
STATUTORY INSTRUMENTS

2003 No. 3096

**LANDLORD AND TENANT,
ENGLAND AND WALES
REGULATORY REFORM**

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

Approved by both Houses of Parliament

Made - - - - 1st December 2003

Coming into force - - 1st June 2004

Whereas

- (a) the First Secretary of State has consulted⁽¹⁾—
 - (i) such organisations as appear to him to be representative of interests substantially affected by his proposals for this Order,
 - (ii) the National Assembly for Wales,
 - (iii) the Law Commission, and
 - (iv) such other persons as he considered appropriate;
- (b) as a result of that consultation it appeared to the First Secretary of State that it was appropriate to vary part of his proposals, and he undertook such further consultation with respect to the variations as appeared to him appropriate;
- (c) following the consultation mentioned in recitals (a) and (b) the First Secretary of State considered it appropriate to proceed with the making of this Order;
- (d) a document containing the First Secretary of State's proposals was laid before Parliament as required by section 6 of the Regulatory Reform Act 2001⁽²⁾ and the period for Parliamentary consideration under section 8 of that Act expired;
- (e) the First Secretary of State had regard to the representations made during that period and, in particular, to the reports of the House of Commons Regulatory Reform Committee (Second Report, Session 2002–03, HC182) and the House of Lords Select Committee on

(1) By virtue of section 5(4) of the Regulatory Reform Act 2001 (c. 6), consultation undertaken before 10 April 2001 (the day on which that Act was passed) is treated as satisfying the consultation requirements of section 5(1) of that Act to the extent that, if it had been undertaken after that day, it would have satisfied those requirements. A consultation paper “Business tenancies legislation in England and Wales: the Government’s proposals for reform” was published by the Department of the Environment, Transport and the Regions in March 2001. Copies may be obtained from Land and Property Division, Office of the Deputy Prime Minister, Eland House, Bressenden Place SW1E 5DU (tel: 020 7944 5559).

(2) 2001 c. 6.

Delegated Powers and Regulatory Reform (Fourth Report, Session 2002–03), HL Paper 22);

- (f) a draft of this Order was laid before Parliament with a statement giving details of those representations and the changes to the First Secretary of State’s proposals in the light of them;
- (g) the draft was approved by a resolution of each of House of Parliament;
- (h) this Order modifies a function of the National Assembly for Wales and the Assembly has agreed that it be made;
- (i) the First Secretary of State is of the opinion that this Order does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which he might reasonably expect to continue to exercise; and
- (j) this Order creates burdens affecting persons in the carrying on of certain activities, and the First Secretary of State is of the opinion that—
 - (i) the provisions of this Order, taken as a whole, strike a fair balance between the public interest and the interests of the persons affected by the burdens being created, and
 - (ii) the extent to which this Order removes or reduces one or more burdens, or has other beneficial effects for persons affected by the burdens imposed by the existing law, makes it desirable for this Order to be made;

Now therefore the First Secretary of State, in exercise of the powers conferred by sections 1 and 4 of the Regulatory Reform Act 2001, hereby makes the following Order:—