

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Leasehold and Freehold Reform Act 2024, Paragraph 4. (See end of Document for details)

PROSPECTIVE

SCHEDULES

SCHEDULE 3

ELIGIBILITY FOR ENFRANCHISEMENT AND EXTENSION: SPECIFIC CASES

Exception to enfranchisement for certified community housing providers

- 4 (1) The LRA 1967 is amended as follows.
- (2) In section 1 (tenants eligible for enfranchisement and extension), after subsection (1B) insert—
- “(1C) This Part of this Act does not confer on a tenant a right to acquire the freehold of a house and premises if the landlord under the existing tenancy is a certified community housing provider (see section 4B).”
- (3) After section 4A insert—

“4B Meaning of “certified community housing provider”

- (1) For the purposes of this Part of this Act, a person is a “certified community housing provider” if the appropriate tribunal has issued a community housing certificate in respect of the person.
- (2) A community housing certificate is a certificate that the tribunal has determined that the person—
- (a) is a community land trust within the meaning of section 2(7A) of the Leasehold Reform (Ground Rent) Act 2022, or
 - (b) is of a description, or satisfies conditions, specified for this purpose in regulations made by the Secretary of State.
- (3) The tribunal may issue a community housing certificate only in respect of a person that has made an application to the tribunal for the certificate.
- (4) The tribunal may cancel a community housing certificate—
- (a) on the application of the person in respect of which the certificate is issued, or
 - (b) on the application of a tenant affected by the certificate, if the tribunal considers that—
 - (i) the person in respect of which the certificate is issued does not fall within subsection (2)(a) or (b), or
 - (ii) the certificate was obtained by deception or fraud.

For this purpose a tenant is “affected by” a certificate if, by virtue of section 1(1C), the tenant does not have the right to acquire the freehold because the certificate is issued in respect of their landlord.

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- (5) The effect of the tribunal cancelling the certificate is that the person is not a certified community housing provider unless the tribunal issues a new community housing certificate.
- (6) The Secretary of State may by regulations provide for—
- (a) the procedure to be followed in connection with an application for a community housing certificate;
 - (b) the procedure to be followed for the cancellation of a community housing certificate (including in connection with an application for the cancellation);
 - (c) any matters to which the tribunal must have regard in deciding whether to issue or cancel a community housing certificate.
- (7) The Secretary of State may by regulations make provision about the application of this Part in circumstances where—
- (a) a landlord’s application for a community housing certificate has not been concluded when a tenant gives notice of their desire to have the freehold of a house and premises under this Part, or
 - (b) a tenant’s claim to have the freehold of a house and premises under this Part has not been concluded when a landlord’s application for a community housing certificate is made.
- (8) Regulations under subsection (7) may in particular provide for—
- (a) the claim for the freehold to be paused or to have no effect;
 - (b) a time period for the purposes of this Part to be extended in connection with the application;
 - (c) the landlord to compensate a tenant or reversioner in respect of reasonable costs incurred in connection with a claim to acquire the freehold—
 - (i) if the tenant ceases to have the right to acquire the freehold because of the issue of a certificate under this section, or
 - (ii) if the costs are incurred as a result of the claim being suspended because of an application for a certificate under this section;
 - (d) enforcement by the appropriate tribunal of any of the requirements of the regulations;
 - (e) the appropriate tribunal to make orders that are supplementary to the issue of a community housing certificate.
- (9) Regulations under this section are to be made by statutory instrument.
- (10) A statutory instrument containing regulations under this section (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Commencement Information

II Sch. 3 para. 4 not in force at Royal Assent, see [s. 124\(3\)](#)

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