
STATUTORY INSTRUMENTS

2003 No. 3096

The Regulatory Reform (Business Tenancies) (England and Wales) Order 2003

DUTIES TO GIVE INFORMATION

Section 40 duties in transfer cases

24. After section 40 insert the following sections—

“Duties in transfer cases

40A.—(1) If a person on whom a notice under section 40(1) or (3) of this Act has been served has transferred his interest in the premises or any part of them to some other person and gives the appropriate person notice in writing—

- (a) of the transfer of his interest; and
- (b) of the name and address of the person to whom he transferred it,

on giving the notice he ceases in relation to the premises or (as the case may be) to that part to be under any duty imposed by section 40 of this Act.

(2) If—

- (a) the person who served the notice under section 40(1) or (3) of this Act (“the transferor”) has transferred his interest in the premises to some other person (“the transferee”); and
- (b) the transferor or the transferee has given the person required to give the information notice in writing—
 - (i) of the transfer; and
 - (ii) of the transferee’s name and address,

the appropriate person for the purposes of section 40 of this Act and subsection (1) above is the transferee.

(3) If—

- (a) a transfer such as is mentioned in paragraph (a) of subsection (2) above has taken place; but
- (b) neither the transferor nor the transferee has given a notice such as is mentioned in paragraph (b) of that subsection,

any duty imposed by section 40 of this Act may be performed by giving the information either to the transferor or to the transferee.

Proceedings for breach of duties to give information

40B. A claim that a person has broken any duty imposed by section 40 of this Act may be made the subject of civil proceedings for breach of statutory duty; and in any such

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

proceedings a court may order that person to comply with that duty and may make an award of damages.”.