



Landlord and Tenant Act 1927

1927 CHAPTER 36

PART III

GENERAL

21 Provisions as to tribunal

- (1) The tribunal for the purposes of Part I of this Act shall be the county court within the district of which the premises or any part thereof are situated acting under and in accordance with this section :

Provided that—

- (a) if before commencing proceedings in the county court the claimant or applicant and all persons affected agree that the claim or application should be heard by the High Court; or
- (b) if on an application being made to the High Court within the prescribed time the matter is transferred to the High Court in accordance with and subject to the provisions of section one hundred and twenty-six of the County Courts Act, 1888;

the High Court shall, in respect of the matter, be the tribunal for the purposes of Part I of this Act.

- (2) Where proceedings are commenced in the county court in respect of any claim or application under Part I of this Act and are not transferred to the High Court, the matter shall, unless the parties otherwise agree, or it is otherwise prescribed, stand referred for inquiry and report to such one of the panel of referees appointed by the Reference Committee hereinafter mentioned as may be selected by the county court, as if with the consent of the parties the matter had been so referred to him in pursuance of section six of the County Courts Act, 1919.
- (3) The power of selecting a referee from the panel shall, unless any of the parties object, be exercisable by the registrar of the county court, and if there is such an objection by the judge.

- (4) In any proceedings before the referee not more than one expert witness on either side shall be heard unless the referee or the judge of the county court otherwise directs.
- (5) County court rules may be made for regulating proceedings under this section and for enabling any party to apply to the county court for directions as to the conduct of a reference under this section, and those rules may fix the remuneration of referees and may provide for applying, subject to the necessary adaptations and exceptions, to costs of proceedings in county courts under this section, the provisions of subsections (1), (2) and (3) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, relating to costs of proceedings under that Act.
- (6) The Reference Committee for the purposes of this Act shall consist of the Lord Chief Justice of England, the Master of the Rolls, the President of the Law Society and the President of the Surveyors' Institution, and the Committee shall have power to appoint such persons as they think fit to be members of the panel of referees either generally or for particular localities, and to remove from the panel any person so appointed.
- (7) Rules of the Supreme Court may be made regulating proceedings under this Act commenced in or transferred to the High Court, and those rules may provide that on the hearing of a summons for directions, the court or a judge thereof may, without any application for the purpose being made by any party, order the matter to be referred for inquiry and report to such one of the said panel of referees as may be selected by the court or a judge thereof, subject to such directions (if any) as the court or judge may think fit to give; and in any such case the referee so selected shall be deemed to be a special referee within the meaning of section eighty-eight of the Supreme Court of Judicature (Consolidation) Act, 1925.
- (8) Nothing in this Act shall prevent an agreement being made for referring to arbitration under the Arbitration Act, 1889, any matter which under this Act is to be determined by the tribunal.

Such an agreement may be contained in the original lease or may be made in writing at any date subsequent to the date of the lease.

22 Power of tribunal to extend time

Where in any proceedings under this Act the tribunal has fixed or allowed any period for the doing of any act or thing, the tribunal may, on an application being made by any party to the proceeding, either before or after the expiration of the period so fixed or allowed, extend that period.

23 Service of notices

- (1) Any notice, request, demand or other instrument under this Act shall be in writing and may be served on the person on whom it is to be served either personally, or by leaving it for him at his last known place of abode in England or Wales, or by sending it through the post in a registered letter addressed to him there, or, in the case of a local or public authority or a statutory or a public utility company, to the secretary or other proper officer at the principal office of such authority or company, and in the case of a notice to a landlord, the person on whom it is to be served shall include any agent of the landlord duly authorised in that behalf.
- (2) Unless or until a tenant of a holding shall have received notice that the person theretofore entitled to the rents and profits of the holding (hereinafter referred to as "

the original landlord ") has ceased to be so entitled, and also notice of the name and address of the person who has become entitled to such rents and profits, any claim, notice, request, demand, or other instrument which the tenant shall serve upon or deliver to the original landlord shall be deemed to have been served upon or delivered to the landlord of such holding.

24 Application to Crown, Duchy, ecclesiastical and charity lands

- (1) This Act shall apply to land belonging to His Majesty in right of the Crown or the Duchy of Lancaster and to land belonging to the Duchy of Cornwall, and to land belonging to any Government department, and for that purpose the provisions of the Agricultural Holdings Act, 1923, relating to Crown and Duchy lands, as set out and adapted in Part I of the Second Schedule to this Act, shall have effect.
- (2) The provisions of the Agricultural Holdings Act, 1923, with respect to the application of that Act to ecclesiastical and charity lands, as set out and adapted in Part II of the Second Schedule to this Act, shall apply for the purposes of this Act.
- (3) Where the landlord is the incumbent of a benefice—
 - (a) any documents required to be served on the landlord shall also be served on the Ecclesiastical Commissioners;
 - (b) the Ecclesiastical Commissioners shall be entitled to appear and be heard at any proceedings before the tribunal at which the landlord would be entitled to appear and be heard;
 - (c) the incumbent shall not be entitled to offer the grant of a renewal of a tenancy without the consent of the Ecclesiastical Commissioners;
 - (d) any order of the tribunal for the grant of a new tenancy by the incumbent shall be binding on the Ecclesiastical Commissioners;
 - (e) no consent other than that of the Ecclesiastical Commissioners shall be required to the renewal of a tenancy in pursuance of such an offer, or to the grant of a new tenancy in pursuance of such an order.
- (4) Where any land is vested in the official trustee of charity lands in trust for any charity, the trustees of the charity and not the official trustee shall be deemed to be the landlord for the purposes of this Act.

25 Interpretation

- (1) For the purposes of this Act, unless the context otherwise requires—

The expression "tenant" means any person entitled in possession to the holding under any contract of tenancy, whether the interest of such tenant was acquired by original contract, assignment, operation of law or otherwise;

The expression "landlord" means any person who under a lease is, as between himself and the tenant or other lessee, for the time being entitled to the rents and profits of the demised premises payable under the lease;

The expression "predecessor in title" in relation to a tenant or landlord means any person through whom the tenant or landlord has derived title, whether by assignment, by will, by intestacy, or by operation of law;

The expression "lease" means a lease, under-lease or other tenancy, assignment operating as a lease or under-lease, or an agreement for such lease, under-lease tenancy, or assignment;

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

The expression " mining lease " means a lease for any mining purpose or purposes connected therewith, and " mining purposes " include the sinking and searching for, winning, working, getting, making merchantable, smelting or otherwise converting or working for the purposes of any manufacture, carrying away, and disposing of mines and minerals, in or under land, and the erection of buildings, and the execution of engineering and other works suitable for those purposes;

The expression " term of years absolute " has the same meaning as in the Law of Property Act, 1925;

The expression " statutory company " means any company constituted by or under an Act of Parliament to construct, work or carry on any gas, water, electricity, tramway, hydraulic power, dock, canal or railway undertaking; and the expression " public utility company " means any company within the meaning of the Companies (Consolidation) Act, 1908, or a society registered under the Industrial and Provident Societies Acts, 1893 to 1913, carrying on any such undertaking;

The expression " prescribed " means prescribed by County Court Rules, except that in relation to proceedings before the High Court, it means prescribed by rules of the Supreme Court.

- (2) The designation of landlord and tenant shall continue to apply to the parties until the conclusion of any proceedings taken under or in pursuance of this Act in respect of compensation.

26 Short title, commencement and extent

- (1) This Act may be cited as the Landlord and Tenant Act, 1927.
- (2) This Act shall come into operation on the twenty-fifth day of March, nineteen hundred and twenty-eight.
- (3) This Act shall extend to England and Wales only.