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SCHEDULE

Regulation 3

FORMS OF TENANTS' AND LANDLORDS' NOTICES
UNDER PART I OF THE LEASEHOLD REFORM ACT 1967
FORM 1 LEASEHOLD REFORM ACT 1967 *Notice of tenant's claim to acquire the freehold or an
extended lease*

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To: *[Name and address of landlord]*¹

1. I am the tenant of the house and premises of which particulars are given in the Schedule to this notice.
2. In exercise of my rights under Part I of the Leasehold Reform Act 1967, I give you notice of my desire—
 - [to have the freehold of the house and premises.]*
 - [to have an extended lease of the house and premises.]*

*(*Delete whichever is inapplicable.)*
3. The particulars on which I rely are set out in the Schedule to this notice.
4. If you are both my immediate landlord and the freeholder, you must give me, within two months of the service of this notice, a notice in reply in Form 3 set out in the Schedule to the Leasehold Reform (Notices) Regulations 1997 (or in a form substantially to the same effect), stating whether or not you admit my right [to have the freehold of the house and premises]* [to have an extended lease of the house and premises]* *(*delete whichever is inapplicable)* (subject to any question as to the correctness of the particulars of the house and premises) and, if you do not admit my right, stating the grounds on which you do not admit it.²

(The remaining paragraphs of this form should be deleted where the claimant's immediate landlord is known to be the freeholder of the house and premises.)

5. If you are not my immediate landlord, or if you are my immediate landlord but not the freeholder, you must comply with the requirements of paragraphs 7 and 8, but you need only give me the notice mentioned in paragraph 4 if you are the person designated as "the reversioner" in accordance with paragraph 2 of Schedule 1 to the Act. If you are the reversioner, you must give the notice under paragraph 4 within two months of the first service of this notice on any landlord.³
6. I have served a copy of this notice on the following person[s] whom I know or believe to have an interest in the house and premises superior to my tenancy—*[insert name and address of each person on whom a copy of the notice has been served.]*
7. You must now serve a copy of this notice on any other person whom you know or believe to have such an interest, and you must record on that copy the date on which you received this notice. If you serve a copy on any person you must add his name and, if you know it, his address to the list at the end of paragraph 6, and give me written notice of the name, and address (if known).
8. If you know who is, or believe yourself or another person to be, the reversioner, you must give me written notice stating the name and address (if known) of the person who you think is the reversioner, and serve copies of it on every person whom you know or believe to have an interest superior to my tenancy, stating on each copy the date on which you received this notice.
9. Anyone who receives a copy of this notice must, without delay, serve a further copy of it on any person whom he knows or believes to have such an interest but who is not named in the notice, unless he knows that that person has already received a copy of it, and he must also record on each further copy the date on which he received this notice. For each further copy served, you must add the name of the person served and, if you know it, his address to the list at the end of paragraph 6, and give me written notice of the name and (if known) the address of that person.
10. Anyone who receives a copy of this notice and who knows who is, or believes himself to be, the reversioner, must notify me in writing of the name and (if known) the address of the person known or believed by him to be the reversioner, and serve a copy of this notification on every person whom he knows or believes to have an interest superior to my tenancy.

[Insert date.]

Signed (Tenant)
 of *[insert address]*

[The name and address of my solicitor or agent, to whom further communications may be sent is] (*Delete if inapplicable.)*

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THE SCHEDULE

PARTICULARS SUPPORTING TENANT'S CLAIM

1. *The address of the house.*
2. *Particulars of the house and premises sufficient to identify the property to which your claim extends.⁴*
3. *Particulars of the tenancy of the house and premises sufficient to identify the instrument creating the tenancy and to show that the tenancy is and has at the material times been a long tenancy or treated as a long tenancy.⁵*
4. (a) *Particulars of the tenancy of the house and premises sufficient to show that the tenancy is and has at the material times been a tenancy at a low rent.⁶*
OR
(b) *If your claim is based on section 1AA (additional right to enfranchisement only in case of houses whose rent exceeds applicable limit under section 4), particulars of the tenancy sufficient to show that the tenancy is one in relation to which section 1AA has effect to confer a right to acquire the freehold of the house and premises.⁷*
5. *The date on which you acquired the tenancy.*
6. *The periods for which in the last ten years, and since acquiring the tenancy, you have and have not occupied the house as your residence; and the following particulars about any such periods during which you have occupied the house as your residence—*
 - (a) *what parts (if any) of the house have not been in your own occupation and for what periods; and*
 - (b) *what other residence (if any) you have had and for what periods, and which was your main residence.*
7. *Additional particulars sufficient to show that the value of the house and premises does not exceed the applicable financial limit specified in section 1(1)(a)(i) or (ii), (5) or (6) of the Act. (These are not required where the right to have the freehold is claimed in reliance on any one or more of the provisions in section 1A, 1AA or 1B of the Act.⁸)*
8. *Additional particulars sufficient to show whether the house and premises are to be valued in accordance with section 9(1) or section 9(1A) of the Act. (These are not required where the right to have the freehold is claimed in reliance on any one or more of the provisions in section 1A, 1AA or 1B of the Act.)*
9. *Additional particulars where you rely on section 6 (rights of trustees) or 7 (rights of members of family succeeding to tenancy on death) of the Act.⁹*

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Notes

1. (a) Where the tenant's immediate landlord is not the freeholder, the claim may, in accordance with the Leasehold Reform Act 1967, as amended, be served on him or any superior landlord, and copies of the notice must be served by the tenant on anyone else known or believed by him to have an interest superior to his own (Schedule 3, paragraph 8(1)).
(b) Where the landlord's interest is subject to a mortgage or other charge and the mortgagee or person entitled to the benefit of the charge is in possession of that interest, or a receiver appointed by him or by the court is in receipt of the rents and profits, the notice may be served either on the landlord or on the person in possession or the receiver (Schedule 3, paragraph 9(1)).
(c) Any landlord whose interest is subject to a mortgage or other charge (not being a rent-charge) to secure the payment of money must (subject to special provisions applicable to debenture-holders' charges) on receipt of the claim inform the mortgagee or person entitled to the benefit of the charge (Schedule 3, paragraph 9(2)).
2. The landlord must (unless note 3 applies) serve a notice in reply in Form 3 set out in the Schedule to the Leasehold Reform (Notices) Regulations 1997 (or in substantially the same form) within two months of the service on him of this notice. If he does not admit the tenant's right to have the freehold or an extended lease, the notice in reply must state the grounds on which the right is not admitted. If the landlord intends to apply to the court for possession of the house and premises in order to redevelop it (section 17) or to occupy it (section 18), his notice must say so. If he does not so intend, but he objects under subsection (4) or (5) of section 2 to the inclusion in the claim of a part of the house and premises which projects into other property, or to the exclusion from the claim of property let with the house and premises but not occupied with and used for the purposes of the house by any occupant of it, he must give notice of his objection with or before his notice in reply; unless in his notice in reply he reserves the right to give it later, in which case it must still be given within two months of the service on him of the tenant's notice. If the landlord admits the claim, the admission is binding on him, unless he shows that he was misled by misrepresentation or concealment of material facts, but it does not conclude any question of the correctness of the particulars of the house and premises as set out in the claim (Schedule 3, paragraph 7).
3. Where the tenant's immediate landlord is not the freeholder, any proceedings arising out of the tenant's notice, whether for resisting or for giving effect to the claim, must be conducted by the person who is designated as "the reversioner" in accordance with paragraph 2 of Schedule 1 to the Act and he must give the notice in reply. The reversioner is the landlord whose tenancy carries an expectation of possession of the house and premises of 30 years or more after the expiration of all inferior tenancies and, if there is more than one such landlord, it means the landlord whose tenancy is nearest to that of the tenant; if there is no such landlord, it means the owner of the freehold. The tenant will be informed in the notice in reply if it is given by a landlord acting as the reversioner.
4. "Premises" to be included with the house in the claim are any garage, outhouse, garden, yard and appurtenances which at the time of the notice are let to the tenant with the house and are occupied with and used for the purposes of the house or any part of it by him or by another occupant.
5. "Long tenancy" has the meaning given by section 3 of the Act. Where there have been successive tenancies, particulars should be given of each tenancy. In the case of a lease already extended under the Act, the date of the extension and the original term date should be given. In addition to section 3 of the Act, section 174(a) of the Housing Act 1985 provides for certain tenancies granted pursuant to the right to buy to be treated as long tenancies. Section 1B of the Act also provides for certain tenancies terminable on death or marriage to be long tenancies for the limited right described in note 8. Under Schedule 4A to the Act, certain shared ownership leases granted by public authorities and housing associations carry neither the right to enfranchise nor the right to obtain an extended lease. In addition, the section 1AA right of enfranchisement for certain tenancies which fail the low rent test does not apply to any shared ownership lease (as defined by section 622 of the Housing Act 1985) originally granted by a housing association.
6. In addition to the provisions of sections 4 and 4A of the Act, section 1A(2) of the Act provides for certain tenancies to be treated as tenancies at a low rent for the limited right described in note 8.

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7. Section 1AA confers an additional right to enfranchisement in the case of leases originally granted for more than 35 years, with two exceptions. The first is where the lease is excluded from the right under section 1AA(3): i.e., where the house is in an area designated as a rural area, the freehold of the house is owned together with adjoining land which is not occupied for residential purposes, and the tenancy was granted on or before 1st April 1997. Information as to the location of designated rural areas is held at the offices of leasehold valuation tribunals. The second exception applies to any shared ownership lease (as defined by section 622 of the Housing Act 1985) originally granted by a housing association.

8. A claimant who relies on any one or more of the provisions in section 1A or 1B of the Act has the right to have the freehold at a price determined in accordance with section 9(1C) of the Act, but not the right to have an extended lease. Section 1A(1) applies to a tenancy of a house and premises the value of which exceeds the applicable financial limit.

Sections 1A(2) and 1B are described in notes 6 and 5 respectively. The section 1AA right of enfranchisement is described in note 7. It applies to certain cases where the long lease fails the low rent test. The price payable for the freehold in a section 1AA case is determined in accordance with section 9(1C). There is no right to an extended lease where the claim is based on section 1AA.

9. (a) Where the claimant is giving the notice by virtue of section 6 or 7 he is required (Schedule 3, paragraph 6(2)) to adapt the notice and show under paragraph 6 of the Schedule to the notice the additional particulars that bring the claim within section 6 or, as the case may be, section 7.
- (b) Where the tenancy is or was vested in trustees the claimant should, for the purposes of a claim made in reliance on section 6, state the date when the tenancy was acquired by the trustees, the date when the beneficiary occupied the house by virtue of his interest under the trust, and particulars of any periods of occupation by the beneficiary which are relied upon as bringing the case within section 6.
- (c) Where the claimant was a member of the previous tenant's family and became the tenant on the latter's death, for the purposes of a claim made in reliance upon section 7, the claimant should state the date on which the previous tenant acquired the tenancy, particulars of his relationship to the previous tenant and his succession to the tenancy, and particulars in respect of any period of occupation by the previous tenant and by himself on which the claimant relies as bringing the case within section 7.

FORM 2LEASEHOLD REFORM ACT 1967*Notice of tenant's claim under section 28(1)(b)(ii)*

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To: [Name and address of landlord]

- 1. I am the tenant of the house and premises of which particulars are given in the Schedule to this notice.
- 2. I claim to be entitled under the Leasehold Reform Act 1967 ("the Act") to acquire—
[the freehold of the house and premises.]*
[an extended lease of the house and premises.]*
(*Delete whichever is inapplicable.)
- 3. The particulars on which I rely are set out in the Schedule to this notice.
- 4. On [insert date of service of copy certificate] you served on me a copy of a certificate given under [section 28 of the Act, certifying that the house and premises will in ten years or less be required for relevant development]* [section 57 of the Landlord and Tenant Act 1954, certifying that it is requisite that the use or occupation of the whole or a part of the house and premises should be changed]* (*delete whichever is inapplicable), and I am making this claim in the exercise of my rights under section 28 of the Act.¹
- 5. You must give me, within two months of the service of this notice, a notice in reply in Form 3 set out in the Schedule to the Leasehold Reform (Notices) Regulations 1997 (or in a form substantially to the same effect), stating whether or not you admit my claim (subject to any question as to the correctness of the particulars of the house and premises given in the Schedule to this notice) and, if you do not admit my claim, stating the grounds on which you do not admit it.²

(Insert date.)

(Signature)..... (Tenant)
 of (insert address)

[The name and address of my solicitor or agent, to whom further communications may be sent is]* (*Delete if inapplicable.)

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THE SCHEDULE

PARTICULARS SUPPORTING TENANT'S CLAIM

1. *The address of the house.*
2. *Particulars of the house and premises sufficient to identify the property to which your claim extends.³*
3. *Particulars of the tenancy of the house and premises sufficient to identify the instrument creating the tenancy and to show that the tenancy is and has at the material times been a long tenancy or treated as a long tenancy.⁴*
4. (a) *Particulars of the tenancy of the house and premises sufficient to show that the tenancy is and has at the material times been a tenancy at a low rent.⁵*
OR
(b) *If your claim is based on section 1AA (additional right to enfranchisement only in case of houses whose rent exceeds applicable limit under section 4), particulars of the tenancy sufficient to show that the tenancy is one in relation to which section 1AA has effect to confer a right to acquire the freehold of the house and premises.⁶*
5. *The date on which you acquired the tenancy.*
6. *The periods for which in the last ten years, and since acquiring the tenancy, you have and have not occupied the house as your residence; and the following particulars about any such periods during which you have occupied the house as your residence—*
 - (a) *what parts (if any) of the house have not been in your own occupation and for what periods; and*
 - (b) *what other residence (if any) you have had and for what periods, and which was your main residence.*
7. *Additional particulars sufficient to show that the value of the house and premises does not exceed the applicable financial limit specified in section 1(1)(a)(i) and (ii), (5) or (6) of the Act. (These are not required where the right to have the freehold is claimed in reliance on any one or more of the provisions in section 1A, 1AA or 1B of the Act.⁷)*
8. *Additional particulars sufficient to show whether the house and premises are to be valued in accordance with section 9(1) or section 9(1A) of the Act. (These are not required where the right to have the freehold is claimed in reliance on any one or more of the provisions in section 1A, 1AA or 1B of the Act.)*
9. *Additional particulars where you rely on section 6 (rights of trustees) or 7 (rights of members of family succeeding to tenancy on death) of the Act.⁸*

Notes

1. In accordance with the Leasehold Reform Act 1967, this notice may not be served later than two months after a copy of the certificate has been served on the tenant.
2. (a) The landlord must serve a notice in reply in Form 3 set out in the Schedule to the Leasehold Reform (Notices) Regulations 1997 (or in substantially the same form) within two months of service on him of this notice. If he does not admit the tenant's claim to be entitled to acquire the freehold or an extended lease the notice in reply must state the grounds on which the claim is not admitted. If the landlord admits the claim, the admission is binding on

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- him, unless he shows that he was misled by misrepresentation or concealment of material facts, but it does not conclude any question of the correctness of the particulars of the house and premises as set out in the claim (Schedule 3, paragraph 7).
- (b) If the landlord admits the claim the tenant will not be entitled to a grant of the freehold or a new tenancy of the house and premises but, if the landlord obtains an order of the court under section 17 of the Act for possession of the house and premises in order to redevelop it, the tenant will become entitled to be paid compensation for the loss of the house and premises in accordance with Schedule 2 to the Act.
3. "Premises" to be included with the house in the claim are any garage, outhouse, garden, yard and appurtenances which at the time of the notice are let to the tenant with the house and are occupied with and used for the purposes of the house or any part of it by him or by another occupant.
4. "Long tenancy" has the meaning given by section 3 of the Act. Where there have been successive tenancies, particulars should be given of each tenancy. In the case of a lease already extended under the Act, the date of the extension and the original term date should be given. In addition to section 3 of the Act, section 174(a) of the Housing Act 1985 provides for certain tenancies granted pursuant to the right to buy to be treated as long tenancies. Section 1B of the Act also provides for certain tenancies terminable on death or marriage to be long tenancies for the limited right described in note 7. Under Schedule 4A to the Act, certain shared ownership leases granted by public authorities and housing associations carry neither the right to enfranchise nor the right to obtain an extended lease. In addition, the section 1AA right of enfranchisement for certain tenancies which fail the low rent test does not apply to any shared ownership lease (as defined by section 622 of the Housing Act 1985) originally granted by a housing association.
5. In addition to the provisions of sections 4 and 4A of the Act, section 1A(2) of the Act provides for certain tenancies to be treated as tenancies at a low rent for the limited right described in note 7.
6. Section 1AA confers an additional right to enfranchisement in the case of leases originally granted for more than 35 years, with two exceptions. The first is where the lease is excluded from the new right under section 1AA(3): i.e., where the house is in an area designated as a rural area, the freehold of the house is owned together with adjoining land which is not occupied for residential purposes, and the tenancy was granted on or before 1st April 1997. Information as to the location of designated rural areas is held at the offices of leasehold valuation tribunals. The second exception applies to any shared ownership lease (as defined by section 622 of the Housing Act 1985) originally granted by a housing association.
7. A claimant who relies on any one or more of the provisions in section 1A or 1B of the Act has the right to have the freehold at a price determined in accordance with section 9(1C) of the Act, but not the right to have an extended lease. Section 1A(1) applies to a tenancy of a house and premises the value of which exceeds the applicable financial limit.
- Sections 1A(2) and 1B are described in notes 5 and 4 respectively. The section 1AA right of enfranchisement is described in note 6. It applies to certain cases where the long lease fails the low rent test. The price payable for the freehold in a section 1AA case is determined in accordance with section 9(1C). There is no right to an extended lease where the claim is based on section 1AA.
8. (a) Where the claimant is giving the notice by virtue of section 6 or 7 he is required (Schedule 3, paragraph 6(2)) to adapt the notice and show under paragraph 6 of that Schedule the additional particulars that bring the claim within section 6 or 7 (as the case may be).
- (b) Where the tenancy is or was vested in trustees the claimant should, for the purposes of a claim made in reliance on section 6, state the date when the tenancy was acquired by the trustees, the date when the beneficiary occupied the house by virtue of his interest under the trust, and particulars of any periods of occupation by the beneficiary which are relied upon as bringing the case within section 6.
- (c) Where the claimant was a member of the previous tenant's family and became the tenant on the latter's death, for the purposes of a claim made in reliance upon section 7 the claimant should state the date on which the previous tenant acquired the tenancy, particulars of his relationship to the previous tenant and his succession to the tenancy, and particulars in respect of any period of occupation by the previous tenant and by himself on which the claimant relies as bringing the case within section 7.

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To: *[Name and address of claimant]*

1. I have received [a copy of]* your notice dated *(insert date)* claiming the right to have [the freehold]* [an extended lease]* *(*delete as appropriate)* of the house and premises described in your notice.¹
2. [I admit your right (subject to any question as to the correctness of the particulars given in your notice of the house and premises).]*
[I do not admit your right, on the following grounds—
(state grounds on which the tenant's right is not admitted.)
.....
.....
.....]*
*(*Delete whichever is inapplicable.²)*
3. [I intend]* [intends]* to apply to the court for possession of the house and premises under [section 17]* [section 18]* of the Act.* *(*Delete the entire paragraph, if inapplicable, or delete whichever of the first alternatives does not apply and the reference to section 17 or section 18, as the circumstances require.³)*
4. I reserve the right to give notice under section 2 of the Act of my objection to the exclusion from the house and premises claimed by you of property let to you with the house and premises but not at present occupied by you, or to the continued inclusion in the house and premises of parts lying above or below other premises in which I have an interest.* *(*Delete the entire paragraph, if inapplicable.⁴)*
5. This notice is given by me as the person designated by paragraph 2 of Schedule 1 to the Act as the reversioner of the house and premises.* *(*Delete the entire paragraph, if you are the claimant's immediate landlord and also the freeholder.⁵)*

(Insert date.)

(Signature)

[The name and address of my solicitor or agent, to whom further communications may be sent is]* *(*Delete if inapplicable.)*

Notes

1. This notice must be given within two months of the service of the notice of the tenant's claim. Where there is a chain of landlords, the time limit runs from the date of the first service of the claimant's notice on any landlord (Schedule 3, paragraph 7(1)).
2. If the landlord admits the claim he will not later be able to dispute the claimant's right to have the freehold or an extended lease, unless he shows that he was misled by misrepresentation or concealment of material facts, but the admission does not conclude any question as to the correctness of the particulars of the house and premises as set out in the claim (Schedule 3, paragraph 7(4)).
3. If the landlord (on the assumption, where this is not admitted, that the claimant has the right claimed) intends to apply to the court for an order for possession of the premises for redevelopment under section 17 or use as a residence under section 18 of the Act, the notice must say so (Schedule 3, paragraph 7(3)). (Where the claim is to have the freehold, only certain public authorities or bodies can resist it on the ground of an intention to redevelop the property.)
4. If the landlord intends to object (under subsection (4) or (5) of section 2 of the Act) to the exclusion from the claim of property let with the house and premises but not occupied and used for the purposes of the house by any occupant of it, or to the inclusion of part of the house and premises which projects into other property of the landlord's, notice of his objection must be given before or with this notice, unless the right to give it later is reserved by this notice (Schedule 3, paragraph 7(2)). In any case, notice of the objection must be given within two months of the service of the claimant's notice.
5. Where there is a chain of landlords, this notice must be given by the landlord who is designated as "the reversioner" in accordance with paragraph 2 of Schedule 1 to the Act. For this purpose, the reversioner is either the landlord whose tenancy carries an expectation of possession of the house and premises of 30 years or more after the expiration of all inferior tenancies (or, if there is more than one such landlord, the one whose tenancy is nearest to that of the tenant) or, if there is no such landlord, the freeholder.