

**EXPLANATORY MEMORANDUM TO
THE LANDLORD AND TENANT (NOTICES) (REVOCATIONS) (ENGLAND)
REGULATIONS 2015**

2015 No. 1

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument revokes the Landlord and Tenant (Notices) Regulations 1957 (“the 1957 Regulations”) and the Landlord and Tenant (Notices) Regulations 1967 (“the 1967 Regulations”) in relation to England. Both of these sets of Regulations are now redundant.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 This instrument is one of a number of instruments which revokes secondary legislation that has become obsolete. This is part of a Government initiative known as the ‘Red Tape Challenge’, which seeks to remove regulation which no longer serves a useful purpose.

5. Territorial Extent and Application

5.1 This instrument applies to England

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The 1957 Regulations contain various prescribed forms, relating to the security of tenure provisions for residential tenancies, under Part 1 of the Landlord and Tenant Act 1954. Forms 1, 2 and 4 are redundant because the tenancies to which they relate have all been terminated. Forms 1 and 2 are forms prescribed under section 4 of the Landlord and Tenant Act 1954 (landlord’s notice proposing a statutory tenancy and landlord’s notice to resume possession) but are now redundant because any tenancy to which these forms

related would either have been terminated before 15th Jan 1999 (when the Local Government and Housing Act 1989 came into force), or in the unlikely event that the term of the tenancy ended before that date but the tenancy had not yet been terminated, the tenancy would have been terminated by virtue of Schedule 10 of the Local Government and Housing Act 1989. This Schedule now has effect in place of Part 1 of the Landlord and Tenant Act 1954, as set out in section 186 of the Local Government and Housing Act 1989. Form 4 is a notice requiring instalments to be paid to an immediate landlord, which is given under the provisions of paragraph 8 of Schedule 1 to the 1954 Act. Similarly to forms 1 and 2, this form is redundant, as the tenancies to which it relates have now all been terminated.

7.2 Equivalents to Forms 3, 5 and 6 are now contained in the Long Residential Tenancies (Supplemental Forms) Regulations 1997. Form 3 is a notice under section 18 of the 1954 Act, which is a notice requiring a tenant or sub-tenant of residential property to give information about sub-tenancies. Although section 18 of the 1954 Act still applies, this form is now contained in the Long Residential Tenancies (Supplemental Forms) Regulations 1997. Forms 5 (notice by competent landlord requiring consent of other landlords to notice under section 4(1)) and 6 (notice by competent landlord requiring consent of other landlord to agreement under Part 1) are also now contained in the Long Residential Tenancies (Supplemental Forms) Regulations 1997.

7.3 The 1967 Regulations simply make amendments to the forms contained within the 1957 Regulations. Given that the 1957 Regulations are now redundant, the 1967 Regulations are therefore also redundant and consequently are to be revoked.

8. Consultation outcome

8.1 No consultation has been carried out as this instrument simply removes legislation which is already redundant.

9. Guidance

9.1 The Secretary of State does not consider that there is a need for Guidance as to the effect of the Regulations. The Instrument has a neutral impact and seeks only to remove unnecessary legislation.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring and Review

This instrument has a neutral impact and so there are no plans to review its effect.

13. Contact

Mark Malvisi at the Department for Communities and Local Government, tel: 0303 444 3220 or e-mail: mark.malvisi@communities.gsi.gov.uk, can answer any queries regarding this instrument.