



# Landlord and Tenant Act 1954

## 1954 CHAPTER 56

### PART II

#### SECURITY OF TENURE FOR BUSINESS, PROFESSIONAL AND OTHER TENANTS

##### *General and supplementary provisions*

#### **41**     **Trusts.**

- (1) Where a tenancy is held on trust, occupation by all or any of the beneficiaries under the trust, and the carrying on of a business by all or any of the beneficiaries, shall be treated for the purposes of section twenty-three of this Act as equivalent to occupation or the carrying on of a business by the tenant; and in relation to a tenancy to which this Part of this Act applies by virtue of the foregoing provisions of this subsection—
  - (a) references (however expressed) in this Part of this Act and in the Ninth Schedule to this Act to the business of, or to carrying on of business, use, occupation or enjoyment by, the tenant shall be construed as including references to the business of, or to carrying on of business, use, occupation or enjoyment by, the beneficiaries or beneficiary;
  - (b) the reference in paragraph (d) of section thirty-four of this Act to the tenant shall be construed as including the beneficiaries or beneficiary ; and
  - (c) a change in the persons of the trustees shall not be treated as a change in the person of the tenant.
  
- (2) Where the landlord's interest is held on trust the references in paragraph (g) of subsection (1) of section thirty of this Act to the landlord shall be construed as including references to the beneficiaries under the trust or any of them; but, except in the case of a trust arising under a will or on the intestacy of any person, the reference in subsection (2) of that section to the creation of the interest therein mentioned shall be construed as including the creation of the trust.