

Status: Point in time view as at 01/02/1991.

Changes to legislation: Landlord and Tenant Act 1954, Cross Heading: Provisions as to consent of other landlords to acts of competent landlord is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

FIFTH SCHEDULE

PROVISIONS FOR PURPOSES OF PART I WHERE IMMEDIATE LANDLORD IS NOT THE FREEHOLDER

Modifications etc. (not altering text)

- C1** Sch. 5 applied with modifications by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 186, Sch. 10 paras. 19(3), 21, 22

Provisions as to consent of other landlords to acts of competent landlord

- 3 (1) Where in the four next following paragraphs reference is made to other landlords or to mesne landlords, the reference shall be taken not to include a mesne landlord whose interest is due to expire within the period of two months beginning with the relevant date or is terminable within that period by notice to quit given by his landlord.
- (2) In this paragraph the expression “the relevant date” means—
- (a) if the term date of the relevant tenancy has not passed, that date;
 - (b) if that date has passed, and no notice has been given under subsection (1) of section four of this Act to terminate the relevant tenancy, the earliest date at which that tenancy could be brought to an end by such a notice;
 - (c) if such a notice has been given, the date of termination specified in the notice.
- 4 (1) If a notice is given by the competent landlord under subsection (1) of section four of this Act, or an agreement under Part I of this Act is made with the tenant by that landlord, without the written consent of every other landlord (if any), any other landlord whose written consent has not been given thereto shall, subject to the next following paragraph, be entitled to compensation from the competent landlord for any loss arising in consequence of the giving of the notice or the making of the agreement.
- (2) The amount of any compensation under this paragraph shall, in default of agreement, be determined by the court on the application of the person claiming it.
- 5 The competent landlord may serve on any other landlord a notice in the prescribed form requiring him to consent to the giving or making of any such notice or agreement as aforesaid; and if within one month after the service of a notice under this paragraph—
- (a) the consent has not been given, or
 - (b) conditions have been imposed on the giving of the consent which are in the opinion of the court unreasonable in all the circumstances,
- the court, on an application by the competent landlord, may if it thinks fit order that the other landlord shall be deemed to have consented, either without qualification or subject to such conditions (including conditions as to the modification of

Status: Point in time view as at 01/02/1991.

Changes to legislation: Landlord and Tenant Act 1954, Cross Heading: Provisions as to consent of other landlords to acts of competent landlord is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

the proposed notice or agreement or as to the payment of compensation by the competent landlord) as may be specified in the order.

- 6 (1) It may be made a condition either—
- (a) of the giving of consent by a person whose consent is required under paragraph 4 of this Schedule, or
 - (b) of the making of an order under the last foregoing paragraph, that the initial repairs which the competent landlord will agree to carry out, or which, as the case may be, he will specify in accordance with subsection (1) of section nine of this Act as repairs which he is willing to carry out, shall include such repairs as may be specified in the consent or order.
- (2) In so far as any cost reasonably incurred by the competent landlord in carrying out repairs specified in accordance with the last foregoing sub-paragraph is not recovered by way of payment for accrued tenant's repairs and is not recoverable (apart from this sub-paragraph) otherwise than by way of such payment, it shall be recoverable by the competent landlord from the person whose consent was or is deemed to have been given subject to the condition or (if he is dead) from his personal representatives as a debt due from him at the time of his death.
- 7 (1) Where under Part I of this Act the competent landlord is required by an agreement, or by a determination of the court, to carry out initial repairs to any premises, he may serve on any mesne landlord a notice requiring him to pay to the competent landlord a contribution towards the cost reasonably incurred by the competent landlord in carrying out those repairs, if and in so far as that cost is not recovered by way of payment for accrued tenant's repairs and is not recoverable (apart from this sub-paragraph) otherwise than by way of such payment.
- (2) Where a notice has been served under the last foregoing sub-paragraph, then in default of agreement between the competent landlord and the mesne landlord on whom the notice was served the court may order the mesne landlord to pay such a contribution as aforesaid.
- (3) A contribution ordered under this paragraph shall be such as the court determines to be reasonable having regard to the difference between the rent under the relevant tenancy and the rent which, if the tenant retains possession, will be recoverable . . .^{F1}, during the period of the statutory tenancy.

Textual Amendments

F1 Words repealed by [Leasehold Reform Act 1967 \(c. 88\)](#), Sch. 5, [Sch. 7 Pt. I](#)

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

Landlord and Tenant Act 1954, Cross Heading: Provisions as to consent of other landlords to acts of competent landlord is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.