

Landlord and Tenant Act 1954

PART I

SECURITY OF TENURE FOR RESIDENTIAL TENANTS

Provisions as to possession on termination of a long tenancy

Compensation for possession obtained by misrepresentation

14A. Where an order is made for possession of the property comprised in a tenancy to which section 1 of this Act applies and it is subsequently made to appear to the court that the order was obtained by misrepresentation or the concealment of material facts, the court may order the landlord to pay to the tenant such a sum as appears sufficient as compensation for damage or loss sustained by the tenant as the result of the order.

PART II

SECURITY OF TENURE FOR BUSINESS, PROFESSIONAL AND OTHER TENANTS

Tenancies to which Part II applies

Tenancies to which Part II applies

23-(1) Subject to the provisions of this Act, this Part of this Act applies to any tenancy where the property comprised in the tenancy is or includes premises which are occupied by the tenant and are so occupied for the purposes of a business carried on by him or for those and other purposes.

(1A) Occupation or the carrying on of a business-

- (a) by a company in which the tenant has a controlling interest; or
- (b) where the tenant is a company, by a person with a controlling interest in the company,

shall be treated for the purposes of this section as equivalent to occupation or, as the case may be, the carrying on of a business by the tenant.

(1B) Accordingly references (however expressed) in this Part of this Act to the business of, or to use, occupation or enjoyment by, the tenant shall be construed as including references to the business of, or to use, occupation or enjoyment by, a company falling within subsection (1A)(a) above or a person falling within subsection (1A)(b) above.

(2) In this Part of this Act the expression "business" includes a trade, profession or employment and includes any activity carried on by a body of persons, whether corporate or unincorporate.

(3) In the following provisions of this Part of this Act the expression "the holding," in relation to a tenancy to which this Part of this Act applies, means the property comprised in the tenancy, there being excluded any part thereof which is occupied neither by the tenant nor by a person employed by the tenant and so employed for the purposes of a business by reason of which the tenancy is one to which this Part of this Act applies.

(4) Where the tenant is carrying on a business, in all or any part of the property comprised in a tenancy, in breach of a prohibition (however expressed) of use for business purposes which subsists under the terms of the tenancy and extends to the whole of that property, this Part of this Act shall not apply to the tenancy unless the immediate landlord or his predecessor in title has consented to the breach or the immediate landlord has acquiesced therein.

In this subsection the reference to a prohibition of use for business purposes does not include a prohibition of use for the purposes of a specified business, or of use for purposes of any but a specified business, but save as aforesaid includes a prohibition of use for the purposes of some one or more only of the classes of business specified in the definition of that expression in subsection (2) of this section.

Continuation and renewal of tenancies

Continuation of tenancies to which Part II applies and grant of new tenancies

24-(1) A tenancy to which this Part of this Act applies shall not come to an end unless terminated in accordance with the provisions of this Part of this Act; and, subject to the following provisions of this Act either the tenant or the landlord under such a tenancy may apply to the court for an order for the grant of a new tenancy-

(a) if the landlord has given notice under section 25 of this Act to terminate the tenancy, or

(b) if the tenant has made a request for a new tenancy in accordance with section 26 of this Act.

(2) The last foregoing subsection shall not prevent the coming to an end of a tenancy by notice to quit given by the tenant, by surrender or forfeiture, or by the forfeiture of a superior tenancy unless-

(a) in the case of a notice to quit, the notice was given before the tenant had been in occupation in right of the tenancy for one month;

(2A) Neither the tenant nor the landlord may make an application under subsection (1) above if the other has made such an application and the application has been served.

(2B) Neither the tenant nor the landlord may make such an application if the landlord has made an application under section 29(2) of this Act and the application has been served.

(2C) The landlord may not withdraw an application under subsection (1) above unless the tenant consents to its withdrawal.

(3) Notwithstanding anything in subsection (1) of this section-

(a) where a tenancy to which this Part of this Act applies ceases to be such a tenancy, it shall not come to an end by reason only of the cesser, but if it was granted for a term of years certain and has been continued by subsection (1) of this section then (without prejudice to the termination thereof in accordance with any terms of the tenancy) it may be terminated by not less than three nor more than six months' notice in writing given by the landlord to the tenant;

(b) where, at a time when a tenancy is not one to which this Part of this Act applies, the landlord gives notice to quit, the operation of the notice shall not be affected by reason that the tenancy becomes one to which this Part of this Act applies after the giving of the notice.

Applications for determination of interim rent while tenancy continues

24A. -(1) Subject to subsection (2) below, if-

(a) the landlord of a tenancy to which this Part of this Act applies has given notice under section 25 of this Act to terminate the tenancy; or

(b) the tenant of such a tenancy has made a request for a new tenancy in accordance with section 26 of this Act,

either of them may make an application to the court to determine a rent (an "interim rent") which the tenant is to pay while the tenancy ("the relevant tenancy") continues by virtue of section 24 of this Act and the court may order payment of an interim rent in accordance with section 24C or 24D of this Act.

(2) Neither the tenant nor the landlord may make an application under subsection (1) above if the other has made such an application and has not withdrawn it.

(3) No application shall be entertained under subsection (1) above if it is made more than six months after the termination of the relevant tenancy.

Date from which interim rent is payable

24B. -(1) The interim rent determined on an application under section 24A(1) of this Act shall be payable from the appropriate date.

(2) If an application under section 24A(1) of this Act is made in a case where the landlord has given a notice under section 25 of this Act, the appropriate date is the earliest date of termination that could have been specified in the landlord's notice.

(3) If an application under section 24A(1) of this Act is made in a case where the tenant has made a request for a new tenancy under section 26 of this Act, the appropriate date is the earliest date that could have been specified in the tenant's request as the date from which the new tenancy is to begin.

Amount of interim rent where new tenancy of whole premises granted and landlord not opposed

24C-(1) This section applies where-

(a) the landlord gave a notice under section 25 of this Act at a time when the tenant was in occupation of the whole of the property comprised in the relevant tenancy for purposes such as are mentioned in section 23(1) of this Act and stated in the notice that he was not opposed to the grant of a new tenancy; or

(b) the tenant made a request for a new tenancy under section 26 of this Act at a time when he was in occupation of the whole of that property for such purposes and the landlord did not give notice under subsection (6) of that section,

and the landlord grants a new tenancy of the whole of the property comprised in the relevant tenancy to the tenant (whether as a result of an order for the grant of a new tenancy or otherwise).

(2) Subject to the following provisions of this section, the rent payable under and at the commencement of the new tenancy shall also be the interim rent.

(3) Subsection (2) above does not apply where-

(a) the landlord or the tenant shows to the satisfaction of the court that the interim rent under that subsection differs substantially from the relevant rent; or

(b) the landlord or the tenant shows to the satisfaction of the court that the terms of the new tenancy differ from the terms of the relevant tenancy to such an extent that the interim rent under that subsection is substantially different from the rent which (in default of such agreement) the court would have determined under section 34 of this Act to be payable under a tenancy which commenced on the same day as the new tenancy and whose other terms were the same as the relevant tenancy.

(4) In this section “the relevant rent” means the rent which (in default of agreement between the landlord and the tenant) the court would have determined under section 34 of this Act to be payable under the new tenancy if the new tenancy had commenced on the appropriate date (within the meaning of section 24B of this Act).

(5) The interim rent in a case where subsection (2) above does not apply by virtue only of subsection (3)(a) above is the relevant rent.

(6) The interim rent in a case where subsection (2) above does not apply by virtue only of subsection (3)(b) above, or by virtue of subsection (3)(a) and (b) above, is the rent which it is reasonable for the tenant to pay while the relevant tenancy continues by virtue of section 24 of this Act.

(7) In determining the interim rent under subsection (6) above the court shall have regard-

(a) to the rent payable under the terms of the relevant tenancy; and

(b) to the rent payable under any sub-tenancy of part of the property comprised in the relevant tenancy,

but otherwise subsections (1) and (2) of section 34 of this Act shall apply to the determination as they would apply to the determination of a rent under that section if a new tenancy of the whole of the property comprised in the relevant tenancy were granted to the tenant by order of the court and the duration of that new tenancy were the same as the duration of the new tenancy which is actually granted to the tenant.

(8) In this section and section 24D of this Act “the relevant tenancy” has the same meaning as in section 24A of this Act.

Amount of interim rent in any other case

24D-(1) The interim rent in a case where section 24C of this Act does not apply is the rent which it is reasonable for the tenant to pay while the relevant tenancy continues by virtue of section 24 of this Act.

(2) In determining the interim rent under subsection (1) above the court shall have regard-

(a) to the rent payable under the terms of the relevant tenancy; and

(b) to the rent payable under any sub-tenancy of part of the property comprised in the relevant tenancy,

but otherwise subsections (1) and (2) of section 34 of this Act shall apply to the determination as they would apply to the determination of a rent under that section if a new tenancy from year to year of the whole of the property comprised in the relevant tenancy were granted to the tenant by order of the court.

(3) If the court-

(a) has made an order for the grant of a new tenancy and has ordered payment of interim rent in accordance with section 24C of this Act, but

(b) either-

(i) it subsequently revokes under section 36(2) of this Act the order for the grant of a new tenancy; or

(ii) the landlord and tenant agree not to act on the order,

the court on the application of the landlord or the tenant shall determine a new interim rent in accordance with subsections (1) and (2) above without a further application under section 24A(1) of this Act.

Termination of tenancy by the landlord

25-(1) The landlord may terminate a tenancy to which this Part of this Act applies by a notice given to the tenant in the prescribed form specifying the date at which the tenancy is to come to an end (hereinafter referred to as "the date of termination"):

Provided that this subsection has effect subject to the provisions of section 29B(4) of this Act and Part IV of this Act as to the interim continuation of tenancies pending the disposal of applications to the court.

(2) Subject to the provisions of the next following subsection, a notice under this section shall not have effect unless it is given not more than twelve nor less than six months before the date of termination specified therein.

(3) In the case of a tenancy which apart from this Act could have been brought to an end by notice to quit given by the landlord-

(a) the date of termination specified in a notice under this section shall not be earlier than the earliest date on which apart from this Part of this Act the tenancy could have been brought to an end by notice to quit given by the landlord on the date of the giving of the notice under this section; and

(b) where apart from this Part of this Act more than six months' notice to quit would have been required to bring the tenancy to an end, the last foregoing subsection shall have effect with the substitution for twelve months of a period six months longer than the length of notice to quit which would have been required as aforesaid.

(4) In the case of any other tenancy, a notice under this section shall not specify a date of termination earlier than the date on which apart from this Part of this Act the tenancy would have come to an end by effluxion of time.

(5) ...

(6) A notice under this section shall not have effect unless it states whether the landlord is opposed to the grant of a new tenancy to the tenant.

(7) A notice under this section which states that the landlord is opposed to the grant of a new tenancy to the tenant shall not have effect unless it also specifies one or more of the grounds specified in section 30(1) of this Act as the ground or grounds for his opposition.

(8) A notice under this section which states that the landlord is not opposed to the grant of a new tenancy to the tenant shall not have effect unless it sets out the landlord's proposals as to -

- (a) the property to be comprised in the new tenancy (being either the whole or part of the property comprised in the current tenancy);
- (b) the rent to be payable under the new tenancy; and
- (c) the other terms of the new tenancy.

Tenant's request for a new tenancy

26-(1) A tenant's request for a new tenancy may be made where the current tenancy is a tenancy granted for a term of years certain exceeding one year, whether or not continued by section 24 of this Act, or granted for a term of years certain and thereafter from year to year.

(2) A tenant's request for a new tenancy shall be for a tenancy beginning with such date, not more than twelve nor less than six months after the making of the request, as may be specified therein;

Provided that the said date shall not be earlier than the date on which apart from this Act the current tenancy would come to an end by effluxion of time or could be brought to an end by notice to quit given by the tenant.

(3) A tenant's request for a new tenancy shall not have effect unless it is made by notice in the prescribed form given to the landlord and sets out the tenant's proposals as to the property to be comprised in the new tenancy (being either the whole or part of the property comprised in the current tenancy), as to the rent to be payable under the new tenancy and as to the other terms of the new tenancy.

(4) A tenant's request for a new tenancy shall not be made if the landlord has already given notice under the last foregoing section to terminate the current tenancy, or if the tenant has already given notice to quit or notice under the next following section; and no such notice shall be given by the landlord or the tenant after the making by the tenant of a request for a new tenancy.

(5) Where the tenant makes a request for a new tenancy in accordance with the foregoing provisions of this section, the current tenancy shall, subject to the provisions of sections 29B(4) and 36(2) of this Act and the provisions of Part IV of this Act as to the interim continuation of tenancies, terminate immediately before the date specified in the request for the beginning of the new tenancy.

(6) Within two months of the making of a tenant's request for a new tenancy the landlord may give notice to the tenant that he will oppose an application to the court for the grant of a new tenancy, and any such notice shall state on which of the grounds mentioned in section 30 of this Act the landlord will oppose the application.

Termination by tenant of tenancy for fixed term

27-(1) Where the tenant under a tenancy to which this Part of this Act applies, being a tenancy granted for a term of years certain, gives to the immediate landlord, not later than three months before the date on which apart from this Act the tenancy would come to an end by effluxion of time, a notice in writing that the tenant does not desire the tenancy to be continued, section 24 of this Act shall not have effect in relation to the

tenancy, unless the notice is given before the tenant has been in occupation in right of the tenancy for one month.

(1A) Section 24 of this Act shall not have effect in relation to a tenancy for a term of years certain where the tenant is not in occupation of the property comprised in the tenancy at the time when, apart from this Act, the tenancy would come to an end by effluxion of time.

(2) A tenancy granted for a term of years certain which is continuing by virtue of section 24 of this Act shall not come to an end by reason only of the tenant ceasing to occupy the property comprised in the tenancy but may be brought to an end on any day by not less than three months' notice in writing given by the tenant to the immediate landlord, whether the notice is given after the date on which apart from this Act the tenancy would have come to an end or before that date, but not before the tenant has been in occupation in right of the tenancy for one month.

(3) Where a tenancy is terminated under subsection (2) above, any rent payable in respect of a period which begins before, and ends after, the tenancy is terminated shall be apportioned, and any rent paid by the tenant in excess of the amount apportioned to the period before termination shall be recoverable by him.

Renewal of tenancies by agreement

28 Where the landlord and tenant agree for the grant to the tenant of a future tenancy of the holding, or of the holding with other land, on terms and from a date specified in the agreement, the current tenancy shall continue until that date but no longer, and shall not be a tenancy to which this Part of this Act applies.

Applications to court

Order by court for grant of new tenancy or termination of current tenancy

29-(1) Subject to the provisions of this Act, on an application under section 24(1) of this Act, the court shall make an order for the grant of a new tenancy and accordingly for the termination of the current tenancy immediately before the commencement of the new tenancy.

(2) Subject to the following provisions of this Act, a landlord may apply to the court for an order for the termination of a tenancy to which this Part of this Act applies without the grant of a new tenancy-

(a) if he has given notice under section 25 of this Act that he is opposed to the grant of a new tenancy to the tenant; or

(b) if the tenant has made a request for a new tenancy in accordance with section 26 of this Act and the landlord has given notice under subsection (6) of that section.

(3) The landlord may not make an application under subsection (2) above if either the tenant or the landlord has made an application under section 24(1) of this Act.

(4) Subject to the provisions of this Act, where the landlord makes an application under subsection (2) above-

(a) if he establishes, to the satisfaction of the court, any of the grounds on which he is entitled to make the application in accordance with section 30 of this Act, the court shall make an order for the termination of the current tenancy in accordance with section 64 of this Act without the grant of a new tenancy; and

(b) if not, it shall make an order for the grant of a new tenancy and accordingly for the termination of the current tenancy immediately before the commencement of the new tenancy.

(5) The court shall dismiss an application by the landlord under section 24(1) of this Act if the tenant informs the court that he does not want a new tenancy.

(6) The landlord may not withdraw an application under subsection (2) above unless the tenant consents to its withdrawal.

Time limits for applications to court

29A.- (1) Subject to section 29B of this Act, the court shall not entertain an application-

(a) by the tenant or the landlord under section 24(1) of this Act; or

(b) by the landlord under section 29(2) of this Act,

if it is made after the end of the statutory period.

(2) In this section and section 29B of this Act “the statutory period” means a period ending-

(a) where the landlord gave a notice under section 25 of this Act, on the date specified in his notice; and

(b) where the tenant made a request for a new tenancy under section 26 of this Act, immediately before the date specified in his request.

(3) Where the tenant has made a request for a new tenancy under section 26 of this Act, the court shall not entertain an application under section 24(1) of this Act which is made before the end of the period of two months beginning with the date of the making of the request, unless the application is made after the landlord has given a notice under section 26(6) of this Act.

Agreements extending time limits

29B. – (1) After the landlord has given a notice under section 25 of this Act, or the tenant has made a request under section 26 of this Act, but before the end of the statutory period, the landlord and tenant may agree that an application such as is

mentioned in section 29A(1) of this Act may be made before the end of a period specified in the agreement which will expire after the end of the statutory period.

(2) The landlord and tenant may from time to time by agreement further extend the period for making such an application, but any such agreement must be made before the end of the period specified in the current agreement.

(3) Where an agreement is made under this section, the court may entertain an application such as is mentioned in section 29A(1) of this Act if it is made before the end of the period specified in the agreement.

(4) Where an agreement is made under this section, or two or more agreements are made under this section, the landlord's notice under section 25 of this Act or tenant's request under section 26 of this Act shall be treated as terminating the tenancy at the end of the period specified in the agreement or, as the case may be, at the end of the period specified in the last of those agreements.

Opposition by landlord to application for new tenancy

30-(1) The grounds on which a landlord may oppose an application under section 24(1) of this Act, or make an application under section 29(2) of this Act, are such of the following grounds as may be stated in the landlord's notice under section 25 of this Act or, as the case may be, under subsection (6) of section 26 thereof, that is to say:-

(a) where under the current tenancy the tenant has any obligations as respects the repair and maintenance of the holding, that the tenant ought not to be granted a new tenancy in view of the state of repair of the holding, being a state resulting from the tenant's failure to comply with the said obligations;

(b) that the tenant ought not to be granted a new tenancy in view of his persistent delay in paying rent which has become due;

(c) that the tenant ought not to be granted a new tenancy in view of other substantial breaches by him of his obligations under the current tenancy, or for any other reason connected with the tenant's use or management of the holding;

(d) that the landlord has offered and is willing to provide or secure the provision of alternative accommodation for the tenant, that the terms on which the alternative accommodation is available are reasonable having regard to the terms of the current tenancy and to all other relevant circumstances, and that the accommodation and the time at which it will be available are suitable for the tenant's requirements (including the requirement to preserve goodwill) having regard to the nature and class of his business and to the situation and extent of, and facilities afforded by, the holding;

(e) where the current tenancy was created by the sub-letting of part only of the property comprised in a superior tenancy and the landlord is the owner of an interest in reversion expectant on the termination of that superior tenancy, that the aggregate of the rents reasonably obtainable on separate lettings of the holding and the remainder of that property would be substantially less than the rent reasonably obtainable on a letting of that property as a whole, that on the

termination of the current tenancy the landlord requires possession of the holding for the purpose of letting or otherwise disposing of the said property as a whole, and that in view thereof the tenant ought not to be granted a new tenancy;

(f) that on the termination of the current tenancy the landlord intends to demolish or reconstruct the premises comprised in the holding or a substantial part of those premises or to carry out substantial work of construction on the holding or part thereof and that he could not reasonably do so without obtaining possession of the holding;

(g) subject as hereinafter provided, that on the termination of the current tenancy the landlord intends to occupy the holding for the purposes, or partly for the purposes, of a business to be carried on by him therein, or as his residence.

(1A) Where the landlord has a controlling interest in a company, the reference in subsection (1)(g) above to the landlord shall be construed as a reference to the landlord or that company.

(1B) Subject to subsection (2A) below, where the landlord is a company and a person has a controlling interest in the company, the reference in subsection (1)(g) above to the landlord shall be construed as a reference to the landlord or that person.

(2) The landlord shall not be entitled to oppose an application under section 24(1) of this Act, or make an application under section 29(2) of this Act, on the ground specified in paragraph (g) of the last foregoing subsection if the interest of the landlord, or an interest which has merged in that interest and but for the merger would be the interest of the landlord, was purchased or created after the beginning of the period of five years which ends with the termination of the current tenancy, and at all times since the purchase or creation thereof the holding has been comprised in a tenancy or successive tenancies of the description specified in subsection (1) of section 23 of this Act.

(2A) Subsection (1B) above shall not apply if the controlling interest was acquired after the beginning of the period of five years which ends with the termination of the current tenancy, and at all times since the acquisition of the controlling interest the holding has been comprised in a tenancy or successive tenancies of the description specified in section 23(1) of this Act.

(3) ...

Dismissal of application for new tenancy where landlord successfully opposes

31-(1) If the landlord opposes an application under subsection (1) of section 24 of this Act on grounds on which he is entitled to oppose it in accordance with the last foregoing section and establishes any of those grounds to the satisfaction of the court, the court shall not make an order for the grant of a new tenancy.

(2) Where the landlord opposes an application under section 24(1) of this Act, or makes an application under section 29(2) of this Act, on one or more of the grounds specified in section 30(1)(d) to (f) of this Act but establishes none of those grounds, and none of the other grounds specified in section 30(1) of this Act, to the satisfaction of the court, then if the court would have been satisfied on any of the grounds specified in section 30(1)(d)

to (f) of this Act if the date of termination specified in the landlord's notice or, as the case may be, the date specified in the tenant's request for a new tenancy as the date from which the new tenancy is to begin, had been such later date as the court may determine, being a date not more than one year later than the date so specified,-

(a) the court shall make a declaration to that effect, stating of which of the said grounds the court would have been satisfied as aforesaid and specifying the date determined by the court as aforesaid, but shall not make an order for the grant of a new tenancy;

(b) if, within fourteen days after the making of the declaration, the tenant so requires the court shall make an order substituting the said date for the date specified in the said landlord's notice or tenant's request, and thereupon that notice or request shall have effect accordingly.

Grant of new tenancy in some cases where section 30(1)(f) applies

31A-(1) Where the landlord opposes an application under section 24(1) of this Act on the ground specified in paragraph (f) of section 30(1) of this Act, or makes an application under section 29(2) of this Act on that ground, the court shall not hold that the landlord could not reasonably carry out the demolition, reconstruction or work of construction intended without obtaining possession of the holding if -

(a) the tenant agrees to the inclusion in the terms of the new tenancy of terms giving the landlord access and other facilities for carrying out the work intended and, given that access and those facilities, the landlord could reasonably carry out the work without obtaining possession of the holding and without interfering to a substantial extent or for a substantial time with the use of the holding for the purposes of the business carried on by the tenant; or

(b) the tenant is willing to accept a tenancy of an economically separable part of the holding and either paragraph (a) of this section is satisfied with respect to that part or possession of the remainder of the holding would be reasonably sufficient to enable the landlord to carry out the intended work.

(2) For the purposes of subsection (1) (b) of this section a part of a holding shall be deemed to be an economically separate part if, and only if, the aggregate of the rents which, after the completion of the intended work, would be reasonably obtainable on separate lettings of that part and the remainder of the premises affected by or resulting from the work would not be substantially less than the rent which would then be reasonably obtainable on a letting of those premises as a whole.

Property to be comprised in new tenancy

32-(1) Subject to the following provisions of this section, an order under section 29 of this Act for the grant of a new tenancy shall be an order for the grant of a new tenancy of the holding; and in the absence of agreement between the landlord and the tenant as to the property which constitutes the holding the court shall in the order designate that property by reference to the circumstances existing at the date of the order.

(1A) Where the court, by virtue of paragraph (b) of section 31A(1) of this Act, makes an order under section 29 of this Act for the grant of a new tenancy in a case where the tenant is willing to accept a tenancy of part of the holding, the order shall be an order for the grant of a new tenancy of that part only.

(2) The foregoing provisions of this section shall not apply in a case where the property comprised in the current tenancy includes other property besides the holding and the landlord requires any new tenancy ordered to be granted under section 29 of this Act to be a tenancy of the whole of the property comprised in the current tenancy; but in any such case-

(a) any order under the said section 29 for the grant of a new tenancy shall be an order for the grant of a new tenancy of the whole of the property comprised in the current tenancy, and

(b) references in the following provisions of this Part of this Act to the holding shall be construed as references to the whole of that property.

(3) Where the current tenancy includes rights enjoyed by the tenant in connection with the holding, those rights shall be included in a tenancy ordered to be granted under section 29 of this Act, except as otherwise agreed between the landlord and the tenant or, in default of such agreement, determined by the court.

Duration of new tenancy

33. Where on an application under this Part of this Act the court makes an order for the grant of a new tenancy, the new tenancy shall be such tenancy as may be agreed between the landlord and the tenant, or, in default of such an agreement, shall be such a tenancy as may be determined by the court to be reasonable in all the circumstances, being, if it is a tenancy for a term of years certain, a tenancy for a term not exceeding fifteen years, and shall begin on the coming to an end of the current tenancy.

Rent under new tenancy

34-(1) The rent payable under a tenancy granted by order of the court under this Part of this Act shall be such as may be agreed between the landlord and the tenant or as, in default of such agreement, may be determined by the court to be that at which, having regard to the terms of the tenancy (other than those relating to rent), the holding might reasonably be expected to be let in the open market by a willing lessor, there being disregarded-

(a) any effect on rent of the fact that the tenant has or his predecessors in title have been in occupation of the holding,

(b) any goodwill attached to the holding by reason of the carrying on thereat of the business of the tenant (whether by him or by a predecessor of his in that business),

(c) any effect on rent of an improvement to which this paragraph applies,

(d) in the case of a holding comprising licensed premises, any addition to its value attributable to the licence, if it appears to the court that having regard to the terms of the current tenancy and any other relevant circumstances the benefit of the licence belongs to the tenant.

(2) Paragraph (c) of the foregoing subsection applies to any improvement carried out by a person who at the time it was carried out was the tenant, but only if it was carried out otherwise than in pursuance of an obligation to his immediate landlord, and either it was carried out during the current tenancy or the following conditions are satisfied, that is to say-

(a) that it was completed not more than twenty-one years before the application to the court was made; and

(b) that the holding or any part of it affected by the improvement has at all times since the completion of the improvement been comprised in tenancies of the description specified in section 23(1) of this Act; and

(c) that at the termination of each of those tenancies the tenant did not quit.

(2A) If this Part of this Act applies by virtue of section 23(1A) of this Act, the reference in subsection (1)(d) above to the tenant shall be construed as including-

(a) a company in which the tenant has a controlling interest, or

(b) where the tenant is a company, a person with a controlling interest in the company.

(3) Where the rent is determined by the court the court may, if it thinks fit, further determine that the terms of the tenancy shall include such provision for varying the rent as may be specified in the determination.

(4) It is hereby declared that the matters which are to be taken into account by the court in determining the rent include any effect on rent of the operation of the provisions of the Landlord and Tenant (Covenants) Act 1995.

Other terms of new tenancy

35-(1) The terms of a tenancy granted by order of the court under this Part of this Act (other than terms as to the duration thereof and as to the rent payable thereunder), including, where different persons own interests which fulfil the conditions specified in section 44(1) of this Act in different parts of it, terms as to the apportionment of the rent, shall be such as may be agreed between the landlord and the tenant or as, in default of such agreement, may be determined by the court; and in determining those terms the court shall have regard to the terms of the current tenancy and to all relevant circumstances.

(2) In subsection (1) of this section the reference to all relevant circumstances includes (without prejudice to the generality of that reference) a reference to the operation of the provisions of the Landlord and Tenant (Covenants) Act 1995.

Carrying out of order for new tenancy

36-(1) Where under this Part of this Act the court makes an order for the grant of a new tenancy, then, unless the order is revoked under the next following subsection or the landlord and the tenant agree not to act upon the order, the landlord shall be bound to execute or make in favour of the tenant, and the tenant shall be bound to accept, a lease or agreement for a tenancy of the holding embodying the terms agreed between the landlord and the tenant or determined by the court in accordance with the foregoing provisions of this Part of this Act; and

where the landlord executes or makes such a lease or agreement the tenant shall be bound, if so required by the landlord, to execute a counterpart or duplicate thereof.

(2) If the tenant, within fourteen days after the making of an order under this Part of this Act for the grant of a new tenancy, applies to the court for the revocation of the order the court shall revoke the order; and where the order is so revoked, then, if it is so agreed between the landlord and the tenant or determined by the court, the current tenancy shall continue, beyond the date at which it would have come to an end apart from this subsection, for such period as may be so agreed or determined to be necessary to afford to the landlord a reasonable opportunity for reletting or otherwise disposing of the premises which would have been comprised in the new tenancy; and while the current tenancy continues by virtue of this subsection it shall not be a tenancy to which this Part of this Act applies.

(3) Where an order is revoked under the last foregoing subsection any provision thereof as to payment of costs shall not cease to have effect by reason only of the revocation; but the court may, if it thinks fit, revoke or vary any such provision or, where no costs have been awarded in the proceedings for the revoked order, award such costs.

(4) A lease executed or agreement made under this section, in a case where the interest of the lessor is subject to a mortgage, shall be deemed to be one authorised by section 99 of the Law of Property Act 1925 (which confers certain powers of leasing on mortgagors in possession), and subsection (13) of that section (which allows those powers to be restricted or excluded by agreement) shall not have effect in relation to such a lease or agreement.

Compensation where order for new tenancy precluded on certain grounds

37-(1) Subject to the provisions of this Act, in a case specified in subsection (1A), (1B) or (1C) below (a “compensation case”) the tenant shall be entitled on quitting the holding to recover from the landlord by way of compensation an amount determined in accordance with this section.

(1A) The first compensation case is where on the making of an application by the tenant under section 24(1) of this Act the court is precluded (whether by subsection (1) or subsection (2) of section 31 of this Act) from making an order for the grant of a new tenancy by reason of any of the grounds specified in paragraphs (e), (f) and (g) of section 30(1) of this Act (the “compensation grounds”) and not of any grounds specified in any other paragraph of section 30(1).

(1B) The second compensation case is where on the making of an application under section 29(2) of this Act the court is precluded (whether by section 29(4)(a) or section

31(2) of this Act) from making an order for the grant of a new tenancy by reason of any of the compensation grounds and not of any other grounds specified in section 30(1) of this Act.

(1C) The third compensation case is where-

(a) the landlord's notice under section 25 of this Act or, as the case may be, under section 26(6) of this Act, states his opposition to the grant of a new tenancy on any of the compensation grounds and not on any other grounds specified in section 30(1) of this Act; and

(b) either-

(i) no application is made by the tenant under section 24(1) of this Act or by the landlord under section 29(2) of this Act; or

(ii) such an application is made but is subsequently withdrawn.

(2) Subject to the following provisions of this section, compensation under this section shall be as follows, that is to say-

(a) where the conditions specified in the next following subsection are satisfied in relation to the whole of the holding it shall be the product of the appropriate multiplier and twice the rateable value of the holding,

(b) in any other case it shall be the product of the appropriate multiplier and the rateable value of the holding.

(3) The said conditions are--

(a) that, during the whole of the fourteen years immediately preceding the termination of the current tenancy, premises being or comprised in the holding have been occupied for the purposes of a business carried on by the occupier or for those and other purposes;

(b) that, if during those fourteen years there was a change in the occupier of the premises, the person who was the occupier immediately after the change was the successor to the business carried on by the person who was the occupier immediately before the change.

(3A) If the conditions specified in subsection (3) above are satisfied in relation to part of the holding but not in relation to the other part, the amount of compensation shall be the aggregate of sums calculated separately as compensation in respect of each part, and accordingly, for the purpose of calculating compensation in respect of a part any reference in this section to the holding shall be construed as a reference to that part.

(3B) Where section 44(1A) of this Act applies, the compensation shall be determined separately for each part and compensation determined for any part shall be recoverable only from the person who is the owner of an interest in that part which fulfils the conditions specified in section 44(1) of this Act.

(4) Where the court is precluded from making an order for the grant of a new tenancy under this Part of this Act in a compensation case, the court shall on the application of the tenant certify that fact.

(5) For the purposes of subsection (2) of this section the rateable value of the holding shall be determined as follows:-

(a) where in the valuation list in force at the date on which the landlord's notice under section 25 or, as the case may be, subsection (6) of section 26 of this Act is given a value is then shown as the annual value (as hereinafter defined) of the holding, the rateable value of the holding shall be taken to be that value;

(b) where no such value is so shown with respect to the holding but such a value or such values is or are so shown with respect to premises comprised in or comprising the holding or part of it, the rateable value of the holding shall be taken to be such value as is found by a proper apportionment or aggregation of the value or values so shown;

(c) where the rateable value of the holding cannot be ascertained in accordance with the foregoing paragraphs of this subsection, it shall be taken to be the value which, apart from any exemption from assessment to rates, would on a proper assessment be the value to be entered in the said valuation list as the annual value of the holding;

and any dispute arising, whether in proceedings before the court or otherwise, as to the determination for those purposes of the rateable value of the holding shall be referred to the Commissioners of Inland Revenue for decision by the valuation officer.

An appeal shall lie to the Lands Tribunal from any decision of a valuation officer under this subsection, but subject thereto any such decision shall be final.

(5A) If part of the holding is domestic property, as defined in section 66 of the Local Government Finance Act 1988-

(a) the domestic property shall be disregarded in determining the rateable value of the holding under subsection (5) of this section; and

(b) if, on the date specified in subsection (5) (a) of this section, the tenant occupied the whole or any part of the domestic property, the amount of compensation to which he is entitled under subsection (1) of this section shall be increased by the addition of a sum equal to his reasonable expenses in removing from the domestic property.

(5B) Any question as to the amount of the sum referred to in paragraph (b) of subsection (5A) of this section shall be determined by agreement between the landlord and the tenant or, in default of agreement, by the court.

(5C) If the whole of the holding is domestic property, as defined in section 66 of the Local Government Finance Act 1988, for the purposes of subsection (2) of this section the rateable value of the holding shall be taken to be an amount equal to the rent at which it is estimated the holding might reasonably be expected to let from year to year if

the tenant undertook to pay all usual tenant's rates and taxes and to bear the cost of the repairs and insurance and the other expenses (if any) necessary to maintain the holding in a state to command that rent.

(5D) The following provisions shall have effect as regards a determination of an amount mentioned in subsection (5C) of this section-

(a) the date by reference to which such a determination is to be made is the date on which the landlord's notice under section 25 or, as the case may be, subsection (6) of section 26 of this Act is given;

(b) any dispute arising, whether in proceedings before the court or otherwise, as to such a determination shall be referred to the Commissioners of Inland Revenue for decision by a valuation officer;

(c) an appeal shall lie to the Lands Tribunal from such a decision, but subject to that, such a decision shall be final.

(5E) Any deduction made under paragraph 2A of Schedule 6 to the Local Government Finance Act 1988 (deduction from valuation of hereditaments used for breeding horses etc.) shall be disregarded, to the extent that it relates to the holding, in determining the rateable value of the holding under subsection (5) of this section.

(6) The Commissioners of Inland Revenue may by statutory instrument make rules prescribing the procedure in connection with references under this section.

(7) In this section -

the reference to the termination of the current tenancy is a reference to the date of termination specified in the landlord's notice under section 25 of this Act or, as the case may be, the date specified in the tenant's request for a new tenancy as the date from which the new tenancy is to begin;

the expression "annual value" means rateable value except that where the rateable value differs from the net annual value the said expression means net annual value;

the expression "valuation officer" means any officer of the Commissioners of Inland Revenue for the time being authorised by a certificate of the Commissioners to act in relation to a valuation list.

(8) In subsection (2) of this section "the appropriate multiplier" means such multiplier as the Secretary of State may by order made by statutory instrument prescribe and different multipliers may be so prescribed in relation to different cases.

(9) A statutory instrument containing an order under subsection (8) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Compensation for possession obtained by misrepresentation

37A-(1) Where the court-

(a) makes an order for the termination of the current tenancy but does not make an order for the grant of a new tenancy, or

(b) refuses an order for the grant of a new tenancy,

and it is subsequently made to appear to the court that the order was obtained, or the court was induced to refuse the grant, by misrepresentation or the concealment of material facts, the court may order the landlord to pay to the tenant such sum as appears sufficient as compensation for damage or loss sustained by the tenant as the result of the order or refusal.

(2) Where-

(a) the tenant has quit the holding-

(i) after making but withdrawing an application under section 24(1) of this Act; or

(ii) without making such an application; and

(b) it is made to appear to the court that he did so by reason of misrepresentation or the concealment of material facts,

the court may order the landlord to pay to the tenant such sum as appears sufficient as compensation for damage or loss sustained by the tenant as the result of quitting the holding.

Restriction on agreements excluding provisions of Part II

38-(1) Any agreement relating to a tenancy to which this Part of this Act applies (whether contained in the instrument creating the tenancy or not) shall be void (except as provided by section 38A of this Act) in so far as it purports to preclude the tenant from making an application or request under this Part of this Act or provides for the termination or the surrender of the tenancy in the event of his making such an application or request or for the imposition of any penalty or disability on the tenant in that event.

(2) Where-

(a) during the whole of the five years immediately preceding the date on which the tenant under a tenancy to which this Part of this Act applies is to quit the holding, premises being or comprised in the holding have been occupied for the purposes of a business carried on by the occupier or for those and other purposes, and

(b) if during those five years there was a change in the occupier of the premises, the person who was the occupier immediately after the change was the successor to the business carried on by the person who was the occupier immediately before the change,

any agreement (whether contained in the instrument creating the tenancy or not and whether made before or after the termination of that tenancy) which purports to exclude or reduce compensation under section 37 of this Act shall to that extent be void, so however that this subsection shall not affect any agreement as to the amount of any such compensation which is made after the right to compensation has accrued.

(3) In a case not falling within the last foregoing subsection the right to compensation conferred by section 37 of this Act may be excluded or modified by agreement.

(4) ...

Agreements to exclude provisions of Part II

38A-(1) The persons who will be the landlord and the tenant in relation to a tenancy to be granted for a term of years certain which will be a tenancy to which this Part of this Act applies may agree that the provisions of sections 24 to 28 of this Act shall be excluded in relation to that tenancy.

(2) The persons who are the landlord and the tenant in relation to a tenancy to which this Part of this Act applies may agree that the tenancy shall be surrendered on such date or in such circumstances as may be specified in the agreement and on such terms (if any) as may be so specified.

(3) An agreement under subsection (1) above shall be void unless-

(a) the landlord has served on the tenant a notice in the form, or substantially in the form, set out in Schedule 1 to the Regulatory Reform (Business Tenancies) (England and Wales) Order 2003 ("the 2003 Order"); and

(b) the requirements specified in Schedule 2 to that Order are met.

(4) An agreement under subsection (2) above shall be void unless-

(a) the landlord has served on the tenant a notice in the form, or substantially in the form, set out in Schedule 3 to the 2003 Order; and

(b) the requirements specified in Schedule 4 to that Order are met."

General and supplementary provisions

Saving for compulsory acquisitions

39-(1) [Repealed]

(2) If the amount of the compensation which would have been payable under section 37 of this Act if the tenancy had come to an end in circumstances giving rise to compensation under that section and the date at which the acquiring authority obtained possession had been the termination of the current tenancy exceeds the amount of the compensation payable under section 121 of the Lands Clauses Consolidation Act 1845,

or section 20 of the Compulsory Purchase Act 1965, in the case of a tenancy to which this Part of this Act applies, that compensation shall be increased by the amount of the excess.

(3) Nothing in section 24 of this Act shall affect the operation of the said section 121.

Duty of tenants and landlords of business premises to give information to each other

40-(1) Where a person who is an owner of an interest in reversion expectant (whether immediately or not) on a tenancy of any business premises has served on the tenant a notice in the prescribed form requiring him to do so, it shall be the duty of the tenant to give the appropriate person in writing the information specified in subsection (2) below.

(2) That information is-

(a) whether the tenant occupies the premises or any part of them wholly or partly for the purposes of a business carried on by him;

(b) whether his tenancy has effect subject to any sub-tenancy on which his tenancy is immediately expectant and, if so-

(i) what premises are comprised in the sub-tenancy;

(ii) for what term it has effect (or, if it is terminable by notice, by what notice it can be terminated);

(iii) what is the rent payable under it;

(iv) who is the sub-tenant;

(v) (to the best of his knowledge and belief) whether the sub-tenant is in occupation of the premises or of part of the premises comprised in the sub-tenancy and, if not, what is the sub-tenant's address;

(vi) whether an agreement is in force excluding in relation to the sub-tenancy the provisions of sections 24 to 28 of this Act; and

(vii) whether a notice has been given under section 25 or 26(6) of this Act, or a request has been made under section 26 of this Act, in relation to the sub-tenancy and, if so, details of the notice or request; and

(c) (to the best of his knowledge and belief) the name and address of any other person who owns an interest in reversion in any part of the premises.

(3) Where the tenant of any business premises who is a tenant under such a tenancy as is mentioned in section 26(1) of this Act has served on a reversioner or a reversioner's mortgagee in possession a notice in the prescribed form requiring him to do so, it shall be the duty of the person on whom the notice is served to give the appropriate person in writing the information specified in subsection (4) below.

(4) That information is-

(a) whether he is the owner of the fee simple in respect of the premises or any part of them or the mortgagee in possession of such an owner,

(b) if he is not, then (to the best of his knowledge and belief)-

(i) the name and address of the person who is his or, as the case may be, his mortgagor's immediate landlord in respect of those premises or of the part in respect of which he or his mortgagor is not the owner in fee simple;

(ii) for what term his or his mortgagor's tenancy has effect and what is the earliest date (if any) at which that tenancy is terminable by notice to quit given by the landlord; and

(iii) whether a notice has been given under section 25 or 26(6) of this Act, or a request has been made under section 26 of this Act, in relation to the tenancy and, if so, details of the notice or request;

(c) (to the best of his knowledge and belief) the name and address of any other person who owns an interest in reversion in any part of the premises; and

(d) if he is a reversioner, whether there is a mortgagee in possession of his interest in the premises and, if so, (to the best of his knowledge and belief) what is the name and address of the mortgagee.

(5) A duty imposed on a person by this section is a duty-

(a) to give the information concerned within the period of one month beginning with the date of service of the notice; and

(b) if within the period of six months beginning with the date of service of the notice that person becomes aware that any information which has been given in pursuance of the notice is not, or is no longer, correct, to give the appropriate person correct information within the period of one month beginning with the date on which he becomes aware.

(6) This section shall not apply to a notice served by or on the tenant more than two years before the date on which apart from this Act his tenancy would come to an end by effluxion of time or could be brought to an end by notice to quit given by the landlord.

(7) Except as provided by section 40A of this Act, the appropriate person for the purposes of this section and section 40A(1) of this Act is the person who served the notice under subsection (1) or (3) above.

(8) In this section-

"business premises" means premises used wholly or partly for the purposes of a business;

“mortgagee in possession” includes a receiver appointed by the mortgagee or by the court who is in receipt of the rents and profits, and “his mortgagor” shall be construed accordingly;

“reversioner” means any person having an interest in the premises, being an interest in reversion expectant (whether immediately or not) on the tenancy;

“reversioner’s mortgagee in possession” means any person being a mortgagee in possession in respect of such an interest; and

“sub-tenant” includes a person retaining possession of any premises by virtue of the Rent (Agriculture) Act 1976 or the Rent Act 1977 after the coming to an end of a sub-tenancy, and “sub-tenancy” includes a right so to retain possession.”.

Duties in transfer cases

40A-(1) If a person on whom a notice under section 40(1) or (3) of this Act has been served has transferred his interest in the premises or any part of them to some other person and gives the appropriate person notice in writing-

- (a) of the transfer of his interest; and
- (b) of the name and address of the person to whom he transferred it,

on giving the notice he ceases in relation to the premises or (as the case may be) to that part to be under any duty imposed by section 40 of this Act.

(2) If-

(a) the person who served the notice under section 40(1) or (3) of this Act (“the transferor”) has transferred his interest in the premises to some other person (“the transferee”); and

(b) the transferor or the transferee has given the person required to give the information notice in writing-

- (i) of the transfer; and
- (ii) of the transferee’s name and address,

the appropriate person for the purposes of section 40 of this Act and subsection (1) above is the transferee.

(3) If-

(a) a transfer such as is mentioned in paragraph (a) of subsection (2) above has taken place; but

(b) neither the transferor nor the transferee has given a notice such as is mentioned in paragraph (b) of that subsection,

any duty imposed by section 40 of this Act may be performed by giving the information either to the transferor or to the transferee.

Proceedings for breach of duties to give information

40B A claim that a person has broken any duty imposed by section 40 of this Act may be made the subject of civil proceedings for breach of statutory duty; and in any such proceedings a court may order that person to comply with that duty and may make an award of damages.

Trusts

41-(1) Where a tenancy is held on trust, occupation by all or any of the beneficiaries under the trust, and the carrying on of a business by all or any of the beneficiaries, shall be treated for the purposes of section 23 of this Act as equivalent to occupation or the carrying on of a business by the tenant; and in relation to a tenancy to which this Part of this Act applies by virtue of the foregoing provisions of this subsection-

(a) references (however expressed) in this Part of this Act and in the Ninth Schedule to this Act to the business of, or to carrying on of business, use, occupation or enjoyment by, the tenant shall be construed as including references to the business of, or to carrying on of business, use, occupation or enjoyment by, the beneficiaries or beneficiary;

(b) the reference in paragraph (d) of subsection (1) of section 34 of this Act to the tenant shall be construed as including the beneficiaries or beneficiary; and

(c) a change in the persons of the trustees shall not be treated as a change in the person of the tenant.

(2) Where the landlord's interest is held on trust the references in paragraph (g) of subsection (1) of section 30 of this Act to the landlord shall be construed as including references to the beneficiaries under the trust or any of them; but, except in the case of a trust arising under a will or on the intestacy of any person, the reference in subsection (2) of that section to the creation of the interest therein mentioned shall be construed as including the creation of the trust.

Partnerships

41A-(1) The following provisions of this section shall apply where-

(a) a tenancy is held jointly by two or more persons (in this section referred to as the joint tenants); and

(b) the property comprised in the tenancy is or includes premises occupied for the purposes of a business; and

(c) the business (or some other business) was at some time during the existence of the tenancy carried on in partnership by all the persons who were then the

joint tenants or by those and other persons and the joint tenants' interest in the premises was then partnership property; and

(d) the business is carried on (whether alone or in partnership with other persons) by one or some only of the joint tenants and no part of the property comprised in the tenancy is occupied, in right of the tenancy, for the purposes of a business carried on (whether alone or in partnership with other persons) by the other or others.

(2) In the following provisions of this section those of the joint tenants who for the time being carry on the business are referred to as the business tenants and the others as the other joint tenants.

(3) Any notice given by the business tenants which, had it been given by all the joint tenants, would have been-

(a) a tenant's request for a new tenancy made in accordance with section 26 of this Act; or

(b) a notice under subsection (1) or subsection (2) of section 27 of this Act; shall be treated as such if it states that it is given by virtue of this section and sets out the facts by virtue of which the persons giving it are the business tenants;

and references in those sections and in section 24A of this Act to the tenant shall be construed accordingly.

(4) A notice given by the landlord to the business tenants which, had it been given to all the joint tenants, would have been a notice under section 25 of this Act shall be treated as such a notice, and references in that section to the tenant shall be construed accordingly.

(5) An application under section 24(1) of this Act for a new tenancy may, instead of being made by all the joint tenants, be made by the business tenants alone; and where it is so made-

(a) this Part of this Act shall have effect, in relation to it, as if the references therein to the tenant included references to the business tenants alone; and

(b) the business tenants shall be liable, to the exclusion of the other joint tenants, for the payment of rent and the discharge of any other obligation under the current tenancy for any rental period beginning after the date specified in the landlord's notice under section 25 of this Act or, as the case may be, beginning on or after the date specified in their request for a new tenancy.

(6) Where the court makes an order under section 29 of this Act for the grant of a new tenancy it may order the grant to be made to the business tenants or to them jointly with the persons carrying on the business in partnership with them, and may order the grant to be made subject to the satisfaction, within a time specified by the order, of such conditions as to guarantors, sureties or otherwise as appear to the court equitable, having regard to the omission of the other joint tenants from the persons who will be the tenants under the new tenancy.

(7) The business tenants shall be entitled to recover any amount payable by way of compensation under section 37 or section 59 of this Act.

Groups of companies

42-(1) For the purposes of this section two bodies corporate shall be taken to be members of a group if and only if one is a subsidiary of the other or both are subsidiaries of the third body corporate or the same person has a controlling interest in both.

(2) Where a tenancy is held by a member of a group, occupation by another member of the group, and the carrying on of a business by another member of the group, shall be treated for the purposes of section 23 of this Act as equivalent to occupation or the carrying on of a business by the member of the group holding the tenancy; and in relation to a tenancy to which this Part of this Act applies by virtue of the foregoing provisions of this subsection-

(a) references (however expressed) in this Part of this Act and in the Ninth Schedule to this Act to the business of or to use occupation or enjoyment by the tenant shall be construed as including references to the business of or to use occupation or enjoyment by the said other member;

(b) the reference in paragraph (d) of subsection (1) of section 34 of this Act to the tenant shall be construed as including the said other member; and

(c) an assignment of the tenancy from one member of the group to another shall not be treated as a change in the person of the tenant.

(3) Where the landlord's interest is held by a member of a group-

(a) the reference in paragraph (g) of subsection (1) of section 30 of this Act to intended occupation by the landlord for the purposes of a business to be carried on by him shall be construed as including intended occupation by any member of the group for the purposes of a business to be carried on by that member; and

(b) the reference in subsection (2) of that section to the purchase or creation of any interest shall be construed as a reference to a purchaser from or creation by a person other than a member of the group.

Tenancies excluded from Part II

43-(1) This Part of this Act does not apply-

(a) to a tenancy of an agricultural holding which is a tenancy in relation to which the Agricultural Holdings Act 1986 applies or a tenancy which would be a tenancy of an agricultural holding in relation to which that Act applied if subsection (3) of section 2 of that Act did not have effect or, in a case where approval was given under subsection (1) of that section, if that approval had not been given;

(aa) to a farm business tenancy;

(b) to a tenancy created by a mining lease; or

(c) [Repealed]

(d) [Repealed]

(2) This Part of this Act does not apply to a tenancy granted by reason that the tenant was the holder of an office, appointment or employment from the grantor thereof and continuing only so long as the tenant holds the office, appointment or employment, or terminable by the grantor on the tenant's ceasing to hold it, or coming to an end at a time fixed by reference to the time at which the tenant ceases to hold it:

Provided that this subsection shall not have effect in relation to a tenancy granted after the commencement of this Act unless the tenancy was granted by an instrument in writing which expressed the purpose for which the tenancy was granted.

(3) This Part of this Act does not apply to a tenancy granted for a term certain not exceeding six months unless-

(a) the tenancy contains provision for renewing the term or for extending it beyond six months from its beginning; or

(b) the tenant has been in occupation for a period which, together with any period during which any predecessor in the carrying on of the business carried on by the tenant was in occupation, exceeds twelve months.

Jurisdiction of county court to make declaration

43A. Where the rateable value of the holding is such that the jurisdiction conferred on the court by any other provision of this Part of this Act is, by virtue of section 63 of this Act, exercisable by the county court, the county court shall have jurisdiction (but without prejudice to the jurisdiction of the High Court) to make any declaration as to any matter arising under this Part of this Act, whether or not any other relief is sought in the proceedings.

Meaning of 'the landlord,' in Part II, and provisions as to mesne landlords, etc.

44-(1) Subject to subsections (1A) and (2) below, in this Part of this Act the expression "the landlord" in relation to a tenancy (in this section referred to as "the relevant tenancy"), means the person (whether or not he is the immediate landlord) who is the owner of that interest in the property comprised in the relevant tenancy which for the time being fulfils the following conditions, that is to say-

(a) that it is an interest in reversion expectant (whether immediately or not) on the termination of the relevant tenancy, and

(b) that it is either the fee simple or a tenancy which will not come to an end within fourteen months by effluxion of time and, if it is such a tenancy, that no notice has been given by virtue of which it will come to an end within fourteen months or any further time by which it may be continued under section 36(2) or

section 64 of this Act, and is not itself in reversion expectant (whether immediately or not) on an interest which fulfils those conditions.

(1A) The reference in subsection (1) above to a person who is the owner of an interest such as is mentioned in that subsection is to be construed, where different persons own such interests in different parts of the property, as a reference to all those persons collectively.

(2) References in this Part of this Act to a notice to quit given by the landlord are references to a notice to quit given by the immediate landlord.

(3) The provisions of the Sixth Schedule to this Act shall have effect for the application of this Part of this Act to cases where the immediate landlord of the tenant is not the owner of the fee simple in respect of the holding.

45 [Repealed]

Interpretation of Part II

46-(1) In this Part of this Act:-

"business" has the meaning assigned to it by subsection (2) of section 23 of this Act;

"current tenancy" means the tenancy under which the tenant holds for the time being;

"date of termination" has the meaning assigned to it by subsection (1) of section 25 of this Act;

subject to the provisions of section 32 of this Act, "the holding" has the meaning assigned to it by subsection (3) of section 23 of this Act;

"interim rent" has the meaning given by section 24A(1) of this Act;

"mining lease" has the same meaning as in the Landlord and Tenant Act 1927.

(2) For the purposes of this Part of this Act, a person has a controlling interest in a company if, had he been a company, the other company would have been its subsidiary; and in this Part-

"company" has the meaning given by section 735 of the Companies Act 1985; and

"subsidiary" has the meaning given by section 736 of that Act.

PART III

COMPENSATION FOR IMPROVEMENTS

Time for making claims for compensation for improvements

47-(1) Where a tenancy is terminated by notice to quit, whether given by the landlord or by the tenant, or by a notice given by any person under Part I or Part II of this Act, the time for making a claim for compensation at the termination of the tenancy shall be a time falling within the period of three months beginning on the date on which the notice is given:

Provided that where the tenancy is terminated by a tenant's request for a new tenancy under section 26 of this Act, the said time shall be a time falling within the period of three months beginning on the date on which the landlord gives notice, or (if he has not given such a notice) the latest date on which he could have given notice, under subsection (6) of the said section 26 or, as the case may be, paragraph (a) of subsection (4) of section 57 or paragraph (b) of subsection (1) of section 58 of this Act.

(2) Where a tenancy comes to an end by effluxion of time, the time for making such a claim shall be a time not earlier than six nor later than three months before the coming to an end of the tenancy.

(3) Where a tenancy is terminated by forfeiture or re-entry, the time for making such a claim shall be a time falling within the period of three months beginning with the effective date of the order of the court for the recovery of possession of the land comprised in the tenancy or, if the tenancy is terminated by re-entry without such an order, the period of three months beginning with the date of the re-entry.

(4) In the last foregoing subsection the reference to the effective date of an order is a reference to the date on which the order is to take effect according to the terms thereof or the date on which it ceases to be subject to appeal, which ever is the later.

(5) In subsection (1) of section 1 of the Act of 1927, for paragraphs (a) and (b) (which specify the time for making claims for compensation) there shall be substituted the words "and within the time limited by section 47 of the Landlord and Tenant Act 1954."

Amendments as to limitations on tenant's right to compensation

48-(1) So much of paragraph (b) of subsection (1) of section 2 of the Act of 1927 as provides that a tenant shall not be entitled to compensation in respect of any improvement made in pursuance of a statutory obligation shall not apply to any improvement begun after the commencement of this Act, but section 3 of the Act of 1927 (which enables a landlord to object to a proposed improvement) shall not have effect in relation to an improvement made in pursuance of a statutory obligation except so much thereof as-

(a) requires the tenant to serve on the landlord notice of his intention to make the improvement together with such a plan and specification as are mentioned in that section and to supply copies of the plan and specification at the request of any superior landlord; and

(b) enables the tenant to obtain at his expense a certificate from the landlord or the tribunal that the improvement has been duly executed.

(2) Paragraph (c) of the said subsection (1) (which provides that a tenant shall not be entitled to compensation in respect of any improvement made less than three years

before the termination of the tenancy) shall not apply to any improvement begun after the commencement of this Act.

(3) No notice shall be served after the commencement of this Act under paragraph (d) of the said subsection (1) (which excludes rights to compensation where the landlord serves on the tenant notice offering a renewal of the tenancy on reasonable terms).

Restrictions on contracting out

49 In section 9 of the Act of 1927 (which provides that Part I of that Act shall apply notwithstanding any contract to the contrary made after the date specified in that section) the proviso (which requires effect to be given to such a contract where it appears to the tribunal that the contract was made for adequate consideration) shall cease to have effect except as respects a contract made before the tenth day of December, nineteen hundred and fifty-three.

Interpretation of Part III

50 In this Part of this Act the expression "Act of 1927" means the Landlord and Tenant Act 1927, the expression "compensation" means compensation under Part I of that Act in respect of an improvement, and other expressions used in this Part of this Act and in the Act of 1927 have the same meanings in this Part of this Act as in that Act.

[Sections 51 to 54 not reproduced here]

PART IV

MISCELLANEOUS AND SUPPLEMENTARY

Compensation for possession obtained by misrepresentation

55-...

Application to Crown

56-(1) Subject to the provisions of this and the four next following sections, Part II of this Act shall apply where there is an interest belonging to Her Majesty in right of the Crown or the Duchy of Lancaster or belonging to the Duchy of Cornwall, or belonging to a Government department or held on behalf of Her Majesty for the purposes of a Government department, in like manner as if that interest were an interest not so belonging or held.

(2) The provisions of the Eighth Schedule to this Act shall have effect as respects the application of Part II of this Act to cases where the interest of the landlord belongs to Her Majesty in right of the Crown or the Duchy of Lancaster or to the Duchy of Cornwall.

(3) Where a tenancy is held by or on behalf of a Government department and the property comprised therein is or includes premises occupied for any purposes of a Government department, the tenancy shall be one to which Part II of this Act applies;

and for the purposes of any provision of the said Part II or the Ninth Schedule to this Act which is applicable only if either or both of the following conditions are satisfied, that is to say-

(a) that any premises have during any period been occupied for the purposes of the tenant's business;

(b) that on any change of occupier of any premises the new occupier succeeded to the business of the former occupier,

the said conditions shall be deemed to be satisfied respectively, in relation to such a tenancy, if during that period or, as the case may be, immediately before and immediately after the change, the premises were occupied for the purposes of a Government department.

(4) The last foregoing subsection shall apply in relation to any premises provided by a Government department without any rent being payable to the department therefor as if the premises were occupied for the purposes of a Government department.

(5) The provisions of Parts III and IV of this Act, amending any other enactment which binds the Crown or applies to land belonging to Her Majesty in right of the Crown or the Duchy of Lancaster, or land belonging to the Duchy of Cornwall, or to land belonging to any Government department, shall bind the Crown or apply to such land.

(6) Sections 53 and 54 of this Act shall apply where the interest of the landlord, or any other interest in the land in question, belongs to Her Majesty in right of the Crown or the Duchy of Lancaster or to the Duchy of Cornwall, or belongs to a Government department or is held on behalf of Her Majesty for the purposes of a Government department, in like manner as if that interest were an interest not so belonging or held.

(7) Part I of this Act shall apply where-

(a) there is an interest belonging to Her Majesty in right of the Crown and that interest is under the management of the Crown Estate Commissioners;
or

(b) there is an interest belonging to Her Majesty in right of the Duchy of Lancaster or belonging to the Duchy of Cornwall;

as if it were an interest not so belonging.

Modification on grounds of public interest of rights under Part II

57-(1) Where the interest of the landlord or any superior landlord in the property comprised in any tenancy belongs to or is held for the purposes of a Government department or is held by a local authority, statutory undertakers or a development corporation, the Minister or Board in charge of any Government department may certify that it is requisite for the purposes of the first-mentioned department, or, as the case may be, of the authority, undertakers or corporation, that the use or occupation of the property or a part thereof shall be changed by a specified date.

(2) A certificate under the last foregoing subsection shall not be given unless the owner of the interest belonging or held as mentioned in the last foregoing subsection has given to the tenant a notice stating-

(a) that the question of the giving of such a certificate is under consideration by the Minister or Board specified in the notice, and

(b) that if within twenty-one days of the giving of the notice the tenant makes to that Minister or Board representations in writing with respect to that question, they will be considered before the question is determined, and if the tenant makes any such representations within the said twenty-one days the Minister or Board shall consider them before determining whether to give the certificate.

(3) Where a certificate has been given under subsection (1) of this section in relation to any tenancy, then-

(a) if a notice given under subsection (1) of section 25 of this Act specifies as the date of termination a date not earlier than the date specified in the certificate and contains a copy of the certificate subsection (6) of that section shall not apply to the notice and no application for a new tenancy shall be made by the tenant under subsection (1) of section 24 of this Act;

(b) if such a notice specifies an earlier date as the date of termination and contains a copy of the certificate, then if the court makes an order under Part II of this Act for the grant of a new tenancy the new tenancy shall be for a term expiring not later than the date specified in the certificate and shall not be a tenancy to which Part II of this Act applies.

(4) Where a tenant makes a request for a new tenancy under section 26 of this Act, and the interest of the landlord or any superior landlord in the property comprised in the current tenancy belongs or is held as mentioned in subsection (1) of this section, the following provisions shall have effect:-

(a) if a certificate has been given under the said subsection (1) in relation to the current tenancy, and within two months after the making of the request the landlord gives notice to the tenant that the certificate has been given and the notice contains a copy of the certificate, then,-

(i) if the date specified in the certificate is not later than that specified in the tenant's request for a new tenancy, the tenant shall not make an application under section 24 of this Act for the grant of a new tenancy;

(ii) if, in any other case, the court makes an order under Part II of this Act for the grant of a new tenancy the new tenancy shall be for a term expiring not later than the date specified in the certificate and shall not be a tenancy to which Part II of this Act applies;

(b) if no such certificate has been given but notice under subsection (2) of this section has been given before the making of the request or within two months thereafter, the request shall not have effect, without prejudice however, to the

making of a new request when the Minister or Board has determined whether to give a certificate.

(5) Where application is made to the court under Part II of this Act for the grant of a new tenancy and the landlord's interest in the property comprised in the tenancy belongs or is held as mentioned in subsection (1) of this section, the Minister or Board in charge of any Government department may certify that it is necessary in the public interest that if the landlord makes an application in that behalf the court shall determine as a term of the new tenancy that it shall be terminable by six months' notice to quit given by the landlord.

Subsection (2) of this section shall apply in relation to a certificate under this subsection, and if notice under the said subsection (2) has been given to the tenant-

(a) the court shall not determine the application for the grant of a new tenancy until the Minister or Board has determined whether to give a certificate,

(b) if a certificate is given, the court shall on the application of the landlord determine as a term of the new tenancy that it shall be terminable as aforesaid, and section 25 of this Act shall apply accordingly.

(6) The foregoing provisions of this section shall apply to an interest held by a Health Authority or Special Health Authority as they apply to an interest held by a local authority but with the substitution, for the reference to the purposes of the authority, of a reference to the purposes of the National Health Service Act 1977.

(7) Where the interest of the landlord or any superior landlord in the property comprised in any tenancy belongs to the National Trust the Minister of Works may certify that it is requisite, for the purpose of securing that the property will as from a specified date be used or occupied in a manner better suited to the nature thereof, that the use or occupation of the property should be changed; and subsections (2) to (4) of this section shall apply in relation to certificates under this subsection, and to cases where the interest of the landlord or any superior landlord belongs to the National Trust, as those subsections apply in relation to certificates under subsection (1) of this section and to cases where the interest of the landlord or any superior landlord belongs or is held as mentioned in that subsection.

(8) In this and the next following section the expression "Government department" does not include the Commissioners of Crown Lands and the expression "landlord" has the same meaning as in Part II of this Act; and in the last foregoing subsection the expression "National Trust" means the National Trust for Places of Historic Interest or Natural Beauty.

Termination on special grounds of tenancies to which Part II applies

58-(1) Where the landlord's interest in the property comprised in any tenancy belongs or is held for the purposes of a Government department, and the Minister or Board in charge of any Government department certifies that for reasons of national security it is necessary that the use or occupation of the property should be discontinued or changed, then-

(a) if the landlord gives a notice under subsection (1) of section 25 of this Act containing a copy of the certificate, subsection (6) of that section shall not apply to the notice and no application for a new tenancy shall be made by the tenant under subsection (1) of section 24 of this Act;

(b) if (whether before or after the giving of the certificate) the tenant makes a request for a new tenancy under section 26 of this Act, and within two months after the making the request the landlord gives notice to the tenant that the certificate has been given and the notice contains a copy of the certificate-

(i) the tenant shall not make an application under section 24 of this Act for the grant of a new tenancy, and

(ii) if the notice specifies as the date on which the tenancy is to terminate a date earlier than that specified in the tenant's request as the date on which the new tenancy is to begin but neither earlier than six months from the giving of the notice nor earlier than the earliest date at which apart from this Act the tenancy would come to an end or could be brought to an end, the tenancy shall terminate on the date specified in the notice instead of that specified in the request.

(2) Where the landlord's interest in the property comprised in any tenancy belongs to or is held for the purposes of a Government department, nothing in this Act shall invalidate an agreement to the effect-

(a) that on the giving of such a certificate as is mentioned in the last foregoing subsection the tenancy may be terminated by notice to quit given by the landlord of such length as may be specified in the agreement, if the notice contains a copy of the certificate; and

(b) that after the giving of such a notice containing such a copy the tenancy shall not be one to which Part II of this Act applies.

(3) Where the landlord's interest in the property comprised in any tenancy is held by statutory undertakers, nothing in this Act shall invalidate an agreement to the effect-

a) that where the Minister or Board in charge of a Government department certifies that possession of the property comprised in the tenancy or a part thereof is urgently required for carrying out repairs (whether on that property or elsewhere) which are needed for the proper operation of the landlord's undertaking, the tenancy may be terminated by notice to quit given by the landlord of such length as may be specified in the agreement, if the notice contains a copy of the certificate; and

(b) that after the giving of such a notice containing such a copy, the tenancy shall not be one to which Part II of this Act applies.

(4) Where the court makes an order under Part II of this Act for the grant of a new tenancy and the Minister or Board in charge of any Government department certifies that the public interest requires the tenancy to be subject to such a term as is mentioned in paragraph (a) or (b) of this subsection, as the case may be, then-

a) if the landlord's interest in the property comprised in the tenancy belongs to or is held for the purposes of a Government department, the court shall on the application of the landlord determine as a term of the new tenancy that such an agreement as is mentioned in subsection (2) of this section and specifying such length of notice as is mentioned in the certificate shall be embodied in the new tenancy;

(b) if the landlord's interest in that property is held by statutory undertakers, the court shall on the application of the landlord determine as a term of the new tenancy that such an agreement as is mentioned in subsection (3) of this section and specifying such length of notice as is mentioned in the certificate shall be embodied in the new tenancy.

Compensation for exercise of powers under sections 57 and 58

59-(1) Where by virtue of any certificate given for the purposes of either of the two last foregoing sections or, subject to subsection (1A) below, section 60A below the tenant is precluded from obtaining an order for the grant of a new tenancy, or of a new tenancy for a term expiring later than a specified date, the tenant shall be entitled on quitting the premises to recover from the owner of the interest by virtue of which the certificate was given an amount by way of compensation, and subsections (2), (3) to (3B) and (5) to (7) of section 37 of this Act shall with the necessary modifications apply for the purposes of ascertaining the amount.

(1A) No compensation shall be recoverable under subsection (1) above where the certificate was given under section 60A below and either-

(a) the premises vested in the Welsh Development Agency under section 7 (property of Welsh Industrial Estates Corporation) or 8 (land held under Local Employment Act 1972) of the Welsh Development Agency Act 1975, or

(b) the tenant was not tenant of the premises when the said Agency acquired the interest by virtue of which the certificate was given.

(2) Subsections (2) and (3) of section 38 of this Act shall apply to compensation under this section as they apply to compensation under section 37 of this Act.

Special provisions as to premises in development or intermediate areas

60-(1) Where the property comprised in a tenancy consists of premises of which the Secretary of State or the Urban Regeneration Agency is the landlord, being premises situated in a locality which is either-

(a) a development area; or

(b) an intermediate area;

and the Secretary of State certifies that it is necessary or expedient for achieving the purpose mentioned in section 2(1) of the Local Employment Act 1972 that the use or occupation of the property should be changed, paragraphs (a) and (b) of subsection (1)

of section 58 of this Act shall apply as they apply where such a certificate is given as is mentioned in that subsection.

(2) Where the court makes an order under Part II of this Act for the grant of a new tenancy of any such premises as aforesaid, and the Secretary of State certifies that it is necessary or expedient as aforesaid that the tenancy should be subject to a term, specified in the certificate, prohibiting or restricting the tenant from assigning the tenancy or sub-letting, charging or parting with possession of the premises or any part thereof or changing the use of the premises or any part thereof, the court shall determine that the terms of the tenancy shall include the terms specified in the certificate.

(3) In this section "development area" and "intermediate area" mean an area for the time being specified as a development area or, as the case may be, as an intermediate area by an order made, or having effect as if made, under section 1 of the Industrial Development Act 1982.

Welsh Development Agency premises

60A-(1) Where property comprised in a tenancy consists of premises of which the Welsh Development Agency is the landlord, and the Secretary of State certifies that it is necessary or expedient, for the purpose of providing employment appropriate to the needs of the area in which the premises are situated, that the use or occupation of the property should be changed, paragraphs (a) and (b) of section 58(l) above shall apply as they apply where such a certificate is given as is mentioned in that sub-section.

(2) Where the court makes an order under Part II of this Act for the grant of a new tenancy of any such premises as aforesaid, and the Secretary of State certifies that it is necessary or expedient as aforesaid that the tenancy should be subject to a term, specified in the certificate, prohibiting or restricting the tenant from assigning the tenancy or subletting, charging or parting with possession of the premises or any part of the premises or changing the use of the premises or any part of the premises, the court shall determine that the terms of the tenancy shall include the terms specified in the certificate.

60B to 62 [Repealed]

Jurisdiction of court for purposes of Parts I and II and of Part I of Landlord and Tenant Act 1927

63-(1) Any jurisdiction conferred on the court by any provision of Part I of this Act shall be exercised by the county court.

(2) Any jurisdiction conferred on the court by any provision of Part II of this Act or conferred on the tribunal by Part I of the Landlord and Tenant Act 1927, shall, subject to the provisions of this section, be exercised, by the High Court or a county court.

(3) [Repealed]

(4) The following provisions shall have effect as respects transfer of proceedings from or to the High Court or the county court, that is to say-

(a) where an application is made to the one but by virtue of an Order under section 1 of the Courts and Legal Services Act 1990, cannot be entertained except by the other, the application shall not be treated as improperly made but any proceedings thereon shall be transferred to the other court;

(b) any proceedings under the provisions of Part II of this Act or of Part I of the Landlord and Tenant Act 1927, which are pending before one of those courts may by order of that court made on the application of any person interested be transferred to the other court, if it appears to the court making the order that it is desirable that the proceedings and any proceedings before the other court should both be entertained by the other court.

(5) In any proceedings where in accordance with the foregoing provisions of this section the county court exercises jurisdiction the powers of the judge of summoning one or more assessors under subsection (1) of section 63 (1) of the County Courts Act 1984, may be exercised notwithstanding that no application is made in that behalf by any party to the proceedings.

(6) Where in any such proceedings an assessor is summoned by a judge under the said subsection (1),-

(a) he may, if so directed by the judge, inspect the land to which the proceedings relate without the judge and report to the judge in writing thereon;

(b) the judge may on consideration of the report and any observations of the parties thereon give such judgment or make such order in the proceedings as may be just;

(c) the remuneration of the assessor shall be at such rate as maybe determined by the Lord Chancellor with the approval of the Treasury and shall be defrayed out of moneys provided by Parliament.

(7) In this section the expression "the holding"-

a) in relation to proceedings under Part II of this Act, has the meaning assigned to it by subsection (3) of section 23 of this Act,

(b) in relation to proceedings under Part I of the Landlord and Tenant Act 1927, has the same meaning as in the said Part I.

(9) Nothing in this section shall prejudice the operation of section 41 of the County Courts Act 1984 (which relates to the removal into the High Court of proceedings commenced in a county court).

(10) In accordance with the foregoing provisions of this section, for section 21 of the Landlord and Tenant Act 1927, there shall be substituted the following section-

"The tribunal

21. The tribunal for the purposes of Part I of this Act shall be the court exercising jurisdiction in accordance with the provisions of section 63 of the Landlord and Tenant Act 1954".

64-(1) In any case where-

(a) a notice to terminate a tenancy has been given under Part I or Part II of this Act or a request for a new tenancy has been made under Part II thereof, and

(b) an application to the court has been made under the said Part I or under section 24(1) or 29(2) of this Act as the case may be, and

(c) apart from this section the effect of the notice or request would be to terminate the tenancy before the expiration of the period of three months beginning with the date on which the application is finally disposed of,

the effect of the notice or request shall be to terminate the tenancy at the expiration of the said period of three months and not at any other time.

(2) The reference in paragraph (c) of subsection (1) of this section to the date on which an application is finally disposed of shall be construed as a reference to the earliest date by which the proceedings on the application (including any proceedings on or in consequence of an appeal) have been determined and any time for appealing or further appealing has expired, except that if the application is withdrawn or any appeal is abandoned the reference shall be construed as a reference to the date of the withdrawal or abandonment.

Provisions as to reversions

65-(1) Where by virtue of any provision of this Act a tenancy (in this sub-section referred to as "the inferior tenancy") is continued for a period such as to extend to or beyond the end of the term of a superior tenancy, the superior tenancy shall, for the purposes of this Act and of any other enactment and of any rule of law, be deemed so long as it subsists to be an interest in reversion expectant upon the termination of the inferior tenancy and, if there is no intermediate tenancy, to be the interest in reversion immediately expectant upon the termination thereof.

(2) In the case of a tenancy continuing by virtue of any provision of this Act after the coming to an end of the interest in reversion immediately expectant upon the termination thereof, subsection (1) of section 139 of the Law of Property Act 1925 (which relates to the effect of the extinguishment of a reversion) shall apply as if references in the said subsection (1) to the surrender or merger of the reversion included references to the coming to an end of the reversion for any reason other than surrender or merger.

(3) Where by virtue of any provision of this Act a tenancy (in this subsection referred to as "the continuing tenancy") is continued beyond the beginning of a reversionary tenancy which was granted (whether before or after the commencement of this Act) so as to begin on or after the date on which apart from this Act the continuing tenancy would have come to an end, the reversionary tenancy shall have effect as if it had been granted subject to the continuing tenancy.

(4) Where by virtue of any provision of this Act a tenancy (in this subsection referred to as "the new tenancy") is granted for a period beginning on the same date as a reversionary tenancy or for a period such as to extend beyond the beginning of the term of a reversionary tenancy, whether the reversionary tenancy in question was granted before or after the commencement of this Act, the reversionary tenancy shall have effect as if it had been granted subject to the new tenancy.

Provisions as to notices

66-(1) Any form of notice required by this Act to be prescribed shall be prescribed by regulations made by the Secretary of State by statutory instrument.

(2) Where the form of a notice to be served on persons of any description is to be prescribed for any of the purposes of this Act, the form to be prescribed shall include such an explanation of the relevant provisions of this Act as appears to the Secretary of State requisite for informing persons of that description of their rights and obligations under those provisions.

(3) Different forms of notice may be prescribed for the purposes of the operation of any provision of this Act in relation to different cases.

(4) Section 23 of the Landlord and Tenant Act 1927 (which relates to the service of notices) shall apply for the purposes of this Act.

(5) Any statutory instrument under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Provisions as to mortgagees in possession

67 Anything authorised or required by the provisions of this Act, other than subsection (3) of section 40, to be done at any time by, to or with the landlord, or a landlord of a specified description, shall, if at that time the interest of the landlord in question is subject to a mortgage and the mortgagee is in possession or a receiver appointed by the mortgagee or by the courts is in receipt of the rents and profits, be deemed to be authorised or required to be done by, to or with the mortgagee instead of that landlord.

68 [Not reproduced here]

Interpretation

69-(1) In this Act, the following expressions have the meanings hereby assigned to them respectively, that is to say-

"agricultural holding" has the same meaning as in the Agricultural Holdings Act 1986;

"development corporation" has the same meaning as in the New Towns Act 1946;

"farm business tenancy" has the same meaning as in the Agricultural Tenancies Act 1995;

"local authority" means any local authority within the meaning of the Town and Country Planning Act 1990, any National Park Authority, the Broads Authority or joint authority established by Part 4 of the Local Government Act 1985;

"mortgage" includes a charge or lien and "mortgagor" and "mortgagee" shall be construed accordingly;

"notice to quit" means a notice to terminate a tenancy (whether a periodical tenancy or a tenancy for a term of years certain) given in accordance with the provisions (whether express or implied) of that tenancy;

"repairs" includes any work of maintenance, decoration or restoration, and references to repairing, to keeping or yielding up in repair and to state of repair shall be construed accordingly;

"statutory undertakers" has the same meaning as in the Town and Country Planning Act 1990;

"tenancy" means a tenancy created either immediately or derivatively out of the freehold, whether by a lease or underlease, by an agreement for a lease or underlease or by a tenancy agreement or in pursuance of any enactment (including this Act), but does not include a mortgage term or any interest arising in favour of a mortgagor by his attorning tenant to his mortgagee, and references to the granting of a tenancy and to demised property shall be construed accordingly;

"terms", in relation to a tenancy, includes conditions.

(2) References in this Act to an agreement between the landlord and the tenant (except in section 17 and subsections (1) and (2) of section 38 thereof) shall be construed as references to an agreement in writing between them.

(3) Reference in this Act to an action for any relief shall be construed as including references to a claim for that relief by way of counterclaim in any proceedings.

Short title and citation, commencement and extent

70-(1) This Act may be cited as the Landlord and Tenant Act, 1954, and the Landlord and Tenant Act, 1927, and this Act may be cited together as the Landlord and Tenant Acts, 1927 and 1954.

(2) This Act shall come into operation on the first day of October, nineteen hundred and fifty-four.

(3) This Act shall not extend to Scotland or to Northern Ireland.