

Status: Point in time view as at 31/05/2005.

Changes to legislation: Housing Act 1996, SCHEDULE 9 is up to date with all changes known to be in force on or before 27 September 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 9

Section 106.

LOW RENT TEST: EXTENSION OF RIGHTS

Right to enfranchisement

1 In the ^{M1}Leasehold Reform Act 1967, after section 1A there shall be inserted—

“1AA Additional right to enfranchisement only in case of houses whose rent exceeds applicable limit under section 4.

(1) Where—

- (a) section 1(1) above would apply in the case of the tenant of a house but for the fact that the tenancy is not a tenancy at a low rent, and
- (b) the tenancy falls within subsection (2) below and is not an excluded tenancy,

this Part of this Act shall have effect to confer on the tenant the same right to acquire the freehold of the house and premises as would be conferred by section 1(1) above if it were a tenancy at a low rent.

(2) A tenancy falls within this subsection if—

- (a) it is granted for a term of years certain exceeding thirty-five years, whether or not it is (or may become) terminable before the end of that term by notice given by or to the tenant or by re-entry, forfeiture or otherwise,
- (b) it is for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, unless it is a tenancy by sub-demise from one which is not a tenancy which falls within this subsection,
- (c) it is a tenancy taking effect under section 149(6) of the ^{M2}Law of Property Act 1925 (leases terminable after a death or marriage), or
- (d) it is a tenancy which—
 - (i) is or has been granted for a term of years certain not exceeding thirty-five years, but with a covenant or obligation for renewal without payment of a premium (but not for perpetual renewal), and
 - (ii) is or has been once or more renewed so as to bring to more than thirty-five years the total of the terms granted (including any interval between the end of a tenancy and the grant of a renewal).

(3) A tenancy is an excluded tenancy for the purposes of subsection (1) above if—

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- (a) the house which the tenant occupies under the tenancy is in an area designated for the purposes of this provision as a rural area by order made by the Secretary of State,
 - (b) the freehold of that house is owned together with adjoining land which is not occupied for residential purposes and has been owned together with such land since the coming into force of section 106 of the Housing Act 1996, and
 - (c) the tenancy was granted on or before the day on which that section came into force.
- (4) Where this Part of this Act applies as if there were a single tenancy of property comprised in two or more separate tenancies, then, if each of the separate tenancies falls within subsection (2) above, this section shall apply as if the single tenancy did so.
- (5) The power to make an order under subsection (3) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

Commencement Information

II Sch. 9 para. 1 wholly in force 1.4.1997; Sch. 9 para. 1 not in force at Royal Assent see s. 232(1)-(3); Sch. 9 para. 1 in force for certain purposes at 23.8.1996 by S.I. 1996/2212, art. 2(1) and in force at 1.4.1997 to the extent not already in force by S.I. 1997/618, art. 2 (subject to the limitation in (2) of that art.)

Marginal Citations

M1 1967 c. 88.
M2 1925 c. 20.

- 2 (1) In consequence of paragraph 1 above, the ^{M3}Leasehold Reform Act 1967 shall be amended as follows.
- (2) In section 1(3A)(b) (extension of rights not to apply to existing lettings by charitable housing trusts), after “1A” there shall be inserted “, 1AA ”.
- ^{F1}(3)
- (4) In section 9(1C) (price payable by tenant on enfranchisement by virtue of section 1A or 1B), after “1A” there shall be inserted “, 1AA ”.
- (5) In section 9A(1) (compensation payable where right to enfranchisement arises by virtue of section 1A or 1B), after “1A” there shall be inserted “, 1AA ”.
- (6) In section 32A(1)(b) (extensions to right to enfranchisement not to apply in relation to existing tenancies of property transferred for public benefit), at the end there shall be inserted “ or if section 1AA above were not in force ”.
- ^{F2}(7)
- (8) In Part II of Schedule 3 (procedural provisions), in paragraph 6 (which makes provision about the contents of a tenant’s notice under Part I), after sub-paragraph (1) there shall be inserted—

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“(1A) Where the tenant gives the notice by virtue of section 1AA of this Act, sub-paragraph (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;”.”

(9) In that Part of that Schedule, in paragraph 7(4) (admission in landlord’s notice of tenant’s right to have freehold to be binding on landlord, so far as relating to matters mentioned in section 1(1)(a) and (b)), for “mentioned in section 1(1)(a) and (b) of this Act” there shall be substituted “ relevant to the existence of that right ”.

Textual Amendments

- F1** Sch. 9 para. 2(3) repealed (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. 181(1), [Sch. 14](#); [S.I. 2003/1986](#), art. 2(c)(iv), [Sch. 1 Pt. 2](#) (with [Sch. 2](#)); [S.I. 2004/669](#), art. 2(c)(iv), [Sch. 1 Pt. 2](#) (with [Sch. 2](#))
- F2** Sch. 9 para. 2(7) repealed (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. 181(1), [Sch. 14](#); [S.I. 2003/1986](#), art. 2(c)(iv), [Sch. 1 Pt. 2](#) (with [Sch. 2](#)); [S.I. 2004/669](#), art. 2(c)(iv), [Sch. 1 Pt. 2](#) (with [Sch. 2](#))

Marginal Citations

- M3** 1967 c. 88.

Right to collective enfranchisement

^{F3}

Textual Amendments

- F3** Sch. 9 para. 3 repealed (26.7.2002 for E. and 1.1.2003 for W.) by [2002 c. 15](#), s. 180, [Sch. 14](#); [S.I. 2002/1912](#), arts. 1(2), 2(b)(ii), [Sch. 1 Pt. 1](#) (subject to the transitional provisions and savings in [Sch. 2](#)); [S.I. 2002/3012](#), arts. 1(2), 2(b)(ii), [Sch. 1 Pt. 1](#) (subject to the transitional provisions and savings in [Sch. 2](#))

Right to new lease

^{F4}

Textual Amendments

- F4** Sch. 9 para. 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](#), arts. 1(2), 2(b)(ii), [Sch. 1 Pt. 2](#) (subject to transitional provisions and savings in [Sch. 2](#)); [S.I. 2002/3012](#), arts. 1(2), 2(b)(ii), [Sch. 1 Pt. 2](#) (subject to transitional provisions and savings in [Sch. 2](#))

5 (1) In Chapter VII of that Part (general), section 94 (Crown land) shall be amended as follows.

^{F5}(2)

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^{F5}(3)

(4) For subsection (12) there shall be substituted—

“(12) For the purposes of this section “long lease which is at a low rent or for a particularly long term” shall be construed in accordance with sections 7, 8 and 8A.”.

Textual Amendments

F5 Sch. 9 para. 5(2)(3) repealed (26.7.2002 for E. and 1.1.2003 for W.) by 2002 c. 15, s. 180, **Sch. 14**; S.I. 2002/1912, arts. 1(2), 2(b)(ii), **Sch. 1 Pt. 1** (with transitional provisions and savings in Sch. 2); S.I. 2002/3012, arts. 1(2), 2(b)(ii), **Sch. 1 Pt. 1** (with transitional provisions and savings in Sch. 2)

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