



Landlord and Tenant (Covenants) Act 1995

1995 CHAPTER 30

Overriding leases

20 Overriding leases: supplementary provisions

- (1) For the purposes of section 1 an overriding lease shall be a new tenancy only if the relevant tenancy is a new tenancy.
- (2) Every overriding lease shall state—
 - (a) that it is a lease granted under section 19, and
 - (b) whether it is or is not a new tenancy for the purposes of section 1;and any such statement shall comply with such requirements as may be prescribed by rules made in pursuance of section 144 of the Land Registration Act 1925 (power to make general rules).
- (3) A claim that the landlord has failed to comply with subsection (6)(a) of section 19 may be made the subject of civil proceedings in like manner as any other claim in tort for breach of statutory duty; and if the claimant under that section fails to comply with subsection (6)(b)(i) of that section he shall not be entitled to exercise any of the rights otherwise exercisable by him under the overriding lease.
- (4) An overriding lease—
 - (a) shall be deemed to be authorised as against the persons interested in any mortgage of the landlord's interest (however created or arising); and
 - (b) shall be binding on any such persons;and if any such person is by virtue of such a mortgage entitled to possession of the documents of title relating to the landlord's interest—
 - (i) the landlord shall within one month of the execution of the lease deliver to that person the counterpart executed in pursuance of section 19(6)(b)(i); and
 - (ii) if he fails to do so, the instrument creating or evidencing the mortgage shall apply as if the obligation to deliver a counterpart were included in the terms of the mortgage as set out in that instrument.

- (5) It is hereby declared—
- (a) that the fact that an overriding lease takes effect subject to the relevant tenancy shall not constitute a breach of any covenant of the lease against subletting or parting with possession of the premises demised by the lease or any part of them; and
 - (b) that each of sections 16, 17 and 18 applies where the tenancy referred to in subsection (1) of that section is an overriding lease as it applies in other cases falling within that subsection.
- (6) No tenancy shall be registrable under the Land Charges Act 1972 or be taken to be an estate contract within the meaning of that Act by reason of any right or obligation that may arise under section 19, and any right arising from a request made under that section shall not be an overriding interest within the meaning of the Land Registration Act 1925; but any such request shall be registrable under the Land Charges Act 1972, or may be the subject of a notice or caution under the Land Registration Act 1925, as if it were an estate contract.
- (7) In this section—
- (a) “mortgage” includes “charge”; and
 - (b) any expression which is also used in section 19 has the same meaning as in that section.