



Landlord and Tenant (Covenants) Act 1995

1995 CHAPTER 30

Preliminary

1 Tenancies to which the Act applies

- (1) Sections 3 to 16 and 21 apply only to new tenancies.
- (2) Sections 17 to 20 apply to both new and other tenancies.
- (3) For the purposes of this section a tenancy is a new tenancy if it is granted on or after the date on which this Act comes into force otherwise than in pursuance of—
 - (a) an agreement entered into before that date, or
 - (b) an order of a court made before that date.
- (4) Subsection (3) has effect subject to section 20(1) in the case of overriding leases granted under section 19.
- (5) Without prejudice to the generality of subsection (3), that subsection applies to the grant of a tenancy where by virtue of any variation of a tenancy there is a deemed surrender and regrant as it applies to any other grant of a tenancy.
- (6) Where a tenancy granted on or after the date on which this Act comes into force is so granted in pursuance of an option granted before that date, the tenancy shall be regarded for the purposes of subsection (3) as granted in pursuance of an agreement entered into before that date (and accordingly is not a new tenancy), whether or not the option was exercised before that date.
- (7) In subsection (6) “option” includes right of first refusal.

2 Covenants to which the Act applies

- (1) This Act applies to a landlord covenant or a tenant covenant of a tenancy—

Status: This is the original version (as it was originally enacted).

- (a) whether or not the covenant has reference to the subject matter of the tenancy, and
 - (b) whether the covenant is express, implied or imposed by law, but does not apply to a covenant falling within subsection (2).
- (2) Nothing in this Act affects any covenant imposed in pursuance of—
- (a) section 35 or 155 of the Housing Act 1985 (covenants for repayment of discount on early disposals);
 - (b) paragraph 1 of Schedule 6A to that Act (covenants requiring redemption of landlord's share); or
 - (c) paragraph 1 or 3 of Schedule 2 to the Housing Associations Act 1985 (covenants for repayment of discount on early disposals or for restricting disposals).