



Landlord and Tenant Act 1954

1954 CHAPTER 56 2 and 3 Eliz 2

PART IV

MISCELLANEOUS AND SUPPLEMENTARY

51 Extension of Leasehold Property (Repairs) Act 1938.

- (1) The ^{M1}Leasehold Property (Repairs) Act 1938 (which restricts the enforcement of repairing covenants in long leases of small houses) shall extend to every tenancy (whether of a house or of other property, and without regard to rateable value) where the following conditions are fulfilled, that is to say,—
- (a) that the tenancy was granted for a term of years certain of not less than seven years;
 - (b) that three years or more of the term remain unexpired at the date of the service of the notice of dilapidations or, as the case may be, at the date of commencement of the action for damages; and
 - [^{F1}(c) that the tenancy is neither a tenancy of an agricultural holding in relation to which the Agricultural Holdings Act 1986 applies nor a farm business tenancy]
- (2) In accordance with the last foregoing subsection the said Act of 1938 shall be amended as follows—
- (a) in subsection (1) of section one, for the words “a house of rateable value of one hundred pounds or less” there shall be substituted the words “all or any of the property comprised in the lease”, and for the word “five” there shall be substituted the word “three” ;
 - (b) in subsection (2) of section one, for the word “five” there shall be substituted the word “three” ;
 - (c) in paragraph (b) of subsection (5) of section one, for the word “house” there shall be substituted the word “premises” and for the words from “relating” to the end of the paragraph there shall be substituted the words “or for giving effect to any order of a court or requirement by any authority under any enactment or any such byelaw or other provision as aforesaid” ;

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- (d) in paragraph (c) of subsection (5) of section one, for the word “house”, where it first occurs, there shall be substituted the words “premises as respects which the covenant or agreement is proposed to be enforced”, and for the words “the house” in the second place in which they occur there shall be substituted the words “those premises” ;
 - (e) in section three, for the words “a house” there shall be substituted the word “premises”.
 - (f) section four shall be omitted ;
 - (g) in subsection (1) of section seven, in the definition of the expression “lease”, for the words “twenty-one years or more” there shall be substituted the words “seven years or more, not being a lease of an agricultural holding within the meaning of the Agricultural Holdings Act, 1948”.
- (3) The said Act of 1938 shall apply where there is an interest belonging to Her Majesty in right of the Crown or to a Government department, or held on behalf of Her Majesty for the purposes of a Government department, in like manner as if that interest were an interest not so belonging or held.
- (4) Subsection (2) of section twenty-three of the Landlord and Tenant Act 1927 (which authorises a tenant to serve documents on the person to whom he has been paying rent) shall apply in relation to any counter-notice to be served under the said Act of 1938.
- (5) This section shall apply to tenancies granted, and to breaches occurring, before or after the commencement of this Act, except that it shall not apply where the notice of dilapidations was served, or the action for damages begun, before the commencement of this Act.
- (6) In this section the expression “notice of dilapidations” means a notice under subsection (1) of section one hundred and forty-six of the ^{M2}Law of Property Act 1925.

Textual Amendments

F1 S. 51(1)(c) substituted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 11** (with s. 37)

Modifications etc. (not altering text)

C1 The text of ss. 47(5), 51(2), 63(10) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M1 1938 c. 34.

M2 1925 c. 20.

52 Amendment of Law of Property Act 1925, s. 84.

- (1) Subsection (12) of section eighty-four of the Law of Property Act 1925 (which provides that the procedure under that section for discharging or modifying covenants affecting freeholds shall extend to leaseholds held under a term of more than seventy years of which at least fifty years have expired) shall have effect as if for the word “seventy” there were substituted the word “forty” and for the word “fifty” there were substituted the word “twenty-five”.

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- (2) This section shall have effect whether the term in question was created before or after the commencement of this Act.

53 Jurisdiction of county court where lessor refuses licence or consent.

- (1) Where a landlord withholds his licence or consent—
- (a) to an assignment of the tenancy or a subletting, charging or parting with the possession of the demised property or any part thereof, or
 - (b) to the making of an improvement on the demised property or any part thereof, or
 - (c) to a change in the use of the demised property or any part thereof, or to the making of a specified use of that property,
- and the High Court has jurisdiction to make a declaration that the licence or consent was unreasonably withheld, then without prejudice to the jurisdiction of the High Court the county court shall have [^{F2}the like jurisdiction whatever the net annual value for rating of the demised property is to be taken to be for the purposes of the County Courts Act 1984] and notwithstanding that the tenant does not seek any relief other than the declaration.
- (2) Where on the making of an application to the county court for such a declaration the court is satisfied that the licence or consent was unreasonably withheld, the court shall make a declaration accordingly.
- (3) The foregoing provisions of this section shall have effect whether the tenancy in question was created before or after the commencement of this Act and whether the refusal of the licence or consent occurred before or after the commencement of this Act.
- (4) Nothing in this section shall be construed as conferring jurisdiction on the county court to grant any relief other than such a declaration as aforesaid.

Textual Amendments

F2 Words substituted by virtue of County Courts Act 1984 (c. 28, SIF 34), s. 148(1), Sch. 2 para. 23

Modifications etc. (not altering text)

C2 S. 53 amended by S.I. 1990/776, arts. 2(2), 4(1)(d)

54 Determination of tenancies of derelict land.

Where a landlord, having power to serve a notice to quit, on an application to the county court satisfies the court—

- (a) that he has taken all reasonable steps to communicate with the person last known to him to be the tenant, and has failed to do so,
- (b) that during the period of six months ending with the date of the application neither the tenant nor any person claiming under him has been in occupation of the property comprised in the tenancy or any part thereof, and
- (c) that during the said period either no rent was payable by the tenant or the rent payable has not been paid,

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the court may if it thinks fit by order determine the tenancy as from the date of the order.

F³55 Compensation for possession obtained by misrepresentation.

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Textual Amendments

F3 S. 55 repealed (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), art. 1(3), **Sch. 6**

56 Application to Crown.

- (1) Subject to the provisions of this and the four next following sections, Part II of this Act shall apply where there is an interest belonging to Her Majesty in right of the Crown or the Duchy of Lancaster or belonging to the Duchy of Cornwall, or belonging to a Government department or held on behalf of Her Majesty for the purposes of a Government department, in like manner as if that interest were an interest not so belonging or held.
- (2) The provisions of the Eighth Schedule to this Act shall have effect as respects the application of Part II of this Act to cases where the interest of the landlord belongs to Her Majesty in right of the Crown or the Duchy of Lancaster or to the Duchy of Cornwall.
- (3) Where a tenancy is held by or on behalf of a Government department and the property comprised therein is or includes premises occupied for any purposes of a Government department, the tenancy shall be one to which Part II of this Act applies; and for the purposes of any provision of the said Part II or the Ninth Schedule to this Act which is applicable only if either or both of the following conditions are satisfied, that is to say—
 - (a) that any premises have during any period been occupied for the purposes of the tenant's business;
 - (b) that on any change of occupier of any premises the new occupier succeeded to the business of the former occupier,
 the said conditions shall be deemed to be satisfied respectively, in relation to such a tenancy, if during that period or, as the case may be, immediately before and immediately after the change, the premises were occupied for the purposes of a Government department.
- (4) The last foregoing subsection shall apply in relation to any premises provided by a Government department without any rent being payable to the department therefor as if the premises were occupied for the purposes of a Government department.
- (5) The provisions of Parts III and IV of this Act amending any other enactment which binds the Crown or applies to land belonging to Her Majesty in right of the Crown or the Duchy of Lancaster, or land belonging to the Duchy of Cornwall, or to land belonging to any Government department, shall bind the Crown or apply to such land.
- (6) Sections fifty-three and fifty-four of this Act shall apply where the interest of the landlord, or any other interest in the land in question, belongs to Her Majesty in right

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of the Crown or the Duchy of Lancaster or to the Duchy of Cornwall, or belongs to a Government department or is held on behalf of Her Majesty for the purposes of a Government department, in like manner as if that interest were an interest not so belonging or held.

[^{F4}(7) Part I of this Act shall apply where—

- (a) there is an interest belonging to Her Majesty in right of the Crown and that interest is under the management of the Crown Estate Commissioners; or
- (b) there is an interest belonging to Her Majesty in right of the Duchy of Lancaster or belonging to the Duchy of Cornwall;

as if it were an interest not so belonging.]

Textual Amendments

F4 S. 56(7) inserted by Housing Act 1980 (c. 51), s. 73(4)(a)

Modifications etc. (not altering text)

C3 S. 56(3) extended by S.I. 1965/1536, art. 12(2), Sch. 3

57 Modification on grounds of public interest of rights under Part II.

- (1) Where the interest of the landlord or any superior landlord in the property comprised in any tenancy belongs to or is held for the purposes of a Government department or is held by a local authority, statutory undertakers or a development corporation, the Minister or Board in charge of any Government department may certify that it is requisite for the purposes of the first-mentioned department, or, as the case may be, of the authority, undertakers or corporation, that the use or occupation of the property or a part thereof shall be changed by a specified date.
- (2) A certificate under the last foregoing subsection shall not be given unless the owner of the interest belonging or held as mentioned in the last foregoing subsection has given to the tenant a notice stating—
 - (a) that the question of the giving of such a certificate is under consideration by the Minister or Board specified in the notice, and
 - (b) that if within twenty-one days of the giving of the notice the tenant makes to that Minister or Board representations in writing with respect to that question, they will be considered before the question is determined,and if the tenant makes any such representations within the said twenty-one days the Minister or Board shall consider them before determining whether to give the certificate.
- (3) Where a certificate has been given under subsection (1) of this section in relation to any tenancy, then,—
 - (a) if a notice given under subsection (1) of section twenty-five of this Act specifies as the date of termination a date not earlier than the date specified in the certificate and contains a copy of the certificate [^{F5}subsection] (6) of that section shall not apply to the notice and no application for a new tenancy shall be made by the tenant under [^{F6}subsection (1) of]section twenty-four of this Act;
 - (b) if such a notice specifies an earlier date as the date of termination and contains a copy of the certificate, then if the court makes an order under Part II of this

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Act for the grant of a new tenancy the new tenancy shall be for a term expiring not later than the date specified in the certificate and shall not be a tenancy to which Part II of this Act applies.

(4) Where a tenant makes a request for a new tenancy under section twenty-six of this Act, and the interest of the landlord or any superior landlord in the property comprised in the current tenancy belongs or is held as mentioned in subsection (1) of this section, the following provisions shall have effect:—

(a) if a certificate has been given under the said subsection (1) in relation to the current tenancy, and within two months after the making of the request the landlord gives notice to the tenant that the certificate has been given and the notice contains a copy of the certificate, then,—

(i) if the date specified in the certificate is not later than that specified in the tenant's request for a new tenancy, the tenant shall not make an application under section twenty-four of this Act for the grant of a new tenancy;

(ii) if, in any other case, the court makes an order under Part II of this Act for the grant of a new tenancy the new tenancy shall be for a term expiring not later than the date specified in the certificate and shall not be a tenancy to which Part II of this Act applies;

(b) if no such certificate has been given but notice under subsection (2) of this section has been given before the making of the request or within two months thereafter, the request shall not have effect, without prejudice however to the making of a new request when the Minister or Board has determined whether to give a certificate.

(5) Where application is made to the court under Part II of this Act for the grant of a new tenancy and the landlord's interest in the property comprised in the tenancy belongs or is held as mentioned in subsection (1) of this section, the Minister or Board in charge of any Government department may certify that it is necessary in the public interest that if the landlord makes an application in that behalf the court shall determine as a term of the new tenancy that it shall be terminable by six months' notice to quit given by the landlord.

Subsection (2) of this section shall apply in relation to a certificate under this subsection, and if notice under the said subsection (2) has been given to the tenant—

(a) the court shall not determine the application for the grant of a new tenancy until the Minister or Board has determined whether to give a certificate,

(b) if a certificate is given, the court shall on the application of the landlord determine as a term of the new tenancy that it shall be terminable as aforesaid, and section twenty-five of this Act shall apply accordingly.

(6) The foregoing provisions of this section shall apply to an interest held by a [^{F7}[^{F8}Local Health Board] or Special Health Authority], as they apply to an interest held by a local authority but with the substitution, for the reference to the purposes of the authority, of a reference to the purposes of [^{F9}the National Health Service Act 2006 or the National Health Service (Wales) Act 2006].

(7) Where the interest of the landlord or any superior landlord in the property comprised in any tenancy belongs to the National Trust [^{F10}the Secretary of State] may certify that it is requisite, for the purpose of securing that the property will as from a specified date be used or occupied in a manner better suited to the nature thereof, that the use or occupation of the property should be changed; and subsections (2) to (4) of this

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section shall apply in relation to certificates under this subsection, and to cases where the interest of the landlord or any superior landlord belongs to the National Trust, as those subsections apply in relation to certificates under subsection (1) of this section and to cases where the interest of the landlord or any superior landlord belongs or is held as mentioned in that subsection.

- (8) In this and the next following section the expression “Government department” does not include [^{F11}the Crown Estate Commissioners] and the expression “landlord” has the same meaning as in Part II of this Act; and in the last foregoing subsection the expression “National Trust” means the National Trust for Places of Historic Interest or Natural Beauty.

Textual Amendments

- F5** Word in s. 57(3)(a) substituted (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), art. 1(3), [Sch. 5 para. 7](#)
- F6** Words in s. 57(3)(a) inserted (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), art. 1(3), [Sch. 5 para. 7](#)
- F7** Words in s. 57 substituted (1.4.1996 subject as mentioned in s. 2(3) of the substituting Act) by [1995 c. 17, s. 2\(1\)\(3\)](#), [Sch. 1 Pt. III para. 89](#) (with sch. 2 paras. 6, 16)
- F8** Words in s. 57(6) substituted (1.4.2007) by [References to Health Authorities Order 2007 \(S.I. 2007/961\)](#), art. 1(1), [Sch. para. 3](#)
- F9** Words in s. 57(6) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 1 para. 15](#) (with Sch. 3 Pt. 1)
- F10** Words substituted by virtue of [S.I. 1962/1549](#), [art. 2](#) and [1970/1681](#), arts. 2, 6(3)
- F11** Words substituted by virtue of [Crown Estate Act 1956 \(c. 73\)](#), [s. 1\(1\)\(7\)](#) and [Crown Estate Act 1961 \(c. 55\)](#), s. 1(1), [Sch. 2 para. 4\(1\)](#)

Modifications etc. (not altering text)

- C4** S. 57 extended by [S.I. 1965/1536](#), art. 12(2), [Sch. 3](#) and [Leasehold Reform Act 1967 \(c. 88\)](#), [ss. 28\(3\)](#), [38\(2\)](#)

58 Termination on special grounds of tenancies to which Part II applies.

- (1) Where the landlord’s interest in the property comprised in any tenancy belongs to or is held for the purposes of a Government department, and the Minister or Board in charge of any Government department certifies that for reasons of national security it is necessary that the use or occupation of the property should be discontinued or changed, then—
- (a) if the landlord gives a notice under subsection (1) of section twenty-five of this Act containing a copy of the certificate, [^{F12}subsection] (6) of that section shall not apply to the notice and no application for a new tenancy shall be made by the tenant under [^{F13}subsection (1) of] section twenty-four of this Act;
- (b) if (whether before or after the giving of the certificate) the tenant makes a request for a new tenancy under section twenty-six of this Act, and within two months after the making of the request the landlord gives notice to the tenant that the certificate has been given and the notice contains a copy of the certificate,—
- (i) the tenant shall not make an application under section twenty-four of this Act for the grant of a new tenancy, and

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- (ii) if the notice specifies as the date on which the tenancy is to terminate a date earlier than that specified in the tenant's request as the date on which the new tenancy is to begin but neither earlier than six months from the giving of the notice nor earlier than the earliest date at which apart from this Act the tenancy would come to an end or could be brought to an end, the tenancy shall terminate on the date specified in the notice instead of that specified in the request.
- (2) Where the landlord's interest in the property comprised in any tenancy belongs to or is held for the purposes of a Government department, nothing in this Act shall invalidate an agreement to the effect—
- (a) that on the giving of such a certificate as is mentioned in the last foregoing subsection the tenancy may be terminated by notice to quit given by the landlord of such length as may be specified in the agreement, if the notice contains a copy of the certificate; and
 - (b) that after the giving of such a notice containing such a copy the tenancy shall not be one to which Part II of this Act applies.
- (3) Where the landlord's interest in the property comprised in any tenancy is held by statutory undertakers, nothing in this Act shall invalidate an agreement to the effect—
- (a) that where the Minister or Board in charge of a Government department certifies that possession of the property comprised in the tenancy or a part thereof is urgently required for carrying out repairs (whether on that property or elsewhere) which are needed for the proper operation of the landlord's undertaking, the tenancy may be terminated by notice to quit given by the landlord of such length as may be specified in the agreement, if the notice contains a copy of the certificate; and
 - (b) that after the giving of such a notice containing such a copy, the tenancy shall not be one to which Part II of this Act applies.
- (4) Where the court makes an order under Part II of this Act for the grant of a new tenancy and the Minister or Board in charge of any Government department certifies that the public interest requires the tenancy to be subject to such a term as is mentioned in paragraph (a) or (b) of this subsection, as the case may be, then—
- (a) if the landlord's interest in the property comprised in the tenancy belongs to or is held for the purposes of a Government department, the court shall on the application of the landlord determine as a term of the new tenancy that such an agreement as is mentioned in subsection (2) of this section and specifying such length of notice as is mentioned in the certificate shall be embodied in the new tenancy;
 - (b) if the landlord's interest in that property is held by statutory undertakers, the court shall on the application of the landlord determine as a term of the new tenancy that such an agreement as is mentioned in subsection (3) of this section and specifying such length of notice as is mentioned in the certificate shall be embodied in the new tenancy.

Textual Amendments

- F12** Word in s. 58(1)(a) substituted (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), art. 1(3), [Sch. 5 para. 7](#)
- F13** Words in s. 58(1)(a) inserted (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), art. 1(3), [Sch. 5 para. 7](#)

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Modifications etc. (not altering text)

C5 S. 58 extended by S.I. 1965/1536, art. 12(2), Sch. 3

59 Compensation for exercise of powers under ss. 57 and 58.

(1) Where by virtue of any certificate given for the purposes of either of the two last foregoing sections [^{F14}or, subject to subsection (1A) below, section 60A below] the tenant is precluded from obtaining an order for the grant of a new tenancy, or of a new tenancy for a term expiring later than a specified date, the tenant shall be entitled on quitting the premises to recover from the owner of the interest by virtue of which the certificate was given an amount by way of compensation, and subsections (2), (3)[^{F15}to (3B)] and (5) to (7) of section thirty-seven of this Act shall with the necessary modifications apply for the purposes of ascertaining the amount.

[^{F16}(1A) No compensation shall be recoverable under subsection (1) above where the certificate was given under section 60A below and either—

(a) the premises vested in the Welsh Development Agency under section 7 (property of Welsh Industrial Estates Corporation) or 8 (land held under ^{M3}Local Employment Act 1972) of the ^{M4}Welsh Development Agency Act 1975, [^{F17} and were transferred to the National Assembly for Wales by virtue of the Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005.] or

[^{F18}(b) the tenant was not the tenant of the premises when the interest by virtue of which the certificate was given was acquired by the Welsh Development Agency or, if the interest was acquired on or after 1 April 2006, by the National Assembly for Wales in exercise of functions transferred to it by the Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005]]

^{F19}(1B)

(2) Subsections (2) and (3) of section thirty-eight of this Act shall apply to compensation under this section as they apply to compensation under section thirty-seven of this Act.

Textual Amendments

- F14** Words in s. 59(1) substituted (1.10.1998) by 1998 c. 38, s. 129, **Sch. 15 para. 1** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**.
- F15** Words in s. 59(1) inserted (1.6.2004) by Regulatory Reform (Business Tenancies) (England and Wales) Order 2003 (S.I. 2003/3096), art. 1(3), **Sch. 5 para. 8**
- F16** S. 59(1A) inserted by Welsh Development Agency Act 1975 (c. 70), **s. 11(2)(b)**
- F17** Words in s. 59(1A)(a) inserted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226) , **Sch. 2 para. 1(1)** (with art. 3(1))
- F18** S. 59(1A)(b) substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226) , **Sch. 2 para. 1(2)** (with art. 3(1))
- F19** S. 59(1B) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**.

Modifications etc. (not altering text)

C6 S. 59 restricted by Leasehold Reform Act 1967 (c. 88), **s. 28(3)**

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Marginal Citations

M3 1972 c. 5.

M4 1975 c. 70.

60 †Special provisions as to premises provided under Distribution of Industry Acts 1945 and 1950, etc.

(1) [^{F20}Where the property comprised in a tenancy consists of premises of which [^{F21}the Secretary of State] or [^{F22}the English Industrial Estates Corporation] is the landlord, being premises situated in a locality which is either—

- (a) a development area . . . ^{F23}; or
- (b) an intermediate area . . . ^{F23};

and [^{F21}the Secretary of State] certifies that it is necessary or expedient for achieving [^{F24}the purpose mentioned in section 2(1) of the said Act of 1972]] that the use or occupation of the property should be changed, paragraphs (a) and (b) of subsection (1) of section fifty-eight of this Act shall apply as they apply where such a certificate is given as is mentioned in that subsection.

(2) Where the court makes an order under Part II of this Act for the grant of a new tenancy of [^{F20}any such premises] as aforesaid, and [^{F20}[^{F21}the Secretary of State] certifies] that it is necessary or expedient as aforesaid that the tenancy should be subject to a term, specified in the certificate, prohibiting or restricting the tenant from assigning the tenancy or sub-letting, charging or parting with possession of the premises or any part thereof or changing the use of the premises or any part thereof, the court shall determine that the terms of the tenancy shall include the terms specified in the certificate.

[^{F25}(3) In this section “development area” and “intermediate area” mean an area for the time being specified as a development area or, as the case may be, as an intermediate area by an order made, or having effect as if made, under section 1 of the Industrial Development Act 1982.]

Textual Amendments

F20 Words substituted by [Local Employment Act 1970 \(c. 7\), Sch.](#)

F21 Words substituted by virtue of [S.I. 1970/1537, art. 3](#) and [1971/719, arts. 2, 4\(3\)](#)

F22 Words substituted by [English Industrial Estates Corporation Act 1981 \(c. 13\), s. 9\(1\)](#)

F23 Words repealed by [Industry Act 1972 \(c. 63\), s. 19\(3\), Sch. 4 Pt. I](#)

F24 Words substituted by [Local Employment Act 1972 \(c. 5\), Sch. 3](#)

F25 [S. 60\(3\)](#) substituted by [Industrial Development Act 1982 \(c. 52, SIF 64\), s. 19, Sch. 2 Pt. II para. 2 \(b\)](#)

Modifications etc. (not altering text)

C7 Unreliable marginal note

C8 [S. 60](#) amended by [Industrial Development Act 1982 \(c. 52, SIF 64\), s. 19, Sch. 2 Pt. II para. 2 \(a\)](#)

C9 The “said Act of 1972” means the [Local Employment Act 1972 \(c. 5\)](#)

[^{F26}60A Welsh Development Agency premises.

(1) Where the property comprised in a tenancy consists of premises of which the [^{F27}National Assembly for Wales is the landlord by virtue of the Welsh Development

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Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 or by virtue of the Assembly exercising its functions under that Order, and the Assembly] certifies that it is necessary or expedient, for the purpose of providing employment appropriate to the needs of the area in which the premises are situated, that the use or occupation of the property should be changed, paragraphs (a) and (b) of section 58(1) above shall apply as they apply where such a certificate is given as is mentioned in that subsection.

- (2) Where the court makes an order under Part II of this Act for the grant of a new tenancy of any such premises as aforesaid, and the [^{F28}National Assembly for Wales] certifies that it is necessary or expedient as aforesaid that the tenancy should be subject to a term, specified in the certificate, prohibiting or restricting the tenant from assigning the tenancy or subletting, charging or parting with possession of the premises or any part of the premises or changing the use of the premises or any part of the premises, the court shall determine that the terms of the tenancy shall include the terms specified in the certificate.]

Textual Amendments

- F26** S. 60A inserted by [Welsh Development Agency Act 1975 \(c. 70\)](#), **s. 11(1)**
- F27** Words in s. 60A(1) substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), **Sch. 2 para. 1(3)** (with art. 3(1))
- F28** Words in s. 60A(2) substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), **Sch. 2 para. 1(4)** (with art. 3(1))

^{F29}**60B**

Textual Amendments

- F29** S. 60B repealed (1.10.1998) by [1998 c. 38, s. 152](#), **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); [S.I. 1998/2244](#), **art. 4**.

61 ^{F30}

Textual Amendments

- F30** S. 61 repealed by [Endowments and Glebe Measure 1976 \(No. 4\)](#), **Sch. 8**

62
(1) ^{F31}
(2) ^{F32}

Textual Amendments

- F31** S. 62(1) repealed by [Industrial Expansion Act 1968 \(c. 32\)](#), **Sch. 4**

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F32 S. 62(2) repealed by House of Commons Disqualification Act 1957 (c. 20), Sch. 4 Pt. I

63 Jurisdiction of court for purposes of Parts I and II and of Part I of Landlord and Tenant Act 1927.

(1) Any jurisdiction conferred on the court by any provision of Part I of this Act shall be exercised by the county court.

(2) Any jurisdiction conferred on the court by any provision of Part II of this Act or conferred on the tribunal by Part I of the ^{M5}Landlord and Tenant Act 1927, shall, subject to the provisions of this section, be exercised,—^{F33}by the High Court or [^{F34}the county court].]

^{F35}(3)

(4) The following provisions shall have effect as respects transfer of proceedings from or to the High Court or the county court, that is to say—

(a) where an application is made to the one but by virtue of [^{F36}an Order under section 1 of the Courts and Legal Services Act 1990] cannot be entertained except by the other, the application shall not be treated as improperly made but any proceedings thereon shall be transferred to the other court;

(b) any proceedings under the provisions of Part II of this Act or of Part I of the ^{M6}Landlord and Tenant Act 1927, which are pending before one of those courts may by order of that court made on the application of any person interested be transferred to the other court, if it appears to the court making the order that it is desirable that the proceedings and any proceedings before the other court should both be entertained by the other court.

(5) In any proceedings where in accordance with the foregoing provisions of this section the county court exercises jurisdiction the powers of the judge of summoning one or more assessors under [^{F37}subsection (1) of section 91 of the ^{M7}County Courts Act 1959], may be exercised notwithstanding that no application is made in that behalf by any party to the proceedings.

(6) Where in any such proceedings an assessor is summoned by a judge under the said subsection (1),—

(a) he may, if so directed by the judge, inspect the land to which the proceedings relate without the judge and report to the judge in writing thereon;

(b) the judge may on consideration of the report and any observations of the parties thereon give such judgment or make such order in the proceedings as may be just;

(c) the remuneration of the assessor shall be at such rate as may be determined by the Lord Chancellor with the approval of the Treasury and shall be defrayed out of moneys provided by Parliament.

(7) In this section the expression “the holding”—

(a) in relation to proceedings under Part II of this Act, has the meaning assigned to it by subsection (3) of section twenty-three of this Act,

(b) in relation to proceedings under Part I of the Landlord and Tenant Act 1927, has the same meaning as in the said Part I.

^{F38}(8)

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- (9) Nothing in this section shall prejudice the operation of [^{F39}section 41 of the County Courts Act 1984] (which relates to the removal into the High Court of proceedings commenced in [^{F40}the county court]).
- (10) In accordance with the foregoing provisions of this section, for section twenty-one of the Landlord and Tenant Act, 1927, there shall be substituted the following section—

“21 The tribunal.

The tribunal for the purposes of Part I of this Act shall be the court exercising jurisdiction in accordance with the provisions of section sixty-three of the Landlord and Tenant Act, 1954.”

Textual Amendments

- F33** In s. 63(2) by virtue of S.I. 1991/724, art. 2(8), Schedule, paras. (a)(b) are omitted and words substituted
- F34** Words in s. 63(2) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F35** S. 63(3) omitted by virtue of S.I. 1991/724, art. 2(8), Schedule
- F36** Words in s. 63(4)(a) substituted by S.I. 1991/724, art. 2(8), Schedule
- F37** Words substituted by virtue of County Courts Act 1959 (c. 22), s. 205(5)
- F38** S. 63(8) omitted by virtue of S.I. 1991/724, art. 2(8), Schedule
- F39** Words in s. 63(9) substituted by virtue of S.I. 1991/724, art. 2(8), Schedule
- F40** Words in s. 63(9) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Modifications etc. (not altering text)

- C10** S. 63 applied by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 186, Sch. 10 paras. 20(3), 21, 22
- C11** S. 63 amended by S.I. 1990/776, arts. 2(2), 4(1)(d)
- C12** S. 63(2) extended by S.I. 1991/724, art. 2(1)(d)
- C13** The text of s. 63(10) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M5** 1927 c. 36.
- M6** 1927 c. 36.
- M7** 1959 c. 22.

64 Interim continuation of tenancies pending determination by court.

- (1) In any case where—
- (a) a notice to terminate a tenancy has been given under Part I or Part II of this Act or a request for a new tenancy has been made under Part II thereof, and
- (b) an application to the court has been made under the said Part I or [^{F41}under section 24(1) or 29(2) of this Act], as the case may be, and

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- (c) apart from this section the effect of the notice or request would be to terminate the tenancy before the expiration of the period of three months beginning with the date on which the application is finally disposed of,
the effect of the notice or request shall be to terminate the tenancy at the expiration of the said period of three months and not at any other time.
- (2) The reference in paragraph (c) of subsection (1) of this section to the date on which an application is finally disposed of shall be construed as a reference to the earliest date by which the proceedings on the application (including any proceedings on or in consequence of an appeal) have been determined and any time for appealing or further appealing has expired, except that if the application is withdrawn or any appeal is abandoned the reference shall be construed as a reference to the date of the withdrawal or abandonment.

Textual Amendments

F41 Words in s. 64(1)(b) substituted (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), art. 1(3), [Sch. 5 para. 9](#)

Modifications etc. (not altering text)

C14 S. 64 excluded by 1967 c. 88, Sch. 3 para. 2A(2) (as inserted (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), art. 1(3), [Sch. 5 para. 12](#))

65 Provisions as to reversions.

- (1) Where by virtue of any provision of this Act a tenancy (in this subsection referred to as “the inferior tenancy”) is continued for a period such as to extend to or beyond the end of the term of a superior tenancy, the superior tenancy shall, for the purposes of this Act and of any other enactment and of any rule of law, be deemed so long as it subsists to be an interest in reversion expectant upon the termination of the inferior tenancy and, if there is no intermediate tenancy, to be the interest in reversion immediately expectant upon the termination thereof.
- (2) In the case of a tenancy continuing by virtue of any provision of this Act after the coming to an end of the interest in reversion immediately expectant upon the termination thereof, subsection (1) of section one hundred and thirty-nine of the ^{M8}Law of Property Act 1925 (which relates to the effect of the extinguishment of a reversion) shall apply as if references in the said subsection (1) to the surrender or merger of the reversion included references to the coming to an end of the reversion for any reason other than surrender or merger.
- (3) Where by virtue of any provision of this Act a tenancy (in this subsection referred to as “the continuing tenancy”) is continued beyond the beginning of a reversionary tenancy which was granted (whether before or after the commencement of this Act) so as to begin on or after the date on which apart from this Act the continuing tenancy would have come to an end, the reversionary tenancy shall have effect as if it had been granted subject to the continuing tenancy.
- (4) Where by virtue of any provision of this Act a tenancy (in this subsection referred to as “the new tenancy”) is granted for a period beginning on the same date as a reversionary tenancy or for a period such as to extend beyond the beginning of the term of a reversionary tenancy, whether the reversionary tenancy in question was granted

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before or after the commencement of this Act, the reversionary tenancy shall have effect as if it had been granted subject to the new tenancy.

Modifications etc. (not altering text)

C15 S. 65 applied with modifications by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 186, Sch. 10 paras. 20(4), 21, 22

Marginal Citations

M8 1925 c. 20.

66 Provisions as to notices.

- (1) Any form of notice required by this Act to be prescribed shall be prescribed by regulations made by the Lord Chancellor by statutory instrument.
- (2) Where the form of a notice to be served on persons of any description is to be prescribed for any of the purposes of this Act, the form to be prescribed shall include such an explanation of the relevant provisions of this Act as appears to the Lord Chancellor requisite for informing persons of that description of their rights and obligations under those provisions.
- (3) Different forms of notice may be prescribed for the purposes of the operation of any provision of this Act in relation to different cases.
- (4) Section twenty-three of the ^{M9}Landlord and Tenant Act 1927 (which relates to the service of notices) shall apply for the purposes of this Act.
- (5) Any statutory instrument under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

C16 S. 66 amended by [Leasehold Reform Act 1967 \(c. 88\)](#), s. 22(5)

C17 S. 66(4) applied by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 186, Sch. 10 paras. 20(5), 21, 22

Marginal Citations

M9 1927 c. 36.

67 Provisions as to mortgagees in possession.

Anything authorised or required by the provisions of this Act, other than subsection ^{F42}... (3) of section forty, to be done at any time by, to or with the landlord, or a landlord of a specified description, shall, if at that time the interest of the landlord in question is subject to a mortgage and the mortgagee is in possession or a receiver appointed by the mortgagee or by the court is in receipt of the rents and profits, be deemed to be authorised or required to be done by, to or with the mortgagee instead of that landlord.

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Textual Amendments

F42 Words in s. 67 repealed (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), art. 1(3), [Sch. 6](#)

Modifications etc. (not altering text)

C18 S. 67 applied with modifications by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 186, [Sch. 10 paras. 19\(2\), 21, 22](#)

68 †Repeal of enactments and transitional provisions.

(1) ^{F43}

(2) The transitional provisions set out in the Ninth Schedule to this Act shall have effect.

Textual Amendments

F43 [Ss. 45, 68\(1\), Sch. 7](#) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Pt. XI](#)

Modifications etc. (not altering text)

C19 Unreliable marginal note

69 Interpretation.

(1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“agricultural holding” has the same meaning as in the [^{F44}Agricultural Holdings Act 1986];

“development corporation” has the same meaning as in [^{F45}the ^{M10}New Towns Act 1981];

[^{F46}“farm business tenancy” has the same meaning as in the Agricultural Tenancies Act 1995;]

“local authority” [^{F47}means any local authority within the meaning of the ^{M11}Town and Country Planning Act 1990, any National Park authority, ^{F48}... the Broads Authority [^{F49}, the London Fire Commissioner][^{F50}, a joint authority established by Part 4 of the Local Government Act 1985, an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009 [^{F51}, a combined authority established under section 103 of that Act or a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004];]

“mortgage” includes a charge or lien and “mortgagor” and “mortgagee” shall be construed accordingly;

“notice to quit” means a notice to terminate a tenancy (whether a periodical tenancy or a tenancy for a term of years certain) given in accordance with the provisions (whether express or implied) of that tenancy;

“repairs” includes any work of maintenance, decoration or restoration, and references to repairing, to keeping or yielding up in repair and to state of repair shall be construed accordingly;

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“statutory undertakers” has the same meaning as in [^{F52}the Town and Country Planning Act 1971], ^{F53}...

“tenancy” means a tenancy created either immediately or derivatively out of the freehold, whether by a lease or underlease, by an agreement for a lease or underlease or by a tenancy agreement or in pursuance of any enactment (including this Act), but does not include a mortgage term or any interest arising in favour of a mortgagor by his attorning tenant to his mortgagee, and references to the granting of a tenancy and to demised property shall be construed accordingly;

“terms”, in relation to a tenancy, includes conditions.

(2) References in this Act to an agreement between the landlord and the tenant (except in section seventeen and subsections (1) and (2) of section thirty-eight thereof) shall be construed as references to an agreement in writing between them.

(3) References in this Act to an action for any relief shall be construed as including references to a claim for that relief by way of counterclaim in any proceedings.

Textual Amendments

- F44** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 14 para. 22](#)
- F45** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), [s. 17\(2\)\(a\)](#)
- F46** Definition of "farm business tenancy" in s. 69(1) inserted (1.9.1995) by [1995 c. 8](#), ss. 40, 41(2), [Sch. para. 12](#) (with [s. 37](#))
- F47** Words in s. 69(1) (definition of "local authority") substituted (23.11.1995) by [1995 c. 25](#), s. 78, [Sch. 10 para. 3](#) (with ss. 76, 115, 117, [Sch. 8 para. 7](#)); S.I. 1995/2950, [art. 2\(1\)](#)
- F48** Words in s. 69(1) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 13 para. 6\(2\)](#); S.I. 2015/994, [art. 6\(g\)](#)
- F49** Words in s. 69(1) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 2 para. 19](#); S.I. 2018/227, [reg. 4\(c\)](#)
- F50** Words in s. 69(1) substituted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), [Sch. 6 para. 1](#); S.I. 2009/3318, [art. 2\(c\)](#)
- F51** Words in s. 69(1) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 1 para. 15](#); S.I. 2017/399, [reg. 2](#), [Sch. para. 38](#)
- F52** Words substituted by virtue of [Town and Country Planning Act 1971 \(c. 78\)](#), [Sch. 24 para. 2](#)
- F53** Words in s. 69(1) (definition of "statutory undertakers") repealed (31.10.1994) by [1994 c. 21](#), s. 67, [Sch. 9 para. 5](#), [Sch. 11 Pt. II](#) (with ss. 40(7), 66); S.I. 1994/2553, [art. 2](#)

Modifications etc. (not altering text)

- C20** S. 69(1) extended by [S.I. 1985/1884](#), [art. 10](#), [Sch. 3 para. 4 \(a\)](#)
- C21** Reference in the definition of “local authority” to the Town and Country Planning Act 1947 to be construed (24.8.1990) as mentioned in [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), [s. 2\(4\)](#)

Marginal Citations

- M10** [1981 c. 64](#).
- M11** [1990 c. 8](#).

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70 Short title and citation, commencement and extent.

- (1) This Act may be cited as the ^{M12}Landlord and Tenant Act 1954, and the Landlord and Tenant Act 1927, and this Act may be cited together as the Landlord and Tenant Acts 1927 and 1954.
- (2) This Act shall come into operation on the first day of October, nineteen hundred and fifty-four.
- (3) This Act shall not extend to Scotland or to Northern Ireland.

Marginal Citations

M12 1927 c. 36.

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