
Changes to legislation: There are currently no known outstanding effects for the
Law of Property Act 1969, SIXTH SCHEDULE. (See end of Document for details)

SCHEDULES

SIXTH SCHEDULE

PROVISIONS FOR PURPOSES OF PART II WHERE IMMEDIATE LANDLORD IS NOT THE FREEHOLDER

Definitions

- 1 In this Schedule the following expressions have the meanings hereby assigned to them in relation to a tenancy (in this Schedule referred to as “the relevant tenancy”), that is to say:—

“the competent landlord” means the person who in relation to the tenancy is for the time being the landlord (as defined by section 44 of this Act) for the purposes of Part II of this Act;

“mesne landlord” means a tenant whose interest is intermediate between the relevant tenancy and the interest of the competent landlord; and

“superior landlord” means a person (whether the owner of the fee simple or a tenant) whose interest is superior to the interest of the competent landlord.

Power of court to order reversionary tenancies

- 2 Where the period for which in accordance with the provisions of Part II of this Act it is agreed or determined by the court that a new tenancy should be granted thereunder will extend beyond the date on which the interest of the immediate landlord will come to an end, the power of the court under Part II of this Act to order such a grant shall include power to order the grant of a new tenancy until the expiration of that interest and also to order the grant of such a reversionary tenancy or reversionary tenancies as may be required to secure that the combined effects of those grants will be equivalent to the grant of a tenancy for that period; and the provisions of Part II of this Act shall, subject to the necessary modifications, apply in relation to the grant of a tenancy together with one or more reversionary tenancies as they apply in relation to the grant of one new tenancy.

Acts of competent landlord binding on other landlords

- 3 (1) Any notice given by the competent landlord under Part II of this Act to terminate the relevant tenancy, and any agreement made between that landlord and the tenant as to the granting, duration, or terms of a future tenancy, being an agreement made for the purposes of the said Part II, shall bind the interest of any mesne landlord notwithstanding that he has not consented to the giving of the notice or was not a party to the agreement.
- (2) The competent landlord shall have power for the purposes of Part II of this Act to give effect to any agreement with the tenant for the grant of a new tenancy beginning with the coming to an end of the relevant tenancy, notwithstanding that the competent landlord will not be the immediate landlord at the commencement of the new tenancy,

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and any instrument made in the exercise of the power conferred by this sub-paragraph shall have effect as if the mesne landlord had been a party thereto.

- (3) Nothing in the foregoing provisions of this paragraph shall prejudice the provisions of the next following paragraph.

Provisions as to consent of mesne landlord to acts of competent landlord

- 4 (1) If the competent landlord, not being the immediate landlord, gives any such notice or makes any such agreement as is mentioned in sub-paragraph (1) of the last foregoing paragraph without the consent of every mesne landlord, any mesne landlord whose consent has not been given thereto shall be entitled to compensation from the competent landlord for any loss arising in consequence of the giving of the notice or the making of the agreement.
- (2) If the competent landlord applies to any mesne landlord for his consent to such a notice or agreement, that consent shall not be unreasonably withheld, but may be given subject to any conditions which may be reasonable (including conditions as to the modification of the proposed notice or agreement or as to the payment of compensation by the competent landlord).
- (3) Any question arising under this paragraph whether consent has been unreasonably withheld or whether any conditions imposed on the giving of consent are unreasonable shall be determined by the court.

Consent of superior landlord required for agreements affecting his interest

- 5 An agreement between the competent landlord and the tenant made for the purposes of Part II of this Act in a case where—
- (a) the competent landlord is himself a tenant, and
 - (b) the agreement would apart from this paragraph operate as respects any period after the coming to an end of the interest of the competent landlord,
- shall not have effect unless every superior landlord who will be the immediate landlord of the tenant during any part of that period is a party to the agreement.

Withdrawal by competent landlord of notice given by mesne landlord

- 6 Where the competent landlord has given a notice under section 25 of this Act to terminate the relevant tenancy and, within two months after the giving of the notice, a superior landlord—
- (a) becomes the competent landlord; and
 - (b) gives to the tenant notice in the prescribed form that he withdraws the notice previously given;

the notice under section 25 of this Act shall cease to have effect, but without prejudice to the giving of a further notice under that section by the competent landlord.

Duty to inform superior landlords

- 7 If the competent landlord's interest in the property comprised in the relevant tenancy is a tenancy which will come or can be brought to an end within sixteenth months (or any further time by which it may be continued under section 36(2) or section 64 of this Act) and he gives to the tenant under the relevant tenancy a notice

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under section 25 of this Act to terminate the tenancy or is given by him a notice under section 26(3) of this Act:—

- (a) the competent landlord shall forthwith send a copy of the notice to his immediate landlord; and
- (b) any superior landlord whose interest in the property is a tenancy shall forthwith send to his immediate landlord any copy which has been sent to him in pursuance of the preceding sub-paragraph or this sub-paragraph.

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