and, if so, on whom;
 - (d) a recipient of the notice or a copy of it (including a person receiving a copy under this paragraph), unless he is a person having no such interest, shall forthwith serve a copy on any person who is known or believed by him to have such an interest and is not stated in the recipient’s copy of the notice or known by him to have received a copy;
 - (e) a recipient of the notice or a copy of it shall, in any further copies served by him in accordance with paragraph (d) above, supplement the statement under paragraph (c) by adding any further persons on whom he is serving copies or who are known by him to have received one.
- (2) Any recipient of any such notice or a copy of it—
- (a) if he serves further copies of it on other persons in accordance with sub-paragraph (1)(d) above, shall notify the claimant of the persons added by him to the statement under sub-paragraph (1)(c); and
 - (b) if he knows who is, or believes himself to be, the person designated as the reversioner by paragraph 2 of Schedule 1 to this Act, shall give written notice to the claimant stating who is thought by him to be the reversioner, and shall serve copies of it on all persons known or believed by him to have an interest superior to the claimant’s tenancy.
- (3) Any person who fails without reasonable cause to comply with sub-paragraph (1) or (2) above, or is guilty of any unreasonable delay in doing so, shall be liable for any loss thereby occasioned to the claimant or to any person having an interest superior to the claimant’s tenancy.
- (4) In this paragraph references to an interest superior to the claimant’s tenancy mean the estate in fee simple and any tenancy superior to the claimant’s tenancy, but shall apply also to a tenancy reversionary on the claimant’s tenancy.
- 9 (1) Where the interest of a landlord is subject to a charge, and the person entitled to the benefit of the charge is in possession or a receiver appointed by him or by the court is in receipt of the rents and profits, a notice by a tenant of his desire to have the freehold or an extended lease under Part I of this Act shall be duly given if served either on the landlord or on that person or any such receiver; but the landlord or that person, if not the recipient of the notice, shall forthwith be sent the notice or a copy of it by the recipient:

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Provided that in the case of a debenture-holders’ charge within the meaning of section 12(5) of this Act this sub-paragraph shall not authorise the service of a notice on, or require a notice or copy to be sent to, the persons entitled to the benefit of the charge, other than trustees for the debenture-holders, but where the notice is served on the landlord and there is no trustee for the debenture-holders, he shall forthwith send it or a copy of it to any receiver appointed by virtue of the charge.

- (2) Where a tenant of a house gives notice of his desire to have the freehold or an extended lease under Part I of this Act, and the interest of the person to whom the notice is given, or of any person receiving a copy of it under paragraph 8 above, is subject to a charge to secure the payment of money, then subject to sub-paragraph (3) below the recipient of the notice or copy shall forthwith inform the person entitled to the benefit of the charge (unless the notice was served on him or a receiver appointed by virtue of the charge) that the notice has been given, and shall give him such further information as may from time to time be reasonably required from the recipient by him.
 - (3) References in sub-paragraph (2) above to a charge shall not include a charge falling within section 11 of this Act or a debenture-holders’ charge within the meaning of section 12(5) of this Act.
- 10 (1) This paragraph shall have effect in relation to a landlord’s notice terminating a tenancy of a house under section 4 or 25 of the ^{M9}Landlord and Tenant Act 1954 [^{F18}or under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989] if—
- (a) no previous notice terminating the tenancy has been given under [^{F19}any of those provisions]; and
 - (b) in the case of a notice under section 25, the tenancy is a long tenancy at a low rent, and the tenant is not a company or other artificial person.
- (2) The landlord’s notice shall not have effect unless it states—
- (a) that, if the tenant has a right under Part I of this Act to acquire the freehold or an extended lease of property comprised in the tenancy, notice of his desire to have the freehold or an extended lease cannot be given more than two months after the service of the landlord’s notice; and
 - (b) that, in the event of a tenant having that right and giving such a notice within those two months, the landlord’s notice will not operate; and
 - (c) that, in the event of the tenant giving such a notice within those two months, the landlord will be entitled to apply to the court under section 17 or 18 of this Act and proposes to do so or, as the case may be, will not be entitled or does not propose to do so.
- (3) The landlord shall also in the notice give the names and addresses of any other persons known or believed by him to have an interest superior to the tenancy terminated by the notice or to be the agent concerned with the property on behalf of a person having such an interest; and for this purpose “an interest superior to the tenancy terminated by the notice” means the estate in fee simple and any tenancy superior to that tenancy, but includes also a tenancy reversionary on that tenancy.
- (4) Where a tenant’s notice of his desire to have the freehold or an extended lease of a house and premises under Part I of this Act is given after the service of a landlord’s notice terminating the tenancy under section 4 or section 25 of the Landlord and Tenant Act 1954 [^{F20}or under paragraph 4(1) of Schedule 10 to the

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Local Government and Housing Act 1989], and the landlord's notice does not comply with sub-paragraph (2) above, no application made under section 17 or 18 of this Act with respect to the house and premises by the landlord giving the notice shall be entertained by the court (other than an application under section 17 after the grant of an extended lease).

(5) This paragraph shall not apply, ^{F21} . . . , to a landlord's notice given before the appointed day.

Textual Amendments

- F18** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194(1), **Sch. 11 para. 13(5)(a)**
- F19** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194(1), **Sch. 11 para. 13(5)(a)**
- F20** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 194(1), **Sch. 11 para. 13(5)(b)**
- F21** Words in [Sch. 3 para. 10\(5\)](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), **Sch. 1 Pt. XIII** Group 1

Marginal Citations

- M9** [1954 c. 56](#).

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