



### Prescribed clauses leases

The following guidance notes are to be read in conjunction with section 3.2.1 *Leases that do not have to contain prescribed clauses* in the May 2006 edition of Practice Guide 64 – *Prescribed clauses leases*. This information will be incorporated into the next edition of the guide.

#### **Exemption by or under an enactment**

- To claim exemption under an enactment the lease must be drawn up in a form which is expressly required

under an Act, not merely granted pursuant to that Act, or containing particular provisions (such as easements) specified by that Act.

#### **Deed of variation**

- The exemption only applies to a deed of variation, which effects a variation of the lease by extending the term or demised extent of the existing lease and is therefore a ‘deemed surrender and re-grant’.
- The exemption

does not apply where, although the deed is expressed to be a deed of variation, its terms actually provide for the express surrender of the existing lease and the grant of a new lease in substitution for it.

- See sections 2.1.1 and 3.2 of Practice Guide 28 – *Extension of leases* for further information.