



Leasehold Enfranchisement

Leasehold Enfranchisement is the general term for the right granted by English and Welsh Law to leaseholders of houses and apartments to extend their leasehold interests in such premises. This may either be by purchasing the freehold in the case of houses, or in the case of apartments, jointly with other leaseholders of apartments, buying the freehold corporately, or alternatively by individually taking a lease extension on terms defined in the legislation.

The original provisions relating to leasehold enfranchisement only applied to owner occupied houses within specific Rateable Value brands and required at least 3 years owner occupation before taking advantage of the rights under the Acts. The original enfranchisement price to be paid to the freeholder excluded the value of the bricks and mortar. Since 1967 the legislation has been extended and expanded to apply to a wider range of houses, both in value terms and in type, and to flats. The provisions are now open to investor owners as well as owner occupiers of flats and houses, but the legislation is quite complex. In particular, the price assessment rules difficult to follow and they vary depending upon the circumstances.

Edmund Kirby have a team specialising in leasehold enfranchisement advisory services to both landlords and tenants, and can assist in preparing a strategy, drafting Notices to exercise rights, in responding to Notices, and in negotiations for enfranchisement price assessment.

If negotiations do lead to agreements between landlords and tenants, disputes may be referred them

to a Leasehold Valuation Tribunal, of which there is a regional network. The appeal right from Leasehold Valuation Tribunals is to the Lands Tribunal, which is the principal Valuation Tribunal for England and Wales and is at High Court level. Edmund Kirby are experienced in handling references to Leasehold Valuation Tribunals and to the Lands Tribunal.

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