



Levelling-up and Regeneration Act 2023

2023 CHAPTER 55

PART 10

LETTING BY LOCAL AUTHORITIES OF VACANT HIGH-STREET PREMISES

General and supplementary provision

214 Further provision about letting notices

- (1) In this section, references to letting notices are to initial letting notices and final letting notices.
- (2) Regulations must make provision about—
 - (a) the form and content of letting notices,
 - (b) the service of letting notices, and
 - (c) when letting notices take effect.
- (3) In making regulations under subsection (2)(a), the Secretary of State must seek to secure that letting notices—
 - (a) identify the premises to which they relate and their suitable high-street use,
 - (b) explain the reasons for the service of the notice, and
 - (c) explain the consequences under this Part of the notice having been served, in such detail as is adequate in order for the recipient of the notice to be able to decide how to act in response to it.
- (4) For the purposes of this Part, an authority serves a letting notice on the day on which it takes the last step that it needs to take in order for the notice to be served in accordance with regulations under subsection (2)(b).
- (5) In making regulations under subsection (2)(c), the Secretary of State must seek to secure that, in the ordinary course of events (taking into account the method of service employed), it is likely that the landlord will become aware of the notice by the time it takes effect.

- (6) A letting notice served by a local authority may be withdrawn by the authority at any time.
- (7) A letting notice—
 - (a) is not affected by any change in the landlord of the premises in relation to which it has been served, and
 - (b) is a local land charge.
- (8) Regulations may provide for copies of letting notices to be served on—
 - (a) persons with interests in the affected premises that are superior to the landlord's interest;
 - (b) mortgagees of the affected premises.

215 Other formalities

Regulations may make provision about the manner of, or procedure to be followed in connection with—

- (a) making, varying or withdrawing a designation under section 191;
- (b) seeking, giving or refusing consent under section 196 or 199;
- (c) giving a counter-notice under section 201;
- (d) making representations under section 203(9), 205(8) or 206(9);
- (e) making a requirement under section 210;
- (f) giving notice under section 211(5).

216 Compensation

- (1) A person interested in land is entitled to compensation for damage as a result of the exercise of the power conferred by section 211.
- (2) Such compensation is payable by the local authority that authorised the exercise of the power.
- (3) Any disputes relating to compensation under this section are to be determined by the Upper Tribunal.
- (4) The provisions of section 4 of the Land Compensation Act 1961 apply to the determination of such disputes, with any necessary modifications.
- (5) Except as provided by subsection (1), no compensation is payable in respect of the exercise of the powers conferred by this Part.

217 Power to modify or disapply enactments applicable to letting

- (1) Subsection (2) applies to an enactment which imposes obligations on a lessor or prospective lessor of premises in relation to—
 - (a) the letting of the premises, or
 - (b) the premises while let.
- (2) Regulations may provide for the enactment to—
 - (a) apply with modifications, or
 - (b) not to apply,

in relation to a tenancy granted (or to be granted) further to a contract entered into under section 204, or the premises demised by such a tenancy.

- (3) In this section “enactment” includes an enactment comprised in subordinate legislation, within the meaning given by section 21(1) of the Interpretation Act 1978.

218 Interpretation of Part 10

- (1) The following provisions apply for the purposes of this Part.
- (2) Each of the following is a local authority—
- (a) a district council in England,
 - (b) a county council in England for any area for which there is no district council,
 - (c) a London borough council,
 - (d) the Common Council of the City of London, and
 - (e) the Council of the Isles of Scilly.
- (3) “Premises” means—
- (a) the whole of a building that is designed or adapted to be used as a whole, or
 - (b) any part of a building that—
 - (i) is designed or adapted to be used separately from the other parts, or
 - (ii) could with reasonable adaptation be so used.
- (4) Premises are situated on a street if the building comprising or containing the premises—
- (a) directly adjoins the street, or
 - (b) is separated from the street only by the curtilage of the building.
- (5) “Street” means a street, within the meaning given by section 48(1) of the New Roads and Street Works Act 1991, to which the public have access on foot (whether by right or permission); and includes any part of a street.
- (6) “The landlord”, in relation to premises, means a person who—
- (a) is entitled to possession of the premises, and
 - (b) has sufficient interest in the premises to be capable of granting a tenancy of the premises of at least one year in duration.
- (7) For the purposes of subsection (6) as it applies in relation to—
- (a) the service of a final letting notice in the circumstances described in section 198(1)(c)(ii), and
 - (b) the operation of this Part following the service of such a notice,
- the tenancy, licence or agreement referred to in section 198(1)(c)(ii) is to be ignored.
- (8) “Short-term tenancy” means a tenancy for a term of at least one year but not exceeding five years.
- (9) References to the terms of a contract or tenancy include covenants, conditions and grants.
- (10) “Mortgagee” is to be read as if any charge or lien for securing money or money’s worth was a “mortgage”.
- (11) References to regulations are to regulations made by the Secretary of State.