

Status: Point in time view as at 07/09/2009.

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SCHEDULES

SCHEDULE 3

VALIDITY OF TENANTS’ NOTICES, EFFECT ON LANDLORD AND TENANT ACT 1954 ETC. AND PROCEDURE GENERALLY

PART II

Procedural Provisions

- 6 (1) A tenant’s notice under Part I of this Act of his desire to have the freehold or an extended lease of a house and premises shall be in the prescribed form, and shall contain the following particulars:—
- (a) the address of the house, and sufficient particulars of the house and premises to identify the property to which the claim extends;
 - (b) such particulars of the tenancy and [^{F1}, in the case of a tenancy falling within section 4(1)(i) of this Act,] of the rateable value of the house and premises as serve to identify the instrument creating the tenancy and show that
 - [^{F2}(i)] (apart from the operation, if any, of the proviso to section 4(1) of this Act) the tenancy is and has at the material times been a long tenancy at a low rent;
 - [^{F2}(ii)] at the material time the rateable value was within the limits specified for the purposes of section 1;]
 - (c) the date on which the tenant acquired the tenancy;
 - ^{F3}(d)
 - [^{F4}(e)] in the case of a tenancy falling within section 1(1)(a)(ii) of this Act, the premium payable as a condition of the grant of the tenancy.]
- [^{F5}(1A)] [^{F6}Where the tenant gives the notice by virtue of section 1AA of this Act, sub-paragraph (1) above shall have effect with the substitution for paragraph (b) of—
- (“ such particulars of the tenancy as serve to identify the instrument creating the tenancy and show that the tenancy is one in relation to which section 1AA(1) of this Act has effect to confer a right to acquire the freehold of the house and premises;”.)]
- (2) Where the tenant gives the notice by virtue of section 6 [^{F7}, 6A] or 7 of this Act, sub-paragraph (1)(c) ^{F8}. . . above shall apply with the appropriate modifications of references to the tenant, so that the notice shall show the particulars bringing the case within section 6 [^{F7}, 6A] or 7.
- (3) The notice shall not be invalidated by an inaccuracy in the particulars required by this paragraph or any misdescription of the property to which the claim extends; and where the claim extends to property not properly included in the house and premises, or does not extend to property that ought to be so included, the notice may with the

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leave of the court, and on such terms as the court may see fit to impose, be amended so as to exclude or include that property.

Textual Amendments

- F1** Words inserted by [S.I. 1990/434, reg. 2, Sch. para. 10\(a\)](#)
- F2** Words inserted (prosp.) by [Housing Act 1980 \(c. 51\), s. 153\(4\), Sch. 21 para. 7](#)
- F3** Sch. 3 para. 6(1)(d) repealed (26.7.2002 for E. and 1.1.2003 for W.) by [2002 c. 15, s. 180, Sch. 14; S.I. 2002/1912, art. 2\(b\)\(ii\), Sch. 1 Pt. 3](#) (subject to transitional provisions and savings in Sch. 2 of the commencing S.I.); [S.I. 2002/3012, art. 2\(b\)\(ii\), Sch. 1 Pt. 3](#) (subject to transitional provisions and savings in Sch. 2 of the commencing S.I.)
- F4** Sch. 3 para. 6(1)(e) inserted by [S.I. 1990/434, reg. 2, Sch. para. 10\(b\)](#)
- F5** Sch. 3 Pt. II para. 6(1A) inserted (1.4.1997) by [1996 c. 52, s. 106, Sch. 9 para. 2\(1\)\(8\); S.I. 1997/618, art. 2\(1\)](#) (with Sch.)
- F6** [Sch. 3 para. 6\(1A\)](#) repealed (7.9.2009 for E.) by [Housing and Regeneration Act 2008 \(c. 17\), s. 325\(1\), Sch. 16; S.I. 2009/2096, art. 2\(2\)\(a\)\(c\)](#) (with [art. 3\(1\)\(2\)](#))
- F7** Words in Sch. 3 para. 6(2) inserted (26.7.2002 for E. and 1.1.2003 for W.) by [2002 c. 15, s. 142\(2\); S.I. 2002/1912, art. 2\(a\)](#) (subject to transitional provisions and savings in Sch. 2 of the commencing S.I.); [S.I. 2002/3012, art. 2\(a\)](#) (subject to transitional provisions and savings in Sch. 2 of the commencing S.I.)
- F8** Words in Sch. 3 para. 6(2) repealed (26.7.2002 for E. and 1.1.2003 for W.) by [2002 c. 15, s. 180, Sch. 14; S.I. 2002/1912, art. 2\(b\)\(ii\), Sch. 1 Pt. 3](#) (subject to transitional provisions and savings in Sch. 2 of the commencing S.I.); [S.I. 2002/3012, art. 2\(b\)\(ii\), Sch. 1 Pt. 3](#) (subject to transitional provisions and savings in Sch. 2 of the commencing S.I.)

- 7 (1) Where a tenant of a house gives the landlord notice in accordance with Part I of this Act of the tenant’s desire to have the freehold or an extended lease, the landlord shall within two months give the tenant a notice in reply in the prescribed form stating whether or not the landlord admits the tenant’s right to have the freehold or extended lease (subject to any question as to the correctness of the particulars given in the tenant’s notice of the house and premises); and if the landlord does not admit the tenant’s right, the notice shall state the grounds on which it is not admitted.
- (2) Subject to sub-paragraph (3) below, where under Part I of this Act the landlord may object to the inclusion of any part of the house and premises as described in the tenant’s notice, or may object to the exclusion of other property, the notice of his objection shall be given with or before his notice in reply, unless the right to give it later is reserved by the notice in reply.
- (3) If (on the assumption, where it is not admitted, that the tenant has the right claimed) it is intended to apply to the court for possession of the house and premises under section 17 or 18 of this Act, the notice in reply shall state that it is the intention to do so, and sub-paragraph (2) above shall not apply.
- (4) Where a landlord’s notice in reply admits the tenant’s right to have the freehold or extended lease of a house and premises, the admission shall be binding on the landlord, so far as relates to the matters [^{F9}relevant to the existence of that right], unless the landlord shows that he was induced to make the admission by misrepresentation or the concealment of material facts; but the admission shall not conclude any question whether the particulars of the house and premises in the tenant’s notice are correct.
- (5) The tenant shall not institute proceedings in the court with a view to the enforcement of his right to have the freehold or an extended lease before the landlord has given

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his notice in reply or two months have elapsed without his doing so since the giving of the tenant’s notice.

Textual Amendments

F9 Words in **Sch. 3 Pt. II para. 7(4)** substituted (1.4.1997) by **1996 c. 52, s. 106, Sch. 9 para. 2(1)(9)**; **S.I. 1997/618, art. 2(1)** (with **Sch.**)

- 8 (1) Where a person (“the claimant”) gives notice as tenant of a house of his desire to have the freehold or an extended lease under Part I of this Act, —
- (a) the notice shall be regarded as served on the landlord if it is served on any of the persons having an interest in the house and premises superior to the claimant’s tenancy and references to the relevant time shall be construed accordingly;
 - (b) copies of the notice shall be served by the claimant on any other persons known or believed by him to have such an interest;
 - (c) the notice shall state whether copies are being served in accordance with paragraph (b) above on anyone other than the recipient and, if so, on whom;
 - (d) a recipient of the notice or a copy of it (including a person receiving a copy under this paragraph), unless he is a person having no such interest, shall forthwith serve a copy on any person who is known or believed by him to have such an interest and is not stated in the recipient’s copy of the notice or known by him to have received a copy;
 - (e) a recipient of the notice or a copy of it shall, in any further copies served by him in accordance with paragraph (d) above, supplement the statement under paragraph (c) by adding any further persons on whom he is serving copies or who are known by him to have received one.
- (2) Any recipient of any such notice or a copy of it—
- (a) if he serves further copies of it on other persons in accordance with sub-paragraph (1)(d) above, shall notify the claimant of the persons added by him to the statement under sub-paragraph (1)(c); and
 - (b) if he knows who is, or believes himself to be, the person designated as the reversioner by paragraph 2 of Schedule 1 to this Act, shall give written notice to the claimant stating who is thought by him to be the reversioner, and shall serve copies of it on all persons known or believed by him to have an interest superior to the claimant’s tenancy.
- (3) Any person who fails without reasonable cause to comply with sub-paragraph (1) or (2) above, or is guilty of any unreasonable delay in doing so, shall be liable for any loss thereby occasioned to the claimant or to any person having an interest superior to the claimant’s tenancy.
- (4) In this paragraph references to an interest superior to the claimant’s tenancy mean the estate in fee simple and any tenancy superior to the claimant’s tenancy, but shall apply also to a tenancy reversionary on the claimant’s tenancy.
- 9 (1) Where the interest of a landlord is subject to a charge, and the person entitled to the benefit of the charge is in possession or a receiver appointed by him or by the court is in receipt of the rents and profits, a notice by a tenant of his desire to have the freehold or an extended lease under Part I of this Act shall be duly given if served either on the landlord or on that person or any such receiver; but the landlord or that

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person, if not the recipient of the notice, shall forthwith be sent the notice or a copy of it by the recipient:

Provided that in the case of a debenture-holders’ charge within the meaning of section 12(5) of this Act this sub-paragraph shall not authorise the service of a notice on, or require a notice or copy to be sent to, the persons entitled to the benefit of the charge, other than trustees for the debenture-holders, but where the notice is served on the landlord and there is no trustee for the debenture-holders, he shall forthwith send it or a copy of it to any receiver appointed by virtue of the charge.

- (2) Where a tenant of a house gives notice of his desire to have the freehold or an extended lease under Part I of this Act, and the interest of the person to whom the notice is given, or of any person receiving a copy of it under paragraph 8 above, is subject to a charge to secure the payment of money, then subject to sub-paragraph (3) below the recipient of the notice or copy shall forthwith inform the person entitled to the benefit of the charge (unless the notice was served on him or a receiver appointed by virtue of the charge) that the notice has been given, and shall give him such further information as may from time to time be reasonably required from the recipient by him.
- (3) References in sub-paragraph (2) above to a charge shall not include a charge falling within section 11 of this Act or a debenture-holders’ charge within the meaning of section 12(5) of this Act.
- 10 (1) This paragraph shall have effect in relation to a landlord’s notice terminating a tenancy of a house under section 4 or 25 of the ^{M1}Landlord and Tenant Act 1954 [^{F10}or under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989] if—
- (a) no previous notice terminating the tenancy has been given under [^{F11}any of those provisions]; and
 - (b) in the case of a notice under section 25, the tenancy is a long tenancy at a low rent, and the tenant is not a company or other artificial person.
- (2) The landlord’s notice shall not have effect unless it states—
- (a) that, if the tenant has a right under Part I of this Act to acquire the freehold or an extended lease of property comprised in the tenancy, notice of his desire to have the freehold or an extended lease cannot be given more than two months after the service of the landlord’s notice; and
 - (b) that, in the event of a tenant having that right and giving such a notice within those two months, the landlord’s notice will not operate; and
 - (c) that, in the event of the tenant giving such a notice within those two months, the landlord will be entitled to apply to the court under section 17 or 18 of this Act and proposes to do so or, as the case may be, will not be entitled or does not propose to do so.
- [^{F12}(2A) If the landlord’s notice is under section 25 of the Landlord and Tenant Act 1954, sub-paragraph (2) above shall effect in relation to it as if in paragraph (b), after the word “operate” there were inserted the words “and no further proceedings may be taken by him under Part 2 of the Landlord and Tenant Act 1954.”]
- (3) The landlord shall also in the notice give the names and addresses of any other persons known or believed by him to have an interest superior to the tenancy terminated by the notice or to be the agent concerned with the property on behalf of a person having such an interest; and for this purpose “an interest superior to the

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tenancy terminated by the notice” means the estate in fee simple and any tenancy superior to that tenancy, but includes also a tenancy reversionary on that tenancy.

- (4) Where a tenant’s notice of his desire to have the freehold or an extended lease of a house and premises under Part I of this Act is given after the service of a landlord’s notice terminating the tenancy under section 4 or section 25 of the Landlord and Tenant Act 1954 [^{F13}or under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989], and the landlord’s notice does not comply with sub-paragraph (2) above, no application made under section 17 or 18 of this Act with respect to the house and premises by the landlord giving the notice shall be entertained by the court (other than an application under section 17 after the grant of an extended lease).
- (5) This paragraph shall not apply, ^{F14}. . . , to a landlord’s notice given before the appointed day.

Textual Amendments

- F10** Words inserted by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194(1), **Sch. 11 para. 13(5)(a)**
- F11** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194(1), **Sch. 11 para. 13(5)(a)**
- F12** Sch. 3 para. 10(2A) inserted (1.6.2004) by The Regulatory Reform (Business Tenancies) (England and Wales) Order 2003 (S.I. 2003/3096), art. 1(3), **Sch. 5 para. 13**
- F13** Words inserted by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194(1), **Sch. 11 para. 13(5)(b)**
- F14** Words in Sch. 3 para. 10(5) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIII** Group1

Marginal Citations

- M1** 1954 c. 56.

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