

Status: Point in time view as at 30/12/2007.

Changes to legislation: Local Government and Housing Act 1989, SCHEDULE 7 is up to date with all changes known to be in force on or before 30 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)

SCHEDULES

SCHEDULE 7

Section 149.

COMPENSATION PROVISIONS OF LANDLORD AND TENANT ACT 1954, PART II

- 1 Any reference in this Schedule to a section which is not otherwise identified is a reference to that section of the ^{M1}Landlord and Tenant Act 1954, Part II of which relates to security of tenure for business, professional and other tenants.

Marginal Citations

M1 1954 c. 56.

- 2 (1) Subject to the following provisions of this Schedule, section 37 (compensation where order for new tenancy precluded on certain grounds) shall have effect with the amendments set out below.
- (2) At the beginning of subsection (2) there shall be inserted the words “Subject to subsections (5A) to (5D) of this section”.
- (3) After subsection (5) there shall be inserted the following subsections—
- “(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—

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- (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.”
- (4) At the end of subsection (8) (definition of “the appropriate multiplier”) there shall be added the words “and different multipliers may be so prescribed in relation to different cases”.
- 3 The amendments made by paragraph 2 above do not have effect unless the date which, apart from paragraph 4 below, is relevant for determining the rateable value of the holding under subsection (5) of section 37 is on or after 1st April 1990.
- 4 (1) Subject to paragraph 3 above and paragraph 5 below, in any case where—
- (a) the tenancy concerned was entered into before 1st April 1990 or was entered into on or after that date in pursuance of a contract made before that date, and
 - (b) the landlord’s notice under section 25 or, as the case may be, section 26(6) is given before 1st April 2000, and
 - (c) within the period referred to in section 29(3) for the making of an application under section 24(1), the tenant gives notice to the landlord that he wants the special basis of compensation provided for by this paragraph,
- the amendments made by paragraph 2 above shall not have effect and section 37 shall, instead, have effect with the modification specified in sub-paragraph (2) below.
- (2) The modification referred to in sub-paragraph (1) above is that the date which is relevant for the purposes of determining the rateable value of the holding under subsection (5) of section 37 shall be 31st March 1990 instead of the date on which the landlord’s notice is given.
- 5 In any case where—
- (a) paragraph 4(1)(a) above applies, and
 - (b) on 31st March 1990, the rateable value of the holding could be determined only in accordance with paragraph (c) of subsection (5) of section 37,
- no notice may be given under paragraph 4(1)(b) above.

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