

**Changes to legislation:** Leasehold Reform Act 1967, Cross Heading: Transitional is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 5 **E+W**

#### LANDLORD AND TENANT ACT 1954 PART I (CONSEQUENTIAL AMENDMENTS, EFFECT OF RENT ACT 1965, ETC.)

##### *Transitional*

- 5 In relation to a tenancy to which section 1 of the <sup>M1</sup>Landlord and Tenant Act 1954 applies immediately before the date of coming into operation of section 39 of this Act (in this and the following paragraphs referred to as “the operative date”), section 39 of this Act and paragraphs 1 to 4 above, together with the repeals made by Part I of Schedule 7 to this Act, shall not have effect if at the operative date there is in force a landlord’s notice proposing a statutory tenancy and all the terms of the tenancy have been agreed or determined in accordance with section 7 of the Landlord and Tenant Act 1954 or an application for securing their determination by the court has been made.

##### **Marginal Citations**

**M1** 1954 c. 56.

- 6 (1) Subject to paragraph 7(1) below, where at the operative date (within the meaning of paragraph 5 above) a tenancy is continuing by virtue of section 3 of the Landlord and Tenant Act 1954, section 39 of this Act and paragraphs 1 to 4 above, together with the repeals made by Part I of Schedule 7 to this Act, shall apply to the tenancy only to the extent provided for by this paragraph.
- (2) Where at the operative date no notice under section 4 of the Landlord and Tenant Act 1954 terminating the tenancy is in force, Part I or, as the case may be, Part II of that Act shall apply as it would apply if the term date of the tenancy (within the meaning of Part I) had fallen on the operative date and if, in the case of a tenancy not at a low rent, it had been one at a low rent.
- (3) Where at the operative date there is in force a landlord’s notice proposing a statutory tenancy, sub-paragraph (2) above shall apply as it applies in a case where there is no such notice, unless either—
- (a) all the terms of the tenancy have been agreed or determined in accordance with section 7 of the Landlord and Tenant Act 1954 or an application for securing their determination by the court has been made; or
  - (b) Part II of that Act would in accordance with sub-paragraph (2) above apply to the tenancy.
- (4) Where a landlord’s notice terminating the tenancy is in force at the operative date, and the notice ceases to have effect without the tenancy being terminated or a statutory tenancy arising, then sub-paragraph (2) above shall thereafter apply as it applies in a case where there is no such notice.

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- (5) Where a statutory tenancy arises by virtue of Part I of the Landlord and Tenant Act 1954 as it applies in accordance with sub-paragraph (2) above [<sup>F1</sup>the Rent Act 1977] shall have effect in relation to the statutory tenancy accordingly.
- (6) Nothing in section 39 of this Act or in sub-paragraphs (2) to (5) above shall affect the operation of any notice given by a tenant under section 5 of the Landlord and Tenant Act 1954 to terminate the tenancy, if the notice is given while section 1 of the Act applies to the tenancy.

#### Textual Amendments

**F1** Words substituted by [Rent Act 1977 \(c. 42\), s. 155\(2\), Sch. 23 para. 46 \(g\)](#)

- 7 (1) This paragraph shall have effect in relation to tenancies of the following description, except where paragraph 5 above applies, and paragraph 6 shall not have effect in relation to them, that is to say, tenancies—
- (a) to which section 1 of the Landlord and Tenant Act 1954 applies immediately before the operative date (within the meaning of paragraph 5 above); but
- (b) to which in accordance with section 39 of this Act section 1 of the <sup>M2</sup>Landlord and Tenant Act 1954 can no longer apply because the rateable value of the dwelling-house on the appropriate day for purposes of [<sup>F2</sup>the <sup>M3</sup>Rent Act 1977] exceeds the amount specified in section 1(1) of that Act.
- (2) Where, on section 1 of the Landlord and Tenant Act 1954 ceasing by virtue of section 39 of this Act to apply to any such tenancy, Part II of that Act would not become applicable to it, then, if the term date falls or fell before the operative date or within the three months beginning with the operative date, the tenancy shall continue until the expiration of those three months unless sooner determined by a notice given by the tenant in accordance with section 5(1) or (2) of the Landlord and Tenant Act 1954 or by a landlord's notice to resume possession given before the operative date.
- (3) Where, on section 1 of the Landlord and Tenant Act 1954 ceasing by virtue of section 39 of this Act to apply to any such tenancy, Part II of that Act would become applicable to it, section 39 of this Act and paragraphs 1 to 4 above, together with the repeals made by Part I of Schedule 7 to this Act, shall not have effect in relation to the tenancy if at the operative date there is in force a landlord's notice to resume possession, or there is in force a notice given by the tenant in accordance with section 5(1) or (2) of the Landlord and Tenant Act 1954 to terminate the tenancy on a date within the three months beginning with the operative date:

Provided that this sub-paragraph shall cease to apply if the notice ceases to have effect without the tenancy being terminated.

#### Textual Amendments

**F2** Words substituted by [Rent Act 1977 \(c. 42\), s. 155\(2\), Sch. 23 para. 46 \(h\)](#)

#### Marginal Citations

**M2** 1954 c. 56.

**M3** 1977 c. 42.

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8 (1) Where a statutory tenancy has by virtue of Part I of the Landlord and Tenant Act 1954 arisen before the operative date (within the meaning of paragraph 5 above), the operation of Part I of that Act in relation to the tenancy shall not be affected by section 39 of this Act and paragraphs 2 to 4 above, or the repeals made by Part I of Schedule 7 to this Act, except as provided by sub-paragraph (2) below.

(2) ..... F3

(4) ..... F4

**Textual Amendments**

**F3** Sch. 5 para. 8(2)(3) repealed by Housing Finance Act 1972 (c. 47), **Sch. 11 Pt. II**

**F4** Sch. 5 para. 8(4) repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4**

9 ..... F5

**Textual Amendments**

**F5** Sch. 5 para. 9 repealed by Rent Act 1968 (c. 23), **Sch. 17**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(1C) inserted by [2024 c. 22 Sch. 3 para. 4\(2\)](#)
- s. 1(6A) inserted by [2024 c. 22 Sch. 8 para. 12](#)
- s. 4B inserted by [2024 c. 22 Sch. 3 para. 4\(3\)](#)
- s. 7A inserted by [2024 c. 22 s. 46](#)
- s. 9(A1) inserted by [2024 c. 22 s. 35\(2\)\(a\)](#)
- s. 14(1)(a)(b) substituted for words by [2024 c. 22 s. 34\(2\)\(a\)](#)
- s. 14(8) inserted by [2024 c. 22 s. 34\(2\)\(d\)](#)
- s. 14A inserted by [2024 c. 22 s. 35\(3\)](#)
- s. 15(2)-(2C) substituted for s. 15(2) by [2024 c. 22 s. 34\(3\)\(a\)](#)
- s. 17(1A)-(1C) inserted by [2024 c. 22 Sch. 8 para. 4\(1\)\(b\)](#)
- s. 19A-19E and cross-heading inserted by [2024 c. 22 s. 38\(6\)](#)
- s. 20-21C substituted for s. 20 21 by [2024 c. 22 s. 40](#)
- s. 29(6ZA) inserted by [2024 c. 22 Sch. 3 para. 13\(c\)](#)
- s. 29(9)(10) inserted by [2024 c. 22 Sch. 3 para. 13\(e\)](#)
- s. 3232ZA substituted for s. 32 by [2024 c. 22 Sch. 3 para. 7](#)
- s. 33B inserted by [2024 c. 22 Sch. 8 para. 13](#)
- s. 36A and cross-heading inserted by [2024 c. 22 Sch. 8 para. 7\(2\)](#)
- s. 37(1)(bza) inserted by [2024 c. 22 Sch. 8 para. 15\(a\)](#)
- s. 37(1)(da)(db) inserted by [2024 c. 22 Sch. 8 para. 15\(b\)](#)
- Sch. 1 para. 4(1)(c)(d) inserted by [2024 c. 22 Sch. 7 para. 1\(2\)\(a\)\(ii\)](#)
- Sch. 1 para. 4(1A)(1B) inserted by [2024 c. 22 Sch. 7 para. 1\(2\)\(b\)](#)
- Sch. 1 para. 5(2A)-(2D) inserted by [2024 c. 22 Sch. 7 para. 1\(3\)\(b\)](#)
- Sch. 1 para. 5(3A)-(3C) inserted by [2024 c. 22 Sch. 7 para. 1\(3\)\(d\)](#)
- Sch. 1 para. 6A inserted by [2024 c. 22 Sch. 7 para. 1\(4\)](#)
- Sch. 1 para. 7(1)(e) and word inserted by [2024 c. 22 Sch. 7 para. 1\(5\)\(d\)](#)
- Sch. 1 para. 11(1A) inserted by [2024 c. 22 Sch. 8 para. 8\(2\)\(a\)](#)
- Sch. 1 para. 12A inserted by [2024 c. 22 Sch. 8 para. 8\(3\)](#)
- Sch. 1 para. 12B inserted by [2024 c. 22 Sch. 8 para. 14](#)