

Status: Point in time view as at 21/06/2006.

Changes to legislation: Landlord and Tenant Act 1954, Cross Heading: Failure of landlord to carry out initial repairs is up to date with all changes known to be in force on or before 11 June 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

SECOND SCHEDULE

FURTHER PROVISIONS AS TO REPAIR WHERE TENANT RETAINS POSSESSION

Failure of landlord to carry out initial repairs

- 1 (1) Where—
- (a) the tenant retains possession of the dwelling-house by virtue of subsection (1) of section six of this Act, and
 - (b) by virtue of an agreement or of a determination of the court the landlord is required to carry out initial repairs to the dwelling-house,
- then if on an application made by the tenant during the period of the statutory tenancy the court is satisfied that the initial repairs have not been carried out within a reasonable time in accordance with the agreement or determination the court may by order direct that, until the discharge of the order as hereinafter provided or the end of the period of the statutory tenancy, whichever first occurs, the rent payable in respect of the dwelling-house shall be reduced to such amount specified in the order as the court may think just having regard to the extent to which the landlord has failed to comply with the agreement or determination . . . ^{F1}
- (2) Where the court under the last foregoing sub-paragraph orders a reduction of rent, the court may further order that during the same period any instalments of a payment for accrued tenant's repairs shall be suspended.
- (3) An order under this paragraph may include a provision that the reduction of rent shall take effect from a specified date before the making of the order, being such date as the court thinks just having regard to the landlord's delay in carrying out the initial repairs; and where an order contains such a provision then, in addition to the reduction ordered by virtue of sub-paragraph (1) of this paragraph, such number of payments of rent next falling due after the date of the order shall be reduced by such amount as may be specified in the order for the purpose of giving effect to the said provision.

Textual Amendments

F1 Words repealed by [Leasehold Reform Act 1967 \(c. 88\)](#), [Sch. 5](#), [Sch. 7 Pt.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

- 2 Where an order under paragraph 1 of this Schedule is in force, and on an application by the landlord the court is satisfied that the initial repairs have been carried out in accordance with the agreement or with the determination of the court, as the case may be, the court shall discharge the order, but without prejudice to the operation thereof as respects any period before the date on which it is discharged or to any reduction ordered by virtue of sub-paragraph (3) of the last foregoing paragraph.
- 3 If, while an order under paragraph 1 of this Schedule is in force, it is agreed between the landlord and the tenant that the initial repairs in question have been carried out

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as mentioned in the last foregoing paragraph, the order shall be discharged by virtue of that agreement in the like manner as if it had been discharged by the court.

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