EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to explain their general purport.)

These Regulations prescribe the forms of notices to be used for the purposes of the Landlord and Tenant Act, 1954.

The forms prescribed for the purposes of Part I of the Act (which relates to security of tenure for residential tenants under ground leases) consist of a form of landlord's notice proposing a statutory tenancy, a form of landlord's notice to resume possession, and a number of forms of notice to be used in connection with incidental matters.

The forms prescribed for the purposes of Part II of the Act (which relates to security of tenure for business and professional tenants) consist of a form of notice to be used by a landlord who terminates a tenancy, a form of notice to be used by a tenant who requests a new tenancy, and three forms of notice for use by landlords or tenants, as the case may be, for the purpose of eliciting information about the premises.

1954 No. 1714

The Landlord and Tenant (Notices) (No. 2) Regulations, 1954

Made - - - -	*23rd December,* 1954
Laid before Parliament	*30th December,* 1954
Coming into Operation	*3rd January,* 1955

I, David, Viscount Kilmuir, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by section 66 of the Landlord and Tenant Act, 1954(a), hereby make the following Regulations :—

1. These Regulations may be cited as the Landlord and Tenant (Notices) (No. 2) Regulations, 1954, and shall come into operation on the 3rd day of January, 1955.

2. The Interpretation Act, 1889(b), applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. In these Regulations, unless the context otherwise requires,—

(*a*) "The Act" means the Landlord and Tenant Act, 1954.

(*b*) A regulation referred to by number means the regulation so numbered in the Landlord and Tenant (Notices) Regulations, 1954(c), and a form referred to by number means the form so numbered in the Appendix to those Regulations.

4. Regulation 4 shall be amended as follows:—

(*a*) In paragraph (vii) after the word "shall" there shall be inserted the words ", unless it contains a copy of a certificate given under the provisions of section 57, 58 or 60 of the Act,".

(*b*) After paragraph (xi) there shall be added the following paragraphs:—

"(xii) A notice under the provisions of section 25 of the Act, being a notice terminating a tenancy to which Part II of the Act applies and containing a copy of a certificate given under subsection (1) of section 57 of the Act (whereby the Minister or Board in charge of any Government department certifies that the use or occupation of property or part of it should be changed by a specified date) shall be—

(*a*) in Form 12, where the date of termination of the tenancy specified in the notice is not earlier than the date specified in the certificate ; or

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(a) 2 & 3 Eliz. 2. c. 56. (b) 52 & 53 Vict. c. 63. (c) S.I. 1954/1107, p. 1037 above.

(*b*) in Form 13, where the date of termination of the tenancy specified in the notice is earlier than the date specified in the certificate.

(xiii) A notice under the provisions of section 25 of the Act, being a notice terminating a tenancy to which Part II of the Act applies and containing a copy of a certificate given under subsection (1) of section 58 of the Act (whereby the Minister or Board in charge of any Government department certifies that for reasons of national security it is necessary that the use or occupation of property should be discontinued or changed) shall be in Form 14.

(xiv) A notice under the provisions of section 25 of the Act, being a notice terminating a tenancy to which Part II of the Act applies and containing a copy of a certificate given under section 60 of the Act (whereby the Board of Trade certify that it is necessary or expedient for achieving the objects of the Distribution of Industry Acts, 1945(**a**) and 1950(**b**), that the use or occupation of property should be changed) shall be in Form 15."

5. In paragraph 2 of the Notes to Form 7 the subparagraph, beginning with the words " No application can be made to the court ", shall be deleted.

6. The Appendix to the Landlord and Tenant (Notices) Regulations, 1954, shall be amended by adding after Form 11 the forms set out in the Appendix to these Regulations.

7. Nothing in these Regulations shall invalidate any notice which complies with Regulation 4 of the Landlord and Tenant (Notices) Regulations, 1954, as it was in force immediately before the coming into operation of these Regulations, where the notice has been given before the date on which these Regulations come into operation.

Dated the 23rd day of December, 1954.

Kilmuir, C.

APPENDIX

FORM 12

LANDLORD AND TENANT ACT, 1954

Landlord's Notice to Terminate Business Tenancy on Grounds of Public Interest

To , tenant of premises known as .

See Note 1. 1. I, , landlord of the above-mentioned premises, hereby give you notice terminating your tenancy on the day of , 19 .

See Note 2. 2. A certificate has been given by that it is requisite for the purposes of the [*here insert name of Government department or local authority, statutory undertakers, development corporation, or as the case may be*] that the use or occupation of the property or of a part thereof shall be changed by the day of , 19 , and a copy of the certificate is set out in the schedule to this Notice.

3. This Notice is given under the provisions of section 25 and section 57 of the Landlord and Tenant Act, 1954.

Your attention is called to the Notes below.

Dated this day of , 19 .

Signed .....

for ..... (Landlord)

..... (Address)

(a) 8 & 9 Geo. 6. c. 36. (b) 14 Geo. 6. c. 8.

THE SCHEDULE

[Here insert a copy of the relevant certificate]

FORM 12

NOTES

1. Under the Landlord and Tenant Act, 1954, a tenancy of premises to which Part II of the Act applies continues until it is brought to an end in accordance with the Act. One of the ways in which it can be brought to an end is by a landlord's notice to terminate the tenancy. As a general rule, that notice must be given not more than 12 nor less than 6 months before the date specified in it for the termination of the current tenancy. This date must not be earlier than the date on which apart from Part II of the Act the current tenancy would expire or could be terminated by notice to quit given by the landlord on the date of the notice.

2. The Notice you are now given contains a copy of a certificate stating that a change in the use or occupation of the premises or part of them is required for the purposes of a Government department or public body. Where such a certificate has been given in accordance with the provisions of the Act, and the date on which the change is stated to be required is not later than the date of termination of your tenancy specified in paragraph 1 of this Notice, no application for the grant of a new tenancy can be made to the court.

3. On quitting the premises, a tenant who is precluded from applying to the court for a new tenancy by reason of a Ministerial certificate is generally entitled to recover compensation from the landlord at the rate specified in section 37 of the Act.

4. The term " landlord " in this Notice does not necessarily mean the landlord to whom the rent is paid ; it means the person, Government department or public body who is the landlord for the purposes of Part II of the Act.

FORM 13

LANDLORD AND TENANT ACT, 1954

Landlord's Notice to Terminate Business Tenancy where Change Required at Future Date on Grounds of Public Interest

To , tenant of premises known as .

1. I, , landlord of the above-mentioned premises, hereby give you notice terminating your tenancy on the day of , 19 . See Note 1.

2. You are required within two months after receiving this Notice to notify me in writing whether or not you will be willing to give up possession of the premises on that date. See Note 2.

3. A certificate has been given by that it is requisite for the purposes of the [*here insert name of Government department, local authority, statutory undertakers, development corporation, or as the case may be*] that the use or occupation of the property or of a part of the property shall be changed by the day of , 19 , and a copy of the certificate is set out in the schedule to this Notice. See Note 2.

4. I would not oppose an application to the court under Part II of the Act for the grant of a new tenancy terminating on or before the day of , 19 , *or* See Note 6.

I would oppose an application to the court under Part II of the Act for the grant of a new tenancy on the ground that [*here state ground or grounds*]. See Note 4.

5. This Notice is given under the provisions of section 25 and section 57 of the Landlord and Tenant Act, 1954.

Your attention is called to the Notes below.

Dated this day of 19 .

Signed .....

for ..... (Landlord)

..... (Address)

THE SCHEDULE

[Here insert a copy of the relevant certificate]

FORM 13

NOTES

1. Under the Landlord and Tenant Act, 1954, a tenancy of premises to which Part II of the Act applies continues until it is brought to an end in accordance with the Act. One of the ways in which it can be brought to an end is by a landlord's notice to terminate the tenancy. As a general rule, that notice must be given not more than 12 nor less than 6 months before the date specified in it for the termination of the current tenancy. This date must not be earlier than the date on which apart from Part II of the Act the current tenancy would expire or could be terminated by notice to quit given by the landlord on the date of the notice.

2. Part II of the Act enables the tenant, on being served with a notice in this form, to apply to the court for an order for the grant of a new tenancy. Such an application, however, will not be entertained unless the tenant has within 2 months after receiving the Notice terminating the tenancy notified the landlord in writing that he will not be willing to give up possession of the premises on the date specified in the Notice. The application must be made not less than 2 nor more than 4 months after receipt of the Notice.

The Notice you are now given contains a copy of a certificate stating that a change in the use or occupation of the premises or part of them is required for the purposes of a Government department or public body. The date on which the change is stated to be required is later than the date of termination of your tenancy specified in paragraph 1 of this Notice. Where such a certificate has been given in accordance with the provisions of the Act, any new tenancy granted by the court must expire on or before the date stated in the certificate.

3. Where the rateable value of the premises (excluding any part which is not occupied by the tenant or by an employee in his business) does not exceed £500, an application for an order for the grant of a new tenancy must be made to the County Court and in any other case it must be made to the High Court.

4. The court has no power to make an order for the grant of a new tenancy if the landlord has stated in this Notice that he will oppose an application to the court on one of the grounds specified in the Act, and establishes that ground to the court's satisfaction. The grounds specified in the Act are—

(*a*) where under the current tenancy the tenant has any obligations as respects the repair and maintenance of the premises, that the tenant ought not to be granted a new tenancy in view of the state of repair of the premises which has resulted from the tenant's failure to comply with these obligations;

(*b*) that the tenant ought not to be granted a new tenancy in view of his persistent delay in paying rent which has become due;

(*c*) that the tenant ought not to be granted a new tenancy in view of other substantial breaches by him of his obligations under the current tenancy, or for any other reason connected with the tenant's use or management of the premises;

(*d*) that the landlord has offered and is willing to provide or secure the provision of alternative accommodation for the tenant, that the terms on which the alternative accommodation is available are reasonable having regard to the terms of the current tenancy and to all other relevant circumstances, and that the accommodation and the time at which it will be available are suitable for the tenant's requirements (including the requirement to preserve goodwill) having regard to the nature and class of his business and to the situation and extent of, and facilities afforded by, the premises which he occupies;

(*e*) where the current tenancy was created by the subletting of part only of the property comprised in a superior tenancy, that the aggregate of the rents reasonably obtainable on separate lettings of the tenant's premises and the remainder of that property would be substantially less than the rent reasonably obtainable on a letting of that property as a whole, and that on the termination of the current tenancy the landlord requires possession of the tenant's premises for the purpose of letting or otherwise disposing of the said property as a whole and therefore the tenant ought not to be granted a new tenancy;

(*f*) that on the termination of the current tenancy the landlord intends to demolish or reconstruct the whole or a substantial part of the premises or to carry out substantial work of construction on the whole or part of them and that he could not reasonably do so without obtaining possession of the premises;

(*g*) that on the termination of the current tenancy the landlord intends to occupy the premises for the purposes, or partly for the purposes, of a business to be carried on by him in them or as his residence; but the landlord cannot rely on this ground if his interest was purchased or created less than 5 years before the termination of the current tenancy and at all times since the purchase or creation of the landlord's interest the premises have been let to a tenant occupying them for the purposes of his business.

5. If application is made to the court for the grant of a new tenancy but the court is precluded from making an order by reason only of any of the grounds set out in (*e*), (*f*) and (*g*) above, the tenant is generally entitled upon leaving the premises to recover compensation at the rate specified in section 37 of the Act. If the court makes an order for a new tenancy, but is precluded from ordering a new tenancy expiring later than the date specified in the Ministerial certificate, the tenant may similarly be entitled to compensation.

6. If this Notice states that the landlord will not oppose an application to the court for the grant of a new tenancy, it will be open to the tenant and the landlord to negotiate on the terms of the tenancy. If all the terms are agreed between them, an application to the court will not be necessary; if some but not all of the terms are agreed, the agreed terms will be incorporated in any tenancy granted by the court and the other terms will be such as the court may determine. If the court grants a new tenancy it will not include any part of the property comprised in the current tenancy which is occupied neither by the tenant nor by a person employed by him for the purposes of his business, unless the landlord requires the new tenancy to include the whole of the property.

7. The term "landlord" in this Notice does not necessarily mean the landlord to whom the rent is paid; it means the person or body who is the landlord for the purposes of Part II of the Act. The term "business" includes a trade, profession or employment and any activity carried on by a body of persons, whether corporate or unincorporate.

FORM 14

LANDLORD AND TENANT ACT, 1954

Landlord's Notice to Terminate Business Tenancy on Grounds of National Security

To , tenant of premises known as .

1. I, , landlord of the above-mentioned premises, hereby give you notice terminating your tenancy on the day of , 19 . See Note 1.

2. A certificate has been given by that it is necessary for reasons of national security that the use or occupation of the property should be discontinued or changed, and a copy of the certificate is set out in the schedule to this Notice. See Note 2.

3. This Notice is given under the provisions of section 25 and section 58 of the Landlord and Tenant Act, 1954.

Your attention is called to the Notes below.

Dated this day of , 19 .

Signed .....

for ..... (Landlord)

..... (Address)

THE SCHEDULE

[*Here insert a copy of the relevant certificate*]

FORM 14

NOTES

1. Under the Landlord and Tenant Act, 1954, a tenancy of premises to which Part II of the Act applies continues until it is brought to an end in accordance with the Act. One of the ways in which it can be brought to an end is by a landlord's notice to terminate the tenancy. As a general rule, that notice must be given not more than 12 nor less than 6 months before the date specified in it for the termination of the current tenancy. This date must not be earlier than the date on which apart from Part II of the Act the current tenancy would expire or could be terminated by notice to quit given by the landlord on the date of the notice.

2. The Notice you are now given contains a copy of a certificate stating that it is necessary for reasons of national security that the use or occupation of the premises should be discontinued or changed. Where such a certificate has been given in accordance with the provisions of the Act, no application for the grant of a new tenancy can be made to the court.

3. On quitting the premises a tenant who is precluded from applying to the court for a new tenancy by reason of a Ministerial certificate is generally entitled to recover compensation from the landlord at the rate specified in section 37 of the Act.

4. The term "landlord" in this Notice does not necessarily mean the landlord to whom the rent is paid; it means the person or Government department who is the landlord for the purposes of Part II of the Act.

FORM 15

LANDLORD AND TENANT ACT, 1954

Landlord's Notice to Terminate Business Tenancy by reason of the Objects of the Distribution of Industry Acts

To , tenant of premises known as

1. I, , landlord of the above-mentioned premises, hereby give you notice terminating your tenancy on the day of , 19

2. A certificate has been given by that it is necessary or expedient for achieving the objects of the Distribution of Industry Acts, 1945 and 1950, that the use or occupation of the property should be changed, and a copy of the certificate is set out in the schedule to this Notice.

3. This Notice is given under the provisions of sections 25, 58 and 60 of the Landlord and Tenant Act, 1954.

Your attention is called to the Notes below.

Dated this day of , 19 .

Signed .....

for ..... (Landlord)

..... (Address)

THE SCHEDULE

[Here insert a copy of the relevant certificate]

FORM 15

NOTES

1. Under the Landlord and Tenant Act, 1954, a tenancy of premises to which Part II of the Act applies continues until it is brought to an end in accordance with the Act. One of the ways in which it can be brought to an end is by a landlord's notice to terminate the tenancy. As a general rule, that notice must be given not more than 12 nor less than 6 months before the date specified in it for the termination of the current tenancy. This date must not be earlier than the date on which apart from Part II of the Act the current tenancy would expire or could be terminated by notice to quit given by the landlord on the date of the notice.

2. The Notice you are now given contains a copy of a certificate issued by the Board of Trade stating that it is necessary or expedient for achieving the objects of the Distribution of Industry Acts, 1945 and 1950, that the use or occupation of the premises should be changed. Where the premises comprised in a tenancy are provided by the Board of Trade under these Acts or by a trading or industrial estate company as defined in the Act of 1945, and such a certificate has been given in accordance with the provisions of the Landlord and Tenant Act, 1954, no application for the grant of a new tenancy can be made to the court.

3. The term "landlord" in this Notice does not necessarily mean the landlord to whom the rent is paid; it means the person or Government department who is the landlord for the purposes of Part II of the Act.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Landlord and Tenant (Notices) Regulations, 1954, by prescribing new forms of notices to be used for terminating business, professional and other tenancies to which Part II of the Landlord and Tenant Act, 1954, applies.

The new forms are to be used by Government departments, public bodies and (in certain cases) other landlords when terminating a tenancy after the Minister or Board in charge of a Government department has certified under section 57, 58 or 60 of the Act that the use or occupation of the premises comprised in the tenancy must be discontinued or changed in the public interest, or for reasons of national security or similar reasons.