



Landlord and Tenant Act 1954

1954 CHAPTER 56

PART I

SECURITY OF TENURE FOR RESIDENTIAL TENANTS

General and supplementary provisions

16 Relief for tenant where landlord proceeding to enforce covenants.

- (1) The provisions of the next following subsection shall have effect where, in the case of a tenancy to which section one of this Act applies,—
 - (a) the immediate landlord has brought proceedings to enforce a right of re-entry or forfeiture or a right to damages in respect of a failure to comply with any terms of the tenancy,
 - (b) the tenant has made application in the proceedings for relief under this section, and
 - (c) the court makes an order for the recovery from the tenant of possession of the property comprised in the tenancy or for the payment by the tenant of such damages as aforesaid, and the order is made at a time earlier than seven months before the term date of the tenancy.
- (2) The operation of the order shall be suspended for a period of fourteen days from the making thereof, and if before the end of that period the tenant gives notice in writing to the immediate landlord that he desires that the provisions of the two following paragraphs shall have effect, and lodges a copy of the notice in the court,—
 - (a) the order shall not have effect except if and in so far as it provides for the payment of costs, and
 - (b) the tenancy shall thereafter have effect, and this Part of this Act shall have effect in relation thereto, as if it had been granted for a term expiring at the expiration of seven months from the making of the order.
- (3) In any case falling within paragraphs (a) and (b) of subsection (1) of this section, the court shall not make any such order as is mentioned in paragraph (c) thereof unless

Status: This is the original version (as it was originally enacted).

the time of the making of the order falls earlier than seven months before the term date of the tenancy:

Provided that (without prejudice to section ten of this Act) this subsection shall not prevent the making of an order for the payment of damages in respect of a failure, as respects any premises, to comply with the terms of a tenancy if, at the time when the order is made, the tenancy has come to an end as respects those premises.

- (4) The foregoing provisions of this section shall not have effect in relation to a failure to comply with—
 - (a) any term of a tenancy as to payment of rent or rates or as to insuring or keeping insured any premises, or
 - (b) any term restricting the use of any premises for immoral or illegal purposes.
- (5) References in this section to proceedings to enforce a right to damages in respect of a failure to comply with any terms of a tenancy shall be construed as including references to proceedings for recovery from the tenant of expenditure incurred by or recovered from the immediate landlord in consequence of such a failure on the part of the tenant.
- (6) Nothing in the foregoing provisions of this section shall prejudice any right to apply for relief under any other enactment.
- (7) Subsection (3) of section two of this Act shall not have effect in relation to this section.