**1971. No. 140** **[C]**

# LEASEHOLD (ENLARGEMENT AND EXTENSION)

## Notices

REGULATIONS, DATED 14TH MAY 1971, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 32 OF THE LEASEHOLD (ENLARGEMENT AND EXTENSION) ACT (NORTHERN IRELAND) 1971.

The Ministry of Home Affairs in exercise of the powers conferred upon it by section 32 of the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971(a) and of all other powers enabling it in that behalf hereby makes the following Regulations:—

*Citation and commencement*

**1.** These Regulations may be cited as the Leasehold (Enlargement and Extension) (Notices) Regulations (Northern Ireland) 1971 and shall come into operation on the 1st day of July 1971.

*Forms of Notices*

**2.** The forms set forth in the Schedule are the prescribed forms for the following purposes:—

(i) a lessee's notice under section 2 of the Act of his intention to acquire the fee simple or an extended lease shall be in Form 1;

(ii) a lessee's notice under section 4 or 17 of the Act requiring information shall be in Form 2;

(iii) a lessee's notice under section 7 of the Act to discontinue the acquisition of the fee simple or extended lease shall be in Form 3;

(iv) a lessee's notice under section 9 of the Act of intention to have rent apportioned shall be in Form 4;

(v) a lessee's notice under section 13 of the Act to discontinue the apportionment of rent shall be in Form 5.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 14th day of May 1971.

(L.S.) *G. Buchanan,*
Assistant Secretary.

(a) 1971. c. 7 (N.I.).

## SCHEDULE

### FORM NO. 1

LEASEHOLD (ENLARGEMENT AND EXTENSION) ACT (NORTHERN IRELAND) 1971

**Notice of Intention to Acquire * [the Fee Simple] or * [an Extension of a Leasehold Estate] in Land**

(*Section* 2)

To ..... Date .....

1. Description of land to which this notice relates

2. Particulars of applicant's lease or other title to the land

Take notice that I, , being a person to whom section 1 of the above Act applies, intend to acquire *[the fee simple in] *[an extension of my leasehold estate in] the land described in paragraph 1 of this notice.

Signed .....

Address .....

.....

*Delete whichever is inapplicable.

**NOTES**

(i) Section 2 of the Act provides that notice shall be served by a person who proposes to acquire the fee simple, or to obtain an extension of his leasehold estate, in land on the person entitled to the next superior interest in the land, each superior lessor and any person who is a mortgagee of the land.

(ii) Sufficient particulars should be given to identify the property.

(iii) State amount of rent and nature of the leasehold estate, and, if the land is held under a lease, the date of the lease, its length and the parties to it.

(iv) The applicant is liable for the payment of the reasonable costs and expenses actually and necessarily incurred in complying with the provisions of the Act by every person upon whom this notice is served. If the applicant subsequently decides to discontinue the acquisition of the fee simple or an extension of the leasehold estate he should serve Form No. 3 upon every person who was served with the notice contained in this Form; on the service of Form 3 the applicant's liability for the payment of costs and expenses shall be limited to those incurred up to the date of the service of Form 3

FORM NO. 2

LEASEHOLD (ENLARGEMENT AND EXTENSION) ACT (NORTHERN IRELAND) 1971

**Notice Requiring Information**

(*Sections* 4 *and* 17)

To ..... Date .....

1. Description of land to which this notice relates

2. Particulars of applicant's lease or other title to the land

Take notice that I, , being a person to whom section 1 of the above Act applies, require you to give me, within six weeks after the service of this notice on you, the following information:—

(*a*) the nature and duration of *[your reversion in the above land] *[the reversion in the above land of any person on whose behalf you are collecting rent];

(*b*) the name and address of any person on whose behalf you are collecting rent under the above lease or other title to the land together with the cost of collecting that rent;

(*c*) the name and address of any person to whom you are paying rent in respect of *[your reversion in the above land] *[the reversion in the above land of any person for whom you act as agent];

(*d*) the nature of, and the parties to, any mortgage of *[your estate in the above land] *[the estate in the above land of any person for whom you act as agent];

(*e*) the name and address of—

(i) any mortgagee of *[your estate] *[the estate of any person for whom you act as agent];

(ii) the person entitled to the estate next superior to *[your reversion in the land] *[the reversion in the land of any person for whom you act as agent];

(*f*) if you are a mortgagee in possession—

(i) the nature and duration of the estate in the above land of your mortgagor; and

(ii) the name and address of any immediate lessor of your mortgagor;

(*g*)

Signed .....

Address .....

.....

*Delete whichever is inapplicable.

NOTES

(i) Sections 4 and 17 of the Act provide for the service of this notice and require that it be complied with within six weeks of service.

(ii) The notice may be served—

(*a*) on the immediate lessor or the person to whom rent is paid on behalf of the immediate lessor;

(*b*) on each other person having any estate in the land or to whom rent is paid in respect of such an estate;

(*c*) a mortgagee in possession of any superior estate in the land.

(iii) Sufficient particulars should be given to identify the property.

(iv) State the rent under, the date of and the parties to the applicant's lease.

(v) A mortgagee in possession includes a receiver, whether appointed by a mortgagee or by a court, who is in receipt of the rents and profits payable to a superior lessor.

(vi) Insert in paragraph (*g*) the nature of any other information which is reasonably necessary for the purpose of securing the joiner of all necessary parties in the conveyance of the fee simple or grant of an extended lease.

FORM NO. 3

LEASEHOLD (ENLARGEMENT AND EXTENSION) ACT (NORTHERN IRELAND) 1971

**Notice of Discontinuance**

(*Section 7*)

To ..... Date .....

1. Description of land to which this notice refers

2. Particulars of applicant's lease or other title to the land

Take notice that I, , hereby withdraw the notice of intention to acquire *[the fee simple in] *[an extension of my leasehold estate in] the above land, which notice was served on the day of 19 , and I do not intend to proceed with that acquisition.

Signed .....

Address .....

.....

*Delete whichever is inapplicable.

NOTES

(i) Section 7 of the Act provides for the service of this notice; the effect of the notice is to discontinue the acquisition of the fee simple or extended lease, as the case may be, and to limit the liability of the person serving it to the costs and expenses incurred up to and including the date of its service.

(ii) This notice must be served on every person upon whom a notice under section 2 (Form No. 1) was served.

(iii) Sufficient particulars should be given to identify the property.

(iv) The particulars of the applicant's lease or other title to the land which were given in the notice under section 2 (Form No. 1) should be given in this notice.

FORM NO. 4

LEASEHOLD (ENLARGEMENT AND EXTENSION) ACT (NORTHERN IRELAND) 1971

**Notice of Intention to have Rent Apportioned**

(*Section* 9)

To ..... Date .....

1. Particulars of lease reserving the rent to which this notice refers

2. Description of land demised by above lease

3. Description of the parts of the above land between which it is proposed to apportion the rent

A

B

C

D

Take notice that I, , being a person to whom section 8 of the above Act applies, propose to have the rent reserved by the above lease apportioned between the parts of the land above described.

Signed .....

Address .....

.....

NOTES

(i) Section 9 of the Act provides for the service of this notice.

(ii) This notice should be served on—
(*a*) the person to whom the rent is payable, and
(*b*) any other person who holds any of the land as lessee.

(iii) State amount of the rent, date of the lease together with the term of its duration and the parties to it.

(iv) Sufficient particulars must be given to identify the various properties.

FORM NO. 5

LEASEHOLD (ENLARGEMENT AND EXTENSION) ACT (NORTHERN IRELAND) 1971

**Notice of Discontinuance of Apportionment of Rent**

(*Section* 13)

To ..... Date .....

Particulars of lease reserving rent to which this notice refers

Take notice that I, , hereby withdraw the notice of intention to have the above rent apportioned, which notice was served on the day of 19 , and I do now not intend to proceed with that apportionment.

Signed .....

Address .....

.....

NOTES

(i) Section 13 of the Act provides for the service of this notice; the effect of the notice is to discontinue the apportionment of the rent and to limit the liability of the person serving it to the costs and expenses incurred up to and including the date of its service.

(ii) This notice must be served on every person upon whom a notice under section 9 (Form No. 4) was served.

(iii) State amount of the rent, date of the lease together with the term of its duration and the parties to it.

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EXPLANATORY NOTE

(*This Note is not part of the Regulations, but is intended to indicate their general purport.*)

These Regulations prescribe the forms of notices which are to be used for the purposes of the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971. The Notes appended to each form are for guidance only and are not a legal interpretation of the provisions of the Act.