



# Levelling-up and Regeneration Act 2023

## 2023 CHAPTER 55

### PART 10

#### LETTING BY LOCAL AUTHORITIES OF VACANT HIGH-STREET PREMISES

PROSPECTIVE

#### *Significant concepts*

#### **191 Designated high streets and town centres**

- (1) A local authority may designate a street in its area as a high street for the purposes of this Part if it considers that the street is important to the local economy because of a concentration of high-street uses of premises on the street.
- (2) A local authority may designate an area within its area as a town centre for the purposes of this Part if—
  - (a) the built environment of the area is characterised principally by a network of streets, and
  - (b) the authority considers that the area is important to the local economy because of a concentration of high-street uses of premises in the area.
- (3) A street or area is not to be designated, however, if the authority considers that its importance derives principally from goods or services purchased in the course of business.
- (4) A designation under this section may be varied or withdrawn at any time.
- (5) A local authority must maintain and make available to the public a list describing, and a map showing, any designations under this section that are in force in its area.
- (6) A designation under this section is a local land charge.
- (7) In this Part—

*Status: This version of this part contains provisions that are prospective.*  
*Changes to legislation: There are currently no known outstanding effects for the*  
*Levelling-up and Regeneration Act 2023, Part 10. (See end of Document for details)*

“designated high street” means a street for the time being designated under subsection (1);

“designated town centre” means an area for the time being designated under subsection (2).

#### Commencement Information

**II** S. 191 not in force at Royal Assent, see [s. 255\(7\)](#)

### 192 High-street uses and premises

- (1) For the purposes of this Part, any use of premises that falls within any of the following sub-paragraphs is a “high-street use”—
  - (a) use as a shop or office;
  - (b) use for the provision of services to persons who include visiting members of the public;
  - (c) use as a restaurant, bar, public house, café or other establishment selling food or drink for immediate consumption;
  - (d) use for public entertainment or recreation;
  - (e) use as a communal hall or meeting-place;
  - (f) use for manufacturing or other industrial processes of a sort that can (in each case) reasonably be carried on in proximity to, and compatibly with, the preceding uses.
- (2) For the purposes of this Part, premises are “qualifying high-street premises” if—
  - (a) they are situated on a designated high street or in a designated town centre, and
  - (b) the local authority considers them to be suitable for a high-street use.
- (3) But premises are not “qualifying high-street premises” if they are, or when last used were, used wholly or mainly as a warehouse.
- (4) For the purposes of this Part, “suitable high-street use”, in relation to premises, means a high-street use for which the local authority considers the premises to be suitable.
- (5) In considering the uses for which premises are suitable, a local authority is to have regard to any works that it expects—
  - (a) the landlord would be required to carry out, or
  - (b) the tenant would be permitted to, and likely to, carry out,
 if a contract was entered into under section [204](#) and a tenancy was granted further to it.

#### Commencement Information

**I2** S. 192 not in force at Royal Assent, see [s. 255\(7\)](#)

### 193 Vacancy condition

- (1) For the purposes of this Part, the “vacancy condition” is satisfied in relation to premises on a given day if—
  - (a) the premises are unoccupied on that day, and
  - (b) either—

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- (i) the premises were unoccupied for the whole of the period of one year ending with the previous day, or
  - (ii) during the period of two years ending with the previous day, the premises were unoccupied on at least 366 days.
- (2) For the purposes of subsection (1), premises are occupied on a day during which they begin or cease to be occupied.
- (3) Days before the day on which this section comes into force are to count for the purposes of subsection (1)(b).
- (4) Occupation by a person living in premises that are not designed or adapted for residential use is not to count as occupation for the purposes of this section.
- (5) Regulations may amend this section so as to alter the circumstances in which the “vacancy condition” is satisfied in relation to premises.
- (6) Those circumstances must relate to the time during which premises are or have been unoccupied.
- (7) A state of affairs does not amount to the occupation of premises for the purposes of this section unless it involves the use of the premises for activity that—
  - (a) is substantial,
  - (b) is sustained, and
  - (c) involves the regular presence of people at the premises.

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**Commencement Information**

**I3** S. 193 not in force at Royal Assent, see [s. 255\(7\)](#)

## **194 Local benefit condition**

For the purposes of this Part, the “local benefit condition” is satisfied in relation to premises if the local authority considers that the occupation of the premises for a suitable high-street use would be beneficial to the local economy, society or environment.

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**Commencement Information**

**I4** S. 194 not in force at Royal Assent, see [s. 255\(7\)](#)

PROSPECTIVE

*Procedure preliminary to letting*

## **195 Initial notice**

- (1) On any day on which it appears to a local authority that the vacancy condition and the local benefit condition are met in relation to qualifying high-street premises in its

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area, the authority may serve a notice under this section (an “initial letting notice”) on the landlord of the premises.

- (2) An initial letting notice expires (if it has not been withdrawn)—
- (a) when a final letting notice in relation to the premises takes effect, or
  - (b) at the end of the period of ten weeks beginning with the day on which the initial letting notice takes effect.

#### **Commencement Information**

**I5** S. 195 not in force at Royal Assent, see [s. 255\(7\)](#)

### **196 Restriction on letting while initial notice in force**

- (1) While an initial letting notice is in force in relation to premises, the landlord of the premises may not—
- (a) grant, or agree to grant, a tenancy of, or licence to occupy, the premises, or
  - (b) enter into any other agreement resulting in another person becoming entitled to possess or occupy the premises (except as a result of the transfer or extinction of the landlord’s interest),
- without the written consent of the local authority that served the notice.
- (2) The local authority must give or refuse consent under subsection (1) within a reasonable time after it is sought.
- (3) Subsection (1) does not apply to the grant of a tenancy pursuant to an obligation that bound the landlord before the initial letting notice took effect.
- (4) An obligation that is conditional on the service of an initial letting notice in relation to the premises is to be disregarded for the purposes of subsection (3).
- (5) A tenancy or licence granted, or other agreement entered into, without consent required by subsection (1) is void.
- (6) But subsection (5) is to be treated as never having applied to a tenancy, licence or agreement if—
- (a) either—
    - (i) the initial letting notice expires without a final letting notice having taken effect, or
    - (ii) a final letting notice served further to the initial letting notice expires without a contract having been entered into under section 204, and
  - (b) the parties to the tenancy, licence or agreement have, until the expiry, conducted themselves towards each other on the basis that the tenancy, licence or agreement is valid.

#### **Commencement Information**

**I6** S. 196 not in force at Royal Assent, see [s. 255\(7\)](#)

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## 197 Circumstances in which letting to be permitted

- (1) The local authority must give consent under section 196(1) to—
  - (a) the grant of, or an agreement to grant, a tenancy, or
  - (b) the grant of a licence to occupy the premises,if the conditions in subsection (2) are met.
- (2) The conditions are that—
  - (a) the term of the proposed tenancy, or the period of occupation under the proposed licence, would begin within the period of eight weeks beginning with the day on which the initial letting notice took effect,
  - (b) that term or period would be at least one year, and
  - (c) the local authority is satisfied that the tenancy or licence would be likely to lead to the occupation of the premises for a high-street use.
- (3) For the purposes of subsection (2)(b), a term or period is to be taken to be less than one year if the lessor or licensor has a right to terminate it within the period of one year beginning with the day on which it starts, unless that right arises only on default by the tenant or licensee.
- (4) Consent granted further to the duty in subsection (1) is to be treated as not having been given if—
  - (a) the proposed tenancy or licence is not granted, or
  - (b) the term of the tenancy, or period of occupation under the licence, does not begin,within the period referred to in subsection (2)(a).

### Commencement Information

I7 S. 197 not in force at Royal Assent, see s. 255(7)

## 198 Final notice

- (1) A local authority may serve a notice under this section (a “final letting notice”) on the landlord of qualifying high-street premises on any day on which—
  - (a) an initial letting notice served by the authority is in force in relation to the premises,
  - (b) the period of eight weeks beginning with the day on which that notice took effect has elapsed, and
  - (c) either—
    - (i) no tenancy or licence has been granted, or other agreement entered into, with the consent of the authority under section 196 or in circumstances where consent was not needed because of subsection (3) of that section, or
    - (ii) the authority is satisfied that any tenancy, licence or agreement so granted or entered into is consistent with the contemplated exercise of its powers under section 204.
- (2) But the notice must be served in time for it to take effect before the initial letting notice expires.

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- (3) A final letting notice expires (if it has not been withdrawn or revoked on appeal, and subject to sections 201(6) and 202(6)) at the end of the period of 14 weeks beginning with the day on which it takes effect.

**Commencement Information**

**18** S. 198 not in force at Royal Assent, see [s. 255\(7\)](#)

**199 Restriction on letting while final notice in force**

- (1) While a final letting notice is in force in relation to premises, the landlord of the premises may not—
- (a) grant, or agree to grant, a tenancy of, or licence to occupy, the premises, or
  - (b) enter into any other agreement resulting in another person becoming entitled to possess or occupy the premises (except as a result of the transfer or extinction of the landlord’s interest),
- without the written consent of the local authority that served the notice.
- (2) The local authority must give or refuse consent under subsection (1) within a reasonable time after it is sought.
- (3) Subsection (1) does not apply to the grant of a tenancy pursuant to an obligation that bound the landlord before the initial letting notice preceding the final letting notice took effect.
- (4) An obligation that is conditional on the service of an initial letting notice or final letting notice in relation to the premises is to be disregarded for the purposes of subsection (3).
- (5) A tenancy granted, or agreement entered into, without consent required by subsection (1) is void.
- (6) But subsection (5) is to be treated as never having applied to a tenancy, licence or agreement if—
- (a) the final letting notice expires without a contract having been entered into under section 204, and
  - (b) the parties to the tenancy, licence or agreement have, until that expiry, conducted themselves towards each other on the basis that the tenancy, licence or agreement is valid.

**Commencement Information**

**19** S. 199 not in force at Royal Assent, see [s. 255\(7\)](#)

**200 Restriction on works while final notice in force**

- (1) While a final letting notice is in force in relation to premises, the landlord of the premises may not carry out, or permit the carrying out of, any works to the premises without the written consent of the local authority that served the notice.
- (2) In subsection (1), “works to the premises” include the alteration or removal of any fixtures or fittings on the premises.

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*Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Part 10. (See end of Document for details)*

- (3) Subsection (1) does not apply to works that are—
- (a) urgently necessary for repair or preservation, or
  - (b) necessary to fulfil an obligation of the landlord, other than one voluntarily assumed after the initial letting notice preceding the final letting notice took effect.
- (4) The local authority must—
- (a) give or refuse consent under subsection (1) within a reasonable time after it is sought, and
  - (b) must give such consent unless there are reasonable grounds for refusing it, concerning the exercise or contemplated exercise of the authority's powers under the following provisions of this Part in relation to the premises.
- (5) A person who contravenes subsection (1) without reasonable excuse commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

#### Commencement Information

**I10** S. 200 not in force at Royal Assent, see [s. 255\(7\)](#)

## 201 Counter-notice

- (1) The landlord of premises in relation to which a final letting notice has been served may give a counter-notice to the local authority that served the final letting notice.
- (2) A counter-notice must be received by the local authority before the end of the period of 14 days beginning with the day on which the final letting notice takes effect.
- (3) A counter-notice must—
  - (a) state that, if the final letting notice is not withdrawn, the landlord intends to appeal against it, and
  - (b) specify the ground (which must be a permissible ground) on which the appeal would be brought.
- (4) The permissible grounds of appeal are set out in Part 1 of [Schedule 20](#) (and they are to be interpreted and applied in accordance with Part 2 of that Schedule).
- (5) Regulations may amend that Schedule so as to—
  - (a) add a ground of appeal;
  - (b) make provision about the interpretation or application of a ground so added;
  - (c) amend or remove a ground so added or provision so made.
- (6) The period referred to in section [198\(3\)](#), as it applies to a particular final letting notice, is extended by 28 days if a counter-notice is served in relation to the final letting notice.

#### Commencement Information

**I11** S. 201 not in force at Royal Assent, see [s. 255\(7\)](#)

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## 202 Appeals

- (1) This section applies if—
  - (a) a counter-notice is given under section 201, and
  - (b) the landlord of the premises to which it relates is not, within the period of 14 days beginning with the day on which the counter-notice was received by the local authority, notified by the authority of the withdrawal of the final letting notice.
- (2) The landlord may appeal against the final letting notice to the county court.
- (3) An appeal must be brought on the ground specified in the counter-notice.
- (4) An appeal must be brought within the period of 28 days beginning with the day on which the counter-notice was received by the local authority.
- (5) In disposing of an appeal under this section, the county court must either revoke or confirm the final letting notice.
- (6) The period referred to in section 198(3), as it applies to a particular final letting notice, is extended by one day (in addition to those referred to in section 201(6)) for each day in the period—
  - (a) beginning with the day on which an appeal against the notice is brought, and
  - (b) ending with the day on which the appeal is finally determined, withdrawn or abandoned.
- (7) For the purposes of subsection (6)(b), an appeal is not finally determined until the decision on the appeal, or on any further appeal, may not be overturned on a further appeal (ignoring the possibility of an appeal out of time with permission).

### Commencement Information

**I12** S. 202 not in force at Royal Assent, see [s. 255\(7\)](#)

## *Procedure for letting*

## 203 Rental auctions

- (1) A local authority may arrange for a rental auction to be carried out in respect of qualifying high-street premises if—
  - (a) a final letting notice served by the authority is in force in relation to the premises,
  - (b) it is no longer possible for that notice to be revoked on appeal (whether because of the expiry of the period referred to in section 201(2) or 202(4) or the final determination, withdrawal or abandonment of an appeal), and
  - (c) either—
    - (i) no tenancy or licence has been granted, or other agreement entered into, with the consent of the authority under section 199 or in circumstances where consent was not needed because of subsection (3) of that section, or



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- (ii) the authority is satisfied that any tenancy, licence or agreement so granted or entered into is consistent with the contemplated exercise of its powers under section 204.
- (2) A “rental auction” is a process for finding persons who would be willing to take a tenancy of the premises further to a contract under section 204 and ascertaining the consideration that they would be willing to give in order to do so.
- (3) Regulations must make provision about the process.
- (4) The regulations must provide for the suitable high-street use of the premises to be specified by the local authority ahead of the auction.
- (5) The regulations must provide for the identification of a person as the “successful bidder” following a rental auction, except in cases where the regulations provide for there to be no successful bidder.
- (6) The regulations may, in particular, provide for a person who took part in the auction but would not otherwise be the successful bidder to be treated as the successful bidder if—
- the landlord of the premises so proposes or agrees, or
  - it appears to the local authority that it will not be reasonably practicable to enter into a contract under section 204 with the person who would otherwise be the successful bidder.
- (7) The regulations may include provision about with whom, and on what terms, the local authority can enter into arrangements for the auction.
- (8) The regulations may allow local authorities to make choices as to procedure.
- (9) To the extent that the local authority has a choice as to procedure, the local authority must have regard to any representations made by the landlord.

#### Commencement Information

**I13** S. 203 not in force at Royal Assent, see [s. 255\(7\)](#)

**I14** [S. 203](#) in force at 31.3.2024 for specified purposes by [S.I. 2024/389](#), [reg. 2\(m\)](#)

PROSPECTIVE

## 204 Power to contract for tenancy

- (1) Subsection (2) applies if—
- a final letting notice served by the authority is in force in relation to the premises,
  - the period of 42 days beginning with the day on which that notice took effect has elapsed,
  - a rental auction has been carried out in respect of qualifying high-street premises, and
  - the condition in section 203(1)(c) is still met.
- (2) The local authority that served the notice may enter into a tenancy contract with the successful bidder in the auction (as identified in accordance with regulations under section 203).

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- (3) A “tenancy contract” is a contract under which—
  - (a) the landlord of the premises agrees to grant, and
  - (b) the successful bidder agrees to take,
 a short-term tenancy of the premises (including a contract under which those things are agreed subject to conditions).
- (4) A contract entered into under this section has effect as if it was entered into by the landlord of the premises instead of the local authority.
- (5) A local authority is to act under this section in its own name, but with an indication that it is acting so as to bind the landlord rather than itself.
- (6) As soon as possible after entering into a contract under this section, the local authority must provide a signed copy of it to the landlord.

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**Commencement Information**

**I15** S. 204 not in force at Royal Assent, see [s. 255\(7\)](#)

## **205 Terms of contract for tenancy**

- (1) This section applies in relation to a contract entered into under section [204](#).
- (2) The contract must set out the terms of the agreed tenancy (as to which see section [206](#)).
- (3) The contract may identify the physical extent of the premises in greater detail than that in which the premises were identified for the purposes of sections [195](#) to [203](#).
- (4) The contract may (subject to regulations under subsection [\(6\)](#)) include—
  - (a) provision allowing the tenant to carry out pre-tenancy works (and to enter land for the purpose);
  - (b) provision making that ability subject to the consent of the landlord (and about the giving of such consent);
  - (c) provision requiring the landlord to carry out pre-tenancy works (whether in or outside the premises) before the term of the agreed tenancy begins;
  - (d) provision about the remedies available to the tenant if the landlord fails to carry out pre-tenancy works as so required.
- (5) “Pre-tenancy works” means works carried out (whether in or outside the premises) before the term of the agreed tenancy begins in contemplation of the use of the premises by the tenant once the term begins.
- (6) Regulations may—
  - (a) impose restrictions or conditions on the ability to include provision within subsection [\(4\)](#) in the contract;
  - (b) provide for circumstances in which provision within subsection [\(4\)](#) must be included in the contract;
  - (c) make other provision about the terms of the contract.
- (7) In making regulations under subsection [\(6\)](#), the Secretary of State must have regard to the terms on which contracts for the grant of short-term tenancies are typically entered into on a commercial basis.

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- (8) In deciding (so far as it has discretion to do so) on the terms of the contract, the local authority must have regard to any representations made by the landlord.
- (9) In this section—
- “the agreed tenancy” means the tenancy the grant of which is agreed in the contract;
  - “the premises” means the premises that are to be demised by the agreed tenancy;
  - “the tenant” means the prospective tenant under the agreed tenancy;
  - “the landlord” means the landlord of the premises.

#### Commencement Information

- I16** S. 205 not in force at Royal Assent, see [s. 255\(7\)](#)
- I17** S. 205 in force at 31.3.2024 for specified purposes by [S.I. 2024/389](#), [reg. 2\(n\)](#)

## 206 Terms of tenancy

- (1) This section applies in relation to a tenancy the grant of which is agreed in a contract entered into under section [204](#).
- (2) If the interest of the landlord in the premises is such that the landlord could not grant a tenancy the term of which ended after a particular time, the term of the tenancy must not end after that time.
- (3) The tenancy must include terms requiring that the premises be used wholly or mainly for the suitable high-street use specified by the local authority ahead of the rental auction that preceded the contract.
- (4) If the rental auction involved the successful bidder indicating the amount of premium or rent that the successful bidder would be willing to pay, the premium or rent payable under the tenancy must, unless the landlord agrees otherwise, be of the amount indicated (subject to any term of the tenancy about review or deduction of rent).
- (5) The terms of the tenancy may include provision granting to the tenant interests or rights in or over land outside the premises in connection with tenant’s use of the premises.
- (6) The terms of the tenancy must include provision satisfying each of the descriptions set out in [Schedule 21](#).
- (7) Regulations may—
- (a) provide exceptions from subsection [\(6\)](#);
  - (b) provide further detail about the provision that is to be included in the terms of the tenancy by virtue of subsection [\(6\)](#);
  - (c) make other provision about the terms of the tenancy.
- (8) In making regulations under subsection [\(7\)](#), the Secretary of State must have regard to the terms on which short-term tenancies are typically granted on a commercial basis.
- (9) In deciding (so far as it has discretion to do so) on the terms of the tenancy, the local authority must have regard to any representations made by the landlord.
- (10) In this section—

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“the premises” means the premises which are to be demised by the tenancy;  
 “the landlord” means the landlord of the premises.

**Commencement Information**

**I18** S. 206 not in force at Royal Assent, see [s. 255\(7\)](#)

**I19** S. 206 in force at 31.3.2024 for specified purposes by [S.I. 2024/389](#), [reg. 2\(o\)](#)

PROSPECTIVE

**207 Power to grant tenancy in default**

- (1) This section applies if—
  - (a) a local authority has entered into a contract under section [204](#), and
  - (b) the landlord of the premises to which the contract relates fails to grant a tenancy as required by the contract.
- (2) The local authority may grant the tenancy that the landlord should have granted.
- (3) A tenancy granted under this section has effect as if it was granted by the landlord instead of the local authority; and the local authority may do anything that the landlord could do in order to make an effective grant.
- (4) A local authority is to act under this section in its own name, but with an indication that it is acting so as to bind the landlord rather than itself.
- (5) As soon as possible after granting a tenancy under this section, the local authority must provide a signed copy of the instrument by which the tenancy was granted to the landlord.

**Commencement Information**

**I20** S. 207 not in force at Royal Assent, see [s. 255\(7\)](#)

PROSPECTIVE

**208 Deemed consent of superior lessor or mortgagee**

A contract entered into under section [204](#), and a tenancy granted further to such a contract, are deemed to have been entered into or granted with the express consent of—

- (a) any person who is (or will be when the tenancy is granted) a superior lessor of the land in which the premises in question are comprised, and
- (b) any mortgagee of that land.

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#### Commencement Information

**I21** S. 208 not in force at Royal Assent, see [s. 255\(7\)](#)

PROSPECTIVE

### **209 Exclusion of security of tenure**

A tenancy granted further to a contract entered into under section [204](#) is excluded from sections 24 to 28 of the Landlord and Tenant Act 1954.

#### Commencement Information

**I22** S. 209 not in force at Royal Assent, see [s. 255\(7\)](#)

PROSPECTIVE

#### *Powers to obtain information*

### **210 Power to require provision of information**

- (1) This section applies in relation to premises that are situated on a designated high street or within a designated town centre.
- (2) The local authority for the area in which the premises are situated may, in writing, require any interested person to give information about the premises to the authority.
- (3) In subsection (2), “interested person” means a person who appears to the local authority to have an interest in the land in which the premises are comprised.
- (4) For the purposes of subsection (2), information about premises includes information about—
  - (a) the occupation of the premises,
  - (b) matters affecting the premises,
  - (c) persons interested in the premises, and
  - (d) their interests in the premises.
- (5) A requirement under subsection (2) must state the time by which and manner in which the information is required to be given.
- (6) The power conferred by subsection (2) may be exercised only for the purpose of obtaining information about the premises that the local authority thinks is likely to be necessary or expedient for the exercise of its functions under this Part in relation to the premises.
- (7) A person commits an offence if the person—
  - (a) fails without reasonable excuse to comply with a requirement under subsection (2), or

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- (b) in response to such a requirement, gives information that—
  - (i) is false, and
  - (ii) the person knows or should reasonably know to be false.
- (8) A person who commits an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

#### **Commencement Information**

**I23** S. 210 not in force at Royal Assent, see [s. 255\(7\)](#)

### **211 Power to enter and survey land**

- (1) This section applies in relation to premises that are situated on a designated high street or within a designated town centre.
- (2) A person authorised in writing by the local authority for the area in which the premises are situated may—
  - (a) enter and survey the premises, and
  - (b) enter on any other land in order to gain access to the premises for the purposes of paragraph (a).
- (3) In the following provisions of this section, “the power” means the power conferred by subsection (2).
- (4) The power may be exercised only for the purpose of obtaining information about the premises that the authority thinks is likely to be necessary or expedient for the exercise of its functions under this Part in relation to the premises.
- (5) The power may be exercised only if the local authority has given, or made all reasonable efforts to give, written notice to—
  - (a) the landlord of the premises, for the purposes of subsection (2)(a), or
  - (b) the person who appears to the local authority to be in possession of, or entitled to possession of, the land, for the purposes of subsection (2)(b),
 at least 14 days before the day on which the power is first exercised in relation to the premises or other land in question.
- (6) The power may be exercised only at a reasonable time.
- (7) The power may not be exercised in a way that involves the use of force, except on the authority of a warrant issued by a justice of the peace.
- (8) Such a warrant—
  - (a) may be issued only on an application supported by evidence given on oath,
  - (b) may be issued only if the justice of the peace is satisfied that reasonable efforts have been made to exercise the power without the use of force, and
  - (c) must specify the number of occasions on which it can be relied.
- (9) A person exercising the power must produce—
  - (a) evidence of the authorisation referred to in subsection (2), and
  - (b) a copy of any warrant issued under subsection (7),

*Status: This version of this part contains provisions that are prospective.*  
*Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Part 10. (See end of Document for details)*

if so requested by any person who appears to have control over the premises or other land.

- (10) If no person who appears to have control over the premises or other land is present when the power is exercised, the person exercising the power must leave the premises or land as secure against trespassers as when the person entered.

#### Commencement Information

**I24** S. 211 not in force at Royal Assent, see [s. 255\(7\)](#)

### 212 Offences in connection with section 211

- (1) A person who, without reasonable excuse, obstructs a person in the exercise of the power conferred by section 211(2) is guilty of an offence.
- (2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person commits an offence if the person discloses confidential information, obtained in the exercise of the power conferred by section 211(2), for purposes other than those for which the power was exercised.
- (4) A person who commits an offence under subsection (3) is liable—
- (a) on summary conviction, to a fine, or
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both.
- (5) In subsection (3), “confidential information” means information—
- (a) which constitutes a trade secret, or
  - (b) the disclosure of which would or would be likely to prejudice the commercial interests of any person.

#### Commencement Information

**I25** S. 212 not in force at Royal Assent, see [s. 255\(7\)](#)

### 213 Power to extend time limits

- (1) Subsection (2) applies if it appears to the county court that, because of—
- (a) a failure to comply with a requirement under section 210(2),
  - (b) the giving of false information in response to such a requirement, or
  - (c) obstruction of a person in the exercise of the power conferred by section 211(2),

a local authority has been impeded in deciding whether or how to exercise its functions under this Part in relation to premises in respect of which an initial letting notice or final letting notice is in force.

- (2) The court may order that the period referred to in section 195(2)(b) or 198(3), as applicable in relation to the notice, is to be extended by such number of days as appears to the court to be appropriate in view of the impediment.

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(3) The court may act under this section only on an application by the local authority.

**Commencement Information**

**I26** S. 213 not in force at Royal Assent, see [s. 255\(7\)](#)

*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.



*Status: This version of this part contains provisions that are prospective.*  
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#### Commencement Information

- I27** S. 214 not in force at Royal Assent, see [s. 255\(7\)](#)  
**I28** S. 214 in force at 31.3.2024 for specified purposes by [S.I. 2024/389](#), [reg. 2\(p\)](#)

### 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\(5\)](#).

#### Commencement Information

- I29** S. 215 not in force at Royal Assent, see [s. 255\(7\)](#)  
**I30** S. 215 in force at 31.3.2024 by [S.I. 2024/389](#), [reg. 2\(q\)](#)

PROSPECTIVE

### 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.

#### Commencement Information

- I31** S. 216 not in force at Royal Assent, see [s. 255\(7\)](#)

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*Status: This version of this part contains provisions that are prospective.*  
*Changes to legislation: There are currently no known outstanding effects for the*  
*Levelling-up and Regeneration Act 2023, Part 10. (See end of Document for details)*

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PROSPECTIVE

### 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.

#### Commencement Information

**I32** S. 217 not in force at Royal Assent, see [s. 255\(7\)](#)

PROSPECTIVE

### 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.

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- (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.

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**Commencement Information**

**I33** S. 218 not in force at Royal Assent, see [s. 255\(7\)](#)

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Part 10.