
STATUTORY INSTRUMENTS

2003 No. 3096

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

MISCELLANEOUS AMENDMENTS

Termination by tenant of tenancy

25.—(1) After section 27(1) (termination by tenant of fixed term tenancy at end of term)⁽¹⁾ insert—

“(1A) Section 24 of this Act shall not have effect in relation to a tenancy for a term of years certain where the tenant is not in occupation of the property comprised in the tenancy at the time when, apart from this Act, the tenancy would come to an end by effluxion of time.”.

(2) In section 27(2) (termination by tenant of fixed term tenancy continuing by virtue of section 24)—

- (a) after “of this Act” insert “shall not come to an end by reason only of the tenant ceasing to occupy the property comprised in the tenancy but”; and
- (b) omit the word “quarter”.

(3) After that subsection insert—

“(3) Where a tenancy is terminated under subsection (2) above, any rent payable in respect of a period which begins before, and ends after, the tenancy is terminated shall be apportioned, and any rent paid by the tenant in excess of the amount apportioned to the period before termination shall be recoverable by him.”.

⁽¹⁾ Section 27 was amended by section 4(2) of the Law of Property Act 1969 (c. 59).