

Status: Point in time view as at 01/04/2010.

Changes to legislation: Leasehold Reform, Housing and Urban Development Act 1993, Cross Heading:
*Value of freeholder's interest is up to date with all changes known to be in force on or before 18 June
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 6

PURCHASE PRICE PAYABLE BY NOMINEE PURCHASER

Commencement Information

II Sch. 6 wholly in force at 1.11.1993 see s. 188(2) and [S.I. 1993/2134, art. 5](#)

PART II

FREEHOLD OF SPECIFIED PREMISES

Value of freeholder's interest

- 3 (1) Subject to the provisions of this paragraph, the value of the freeholder's interest in the specified premises is the amount which at [^{F1}the relevant date] that interest might be expected to realise if sold on the open market by a willing seller (with [^{F2}no person who falls within sub-paragraph (1A)] buying or seeking to buy) on the following assumptions—
- (a) on the assumption that the vendor is selling for an estate in fee simple—
 - (i) subject to any leases subject to which the freeholder's interest in the premises is to be acquired by the nominee purchaser, but
 - (ii) subject also to any intermediate or other leasehold interests in the premises which are to be acquired by the nominee purchaser;
 - (b) on the assumption that this Chapter and Chapter II confer no right to acquire any interest in the specified premises or to acquire any new lease (except that this shall not preclude the taking into account of a notice given under section 42 with respect to a flat contained in the specified premises where it is given by a person other than a participating tenant);
 - (c) on the assumption that any increase in the value of any flat held by a participating tenant which is attributable to an improvement carried out at his own expense by the tenant or by any predecessor in title is to be disregarded; and
 - (d) on the assumption that (subject to paragraphs (a) and (b)) the vendor is selling with and subject to the rights and burdens with and subject to which the conveyance to the nominee purchaser of the freeholder's interest is to be made, and in particular with and subject to such permanent or extended rights and burdens as are to be created in order to give effect to Schedule 7.

^{F3}[(1A) A person falls within this sub-paragraph if he is—

- (a) the nominee purchaser, or
- (b) a tenant of premises contained in the specified premises, or

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- ^{F4}(ba) an owner of an interest which the nominee purchaser is to acquire in pursuance of section 1(2)(a), or]
- (c) an owner of an interest which the nominee purchaser is to acquire in pursuance of section 2(1)(b).
- (2) It is hereby declared that the fact that sub-paragraph (1) requires assumptions to be made as to the matters specified in paragraphs (a) to (d) of that sub-paragraph does not preclude the making of assumptions as to other matters where those assumptions are appropriate for determining the amount which at [^{F1}the relevant date] the freeholder's interest in the specified premises might be expected to realise if sold as mentioned in that sub-paragraph.
- (3) In determining that amount there shall be made such deduction (if any) in respect of any defect in title as on a sale of the interest on the open market might be expected to be allowed between a willing seller and a willing buyer.
- (4) Where a lease of any flat or other unit contained in the specified premises is to be granted to the freeholder in accordance with section 36 and Schedule 9, the value of his interest in those premises at [^{F1}the relevant date] so far as relating to that flat or other unit shall be taken to be the difference as at that date between—
- (a) the value of his freehold interest in it, and
- (b) the value of his interest in it under that lease, assuming it to have been granted to him at that date;
- and each of those values shall, so far as is appropriate, be determined in like manner as the value of the freeholder's interest in the whole of the specified premises is determined for the purposes of paragraph 2(1)(a).
- (5) The value of the freeholder's interest in the specified premises shall not be increased by reason of—
- (a) any transaction which—
- (i) is entered into on or after the date of the passing of this Act (otherwise than in pursuance of a contract entered into before that date), and
- (ii) involves the creation or transfer of an interest superior to (whether or not preceding) any interest held by a qualifying tenant of a flat contained in the specified premises; or
- (b) any alteration on or after that date of the terms on which any such superior interest is held.
- (6) Sub-paragraph (5) shall not have the effect of preventing an increase in value of the freeholder's interest in the specified premises in a case where the increase is attributable to any such leasehold interest with a negative value as is mentioned in paragraph 14(2).

Textual Amendments

- F1** Words in Sch. 6 substituted (28.2.2005 for E., 31.5.2005 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), [ss. 126\(1\)](#), 181(1); [S.I. 2004/3056](#), [art. 3\(a\)](#) (with [art. 4\(1\)\(1A\)](#)) (as amended by [S.I. 2005/193](#), [art. 2](#)); [S.I. 2005/1353](#), [art. 2\(a\)](#) (with [art. 3\(2\)](#))
- F2** Words in Sch. 6 para. 3(1) substituted (1.10.1996) by [1996 c. 52](#), [s. 109\(2\)](#); [S.I. 1996/2212](#), [art. 2\(2\)](#) (with savings in [Sch.](#))

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| <p>F3 Sch. 6 para. 3(1A) inserted (1.10.1996) by 1996 c. 52, s. 109(3); S.I. 1996/2212, art. 2(2) (with savings in Sch.)</p> <p>F4 Sch. 6 para. 3(1A)(ba) inserted (1.10.1996) by 1996 c. 52, s. 107, Sch. 10 para. 18(4); S.I. 1996/2212, art. 2(2) (with savings in Sch.)</p> |
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