



# Leasehold Reform Act 1967

## 1967 CHAPTER 88

### PART I

#### ENFRANCHISEMENT AND EXTENSION OF LONG LEASEHOLDS

*Land held for public purposes, ecclesiastical land, etc.*

#### **28 Retention or resumption of land required for public purposes.**

- (1) Where the landlord of any property is a body to which this section applies, and a Minister of the Crown certifies that the property will in ten years or less be required for relevant development, then—
- (a) a notice of a person's desire to have the freehold or an extended lease under this Part of this Act of a house comprised in the property shall be of no effect;
  - (b) if the tenancy of any such house has not been extended under this Part of this Act, but the tenant, being entitled to acquire the freehold or an extended lease thereunder, either—
    - (i) before a copy of the certificate has been served on him, has given notice of his desire to have the freehold or an extended lease; or
    - (ii) not later than two months after a copy of the certificate is served on him, gives the landlord written notice, in the prescribed form, claiming to be so entitled;then section 17 above shall apply as if the tenancy had been so extended;
  - (c) for the purposes of any application by the landlord under section 17 above in relation to property comprised in the certificate (whether the application is made by virtue of paragraph (b) above or otherwise), the certificate shall be conclusive that the ground specified in section 17(1) is established.
- (2) Where by virtue of subsection (1)(b) above a tenancy of any property is to be treated as having been extended, then as regards that property the tenancy shall not terminate either by effluxion of time or in pursuance of any notice given by the landlord or the tenant or by the termination of a superior tenancy.

*Status: Point in time view as at 01/10/1998. This version of this provision has been superseded.*

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- (3) In the case of a tenancy to which Part II of the <sup>M1</sup>Landlord and Tenant Act 1954 applies, subsections (1) and (2) above shall have effect where a certificate is given under section 57 of that Act as they have effect where a certificate is given under this section; but where by virtue of subsection (1)(b) above a tenancy is to be treated as having been extended, no compensation shall be payable under section 59 of that Act in respect of the tenancy or any immediate or derivative sub-tenancy.
- (4) A Minister shall not give a certificate under this section with respect to any house, unless the landlord has given to the tenant of the house written notice stating—
- (a) that the question of giving such a certificate is under consideration by that Minister; and
  - (b) that if within twenty-one days of the giving of the notice the tenant makes to that Minister representations in writing with respect to that question, they will be considered before the question is determined;
- and if the tenant makes any such representations within those twenty-one days the Minister shall consider them before determining whether to give the certificate.
- (5) This section applies—
- (a) to any local authority, that is to say, the Mayor and commonalty <sup>F1</sup> . . . citizens of the City of London, . . . <sup>F2</sup> any county council, borough council or district council [<sup>F3</sup> . . . <sup>F4</sup>, any joint authority established by Part IV of the Local Government Act 1985,] any joint board in which all the constituent authorities are local authorities within this paragraph and [<sup>F5</sup>any police authority established under [<sup>F6</sup>section 3 of the Police Act 1996]; and] within the meaning of the <sup>M2</sup>Police Act 1964;
    - <sup>F7</sup>(aa) to the Broads Authority; and]
    - <sup>F8</sup>(ab) to any National Park authority; and]
    - (b) to the Commission for the New Towns and to any development corporation within the meaning of [<sup>F9</sup>the <sup>M3</sup>New Towns Act 1981]; and
    - <sup>F10</sup>(bb) . . . . .
    - <sup>F11</sup>(bc) the Service Authority for the National Crime Squad and the Service Authority for the National Criminal Intelligence Service;]
    - (c) to any university body, that is to say, any university, university college or college of a university, and for this purpose “college of a university” includes, in the case of a university organised on a collegiate basis, a constituent college or other society recognised by the university and, in the case of London University, a college incorporated in the university or a school of the university; and
    - <sup>F12</sup>(d) to any [<sup>F13</sup>Health Authority, any Special Health Authority] and any National Health Service trust; and]
    - (e) to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking; and
    - <sup>F14</sup>(ee) to the National Rivers Authority;]
    - (f) to any body not included above which is a harbour authority within the meaning of the <sup>M4</sup>Harbours Act 1964 . . . <sup>F15</sup>, but in respect only of the body’s functions as harbour authority . . . <sup>F15</sup>.
    - <sup>F16</sup>(g) a housing action trust established under Part III of the Housing Act 1988.]
- (6) In subsection (1) above “relevant development”, in relation to any body to which this section applies, means development for purposes (other than investment purposes)

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of that body, but in relation to a local authority includes any development to be undertaken, whether or not by <sup>F17</sup>that authority, in order to secure—

- (a) the development or redevelopment of an area defined by a development plan under the Town and Country Planning Act 1990 as an area of comprehensive development; or
- (b) the treatment as a whole, by development, redevelopment or improvement, or partly by one and partly by another method, of any area in which the property is situated]

However—

- (a) the purposes of a county council or . . . <sup>F18</sup> council shall be taken to include the purposes of a police authority which is a committee of the council; and
- (b) the purposes of a university body shall be taken to include the purposes of any related university body (a university and the colleges of that university within the meaning of subsection (5)(c) above being related to one another within the meaning of this paragraph); and
- (c) [<sup>F19</sup>in the case of a [<sup>F20</sup>Health Authority, Special Health Authority][<sup>F21</sup> or National Health Service trust], the purposes of the [<sup>F22M5</sup>National Health Service Act 1977] shall be substituted for the purposes of the body.]

<sup>F23</sup>(6A) In subsections (5) and (6) above, any reference to a county council shall be read, in relation to Wales, as including a reference to a county borough council.]

- (7) If it appears to the Minister of Housing and Local Government or to the Secretary of State that this section should apply to any body or description of bodies having functions of a public nature but not included above, he may by order direct that this section shall apply to that body or description of bodies.
- (8) The power to make orders under subsection (7) above shall include power to vary or revoke any order made for the purposes of that subsection, and shall be exercisable by statutory instrument of which a draft shall be laid before Parliament.

#### Textual Amendments

- F1** Word in s. 28(5)(a) repealed (1.4.1998) by 1997 c.50, s. 134(2), **Sch. 10**; S.I. 1998/354, **art. 2(2)(ay)**
- F2** Words repealed by **Local Government Act 1985** (c. 51, SIF 81:1), s. 102, **Sch. 17**
- F3** Words inserted by **Local Government Act 1985** (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 43**
- F4** Words repealed by **Education Reform Act 1988** (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13 Pt. I**
- F5** Words in s. 28(5)(a) substituted (1.10.1994 for certain purposes and otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 48**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, art. 4, **Sch. 1**
- F6** Words in s. 28(5)(a) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7 Pt. I para. 2(d)**
- F7** S. 28(5)(aa) inserted by **Norfolk and Suffolk Broads Act 1988** (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), **Sch. 6 para. 6**
- F8** S. 28(5)(ab) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 7** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**
- F9** Words substituted by virtue of **Interpretation Act 1978** (c. 30), **s. 17(2) (a)**
- F10** S. 28(5)(bb) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F11** S. 28(5)(bc) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 16**; S.I. 1998/354, **art. 2(2)(ay)**
- F12** S. 28(5) (d) substituted by **National Health Service Reorganisation Act 1973** (c. 32), **Sch. 4 para. 111(1)**
- F13** Words in s. 28(5)(d) substituted (1.4.1996) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. III para. 94** (with Sch. 2 paras. 6, 16)

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- F14** S. 28(5)(ee) inserted by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 35** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 190, 193(1), Sch. 25 para. 35, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F15** Words repealed by Water Act 1989 (c. 15, SIF 130), s. 190(3), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- F16** S. 28(5)(g) added by Housing Act 1988 (c. 50, SIF 61, 75:1), s. 140(1), **Sch. 17 para. 15**
- F17** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 17(1)**
- F18** Words repealed by Local Government Act 1972 (c. 70), **Sch. 30**
- F19** S. 28(6) (c) substituted by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 4 para. 111(2)**
- F20** S. 28(6): words in para. (c) of the second sentence substituted (1.4.1996) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. III para. 94** (with Sch. 2 paras. 6, 16)
- F21** Words substituted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 9(b)**
- F22** Words substituted by National Health Service Act 1977 (c. 49), s. 129, **Sch. 15 para. 42**
- F23** S. 28(6A) inserted (1.4.1996) by 1994 c. 19, s. 22(2), **Sch. 8 para. 1(1)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

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

- C1** S. 28(5)(a) amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 13 para. 17**
- C2** S. 28(5)(a) extended by S.I. 1985/1884, art. 10, **Sch. 3 para. 4(b)**  
 S. 28(5)(a) amended (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 3**  
 S. 28(5)(a) extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 24(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
 S. 28(5)(a) amended (22.8.1996) by 1996 c. 16, s. 103, **Sch. 7 Pt. I para. 2(d)**
- C3** Reference to Minister of Housing and Local Government to be construed as reference to Secretary of State: S.I. 1970/1681, **art. 6(3)**

#### Marginal Citations

- M1** 1954 c. 56.  
**M2** 1964 c. 48.(95)  
**M3** 1981 c. 64.  
**M4** 1964 c. 40.  
**M5** 1977 c. 49.

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