



Leasehold Reform Act 1967

1967 CHAPTER 88

PART I

ENFRANCHISEMENT AND EXTENSION OF LONG LEASEHOLDS

Right to enfranchisement or extension

7 Rights of members of family succeeding to tenancy on death.

- (1) Where the tenant of a house dies ^{F1} . . . and on his death a member of his family resident in the house becomes tenant of it under the same tenancy, then for the purposes of any claim by that member of the family to acquire the freehold or an extended lease under this Part of this Act he shall be treated as having been the tenant ^{F1} . . . during any period when—
- (a) he was resident in the house, and it was his only or main place of residence;
^{F1}and
 - ^{F1}(b)
- (2) For purposes of this section—
- (a) a member of a tenant's family on whom the tenancy devolves on the tenant's death by virtue of a testamentary disposition or the law of intestate succession shall, on the tenancy vesting in him, be treated as having become tenant on the death; and
 - (b) a member of a tenant's family who, on the tenant's death, acquires the tenancy by the appropriation of it in or towards satisfaction of any legacy, share in residue, debt or other share in or claim against the tenant's estate, or by the purchase of it on a sale made by the tenant's personal representatives in the administration of the estate, shall be treated as a person on whom the tenancy devolved by direct bequest; and
 - (c) a person's interest in a tenancy as personal representative of a deceased tenant shall be disregarded, but references in paragraphs (a) and (b) above to a tenancy vesting in, or being acquired by, a member of a tenant's family shall

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apply also where, after the death of a member of the family, the tenancy vests in or is acquired by the personal representatives of that member.

(3) Where a tenancy of a house is settled land for purposes of the Settled Land Act 1925, and on the death of a tenant for life within the meaning of that Act a member of his family resident [^{F2}in the house] becomes entitled to the tenancy in accordance with the settlement or by any appropriation by or purchase from the personal representatives in respect of the settled land, this section shall apply as if the tenancy had belonged to the tenant for life absolutely and the trusts of the settlement taking effect after his death had been trusts of his will.

(4) Where in a case not falling within subsection (3) above a tenancy of a house is held on trust and—

- (a) a person beneficially interested (whether directly or derivatively) under the trust is entitled or permitted by reason of his interest to occupy the house; and
- (b) on his death a member of his family resident [^{F2}in the house] becomes tenant of the house in accordance with the terms of the trust or by any appropriation by or purchase from the trustees;

then this section shall apply as if the deceased person ^{F1} . . . had been tenant of it ^{F1} . . . and as if after his death the trustees had held and dealt with the tenancy as his executors (the remaining trusts being trusts of his will).

(5) Subsections (3) and (4) above shall apply, with any necessary adaptations, where a person becomes entitled to a tenancy on the termination of a settlement or trust as they would apply if he had become entitled in accordance with the settlement or trust.

^{F3}(6)

(7) For purposes of this section a person is a member of another’s family if that person is—

- (a) the other’s [^{F4}spouse or civil partner]; or
- (b) a son or daughter or a son-in-law or daughter-in-law of the other, or of the other’s [^{F4}spouse or civil partner]; or
- (c) the father or mother of the other, or of the other’s [^{F4}spouse or civil partner].

In paragraph (b) above any reference to a person’s son or daughter includes a reference to any stepson or stepdaughter, any illegitimate son or daughter, . . . ^{F5} of that person, and “son-in-law” and “daughter-in-law” shall be construed accordingly.

(8) In Schedule 2 to the ^{M1}Intestates’ Estates Act 1952 (which gives a surviving spouse a right to require the deceased’s interest in the matrimonial home to be appropriated to the survivor’s interest in the deceased’s estate, but by paragraph 1(2) excludes tenancies terminating, or terminable by the landlord, within two years of the death), paragraph 1(2) shall not apply to a tenancy if—

- (a) the surviving [^{F6}spouse or civil partner] would in consequence of an appropriation in accordance with that paragraph become entitled by virtue of this section to acquire the freehold or an extended lease under this Part of this Act, either immediately on the appropriation or before the tenancy can determine or be determined as mentioned in paragraph 1(2); or
- (b) the deceased [^{F7}spouse or civil partner], being entitled to acquire the freehold or an extended lease under this Part of this Act, had given notice of his or her desire to have it and the benefit of that notice is appropriated with the tenancy.

(9) This section shall have effect in relation to deaths occurring before this Act was passed as it has effect in relation to deaths occurring after.

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Textual Amendments

- F1** Words in s. 7(1)(b)(4) 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.)
- F2** Words in s. 7(3)(4)(b) substituted (26.7.2002 for E. and 1.1.2003 for W.) by [2002 c. 15, s. 138\(6\)](#); [S.I. 2002/1912, art. 2\(b\)\(i\)](#) (subject to transitional provisions and savings in Sch. 2 of the commencing S.I.); [S.I. 2002/3012, art. 2\(b\)\(i\)](#) (subject to transitional provisions and savings in Sch. 2 of the commencing S.I.)
- F3** S. 7(6) 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.)
- F4** Words in s. 7(7) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(2\), Sch. 8 para. 6\(2\)](#); [S.I. 2005/3175, art. 2\(1\), Sch. 1](#)
- F5** Words repealed by [Children Act 1975 \(c. 72\), Sch. 4 Pt. 1](#)
- F6** Words in s. 7(8)(a) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(2\), Sch. 8 para. 6\(3\)\(a\)](#); [S.I. 2005/3175, art. 2\(1\), Sch. 1](#)
- F7** Words in s. 7(8)(b) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(2\), Sch. 8 para. 6\(3\)\(b\)](#); [S.I. 2005/3175, art. 2\(1\), Sch. 1](#)

Marginal Citations

- M1** [1952 c. 64.](#)

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