LEASE, ENGLAND

The Leasehold Property (Temporary Provisions) (Shops) Regulations, 1951

1951 No. 1215

Made - - - -	*5th July*, 1951
Coming into Operation	*5th July*, 1951

I, William Allen, Viscount Jowitt, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by subsection (2) of section 11 of the Leasehold Property (Temporary Provisions) Act, 1951(a), and all other powers enabling me in this behalf, hereby make the following Regulations:—

1. These Regulations may be cited as the Leasehold Property (Temporary Provisions) (Shops) Regulations, 1951, and shall come into operation forthwith.

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. A notice served by a landlord on a tenant under subsection (2) of section 11 of the Leasehold Property (Temporary Provisions) Act, 1951, requiring the tenant to elect whether or not to apply for the grant of a new tenancy, shall be in the form, and shall contain the particulars, specified in the Schedule to these Regulations.

Dated the fifth day of July, 1951.

Jowitt, C.

SCHEDULE

Form of Notice to Elect

"LEASEHOLD PROPERTY (TEMPORARY PROVISIONS) ACT, 1951

NOTICE TO TENANT TO ELECT WHETHER TO APPLY FOR A NEW TENANCY

To of
in the County of (Tenant)

TAKE NOTICE that under s. 11 (2) of the above-mentioned Act I require you, as tenant of the premises known as
under a tenancy expiring on the day of , to elect within one month after this notice is served on you whether or not to make an application to the Court under Part II of the said Act for the grant of a new tenancy.

YOUR ATTENTION is called to the NOTES below.

* This Notice may be signed on behalf of the landlord by his solicitor or agent.

(Signed).....(Landlord)*
.....(Address)
.....

(a) 14 & 15 Geo. 6. c. 38. (b) 52 & 53 Vict. c. 63.

NOTES

1. Part II of the Act provides that the tenant of a shop, if his tenancy expires at any time during the period 24th June, 1951, to 23rd June, 1953, shall have the right, if he desires a renewal of his tenancy and does not obtain it by negotiation with his landlord, to apply to the County Court for the grant of a new tenancy.

2. On an application being made to it, the Court has power, if in all the circumstances of the case it appears reasonable so to do, to order the grant of a new tenancy. If it does so, it will fix such period (not exceeding one year in the first instance) and such other terms and conditions, including rent, as it thinks reasonable.

3. The Court has no power to order the grant of a new tenancy if it is satisfied—

(*a*) that the tenant has broken any of the terms or conditions of the expiring tenancy, and that in view of the nature and circumstances of the breach a new tenancy ought not to be granted ; or

(*b*) that the landlord has offered to afford to the tenant, on terms and conditions which in the opinion of the court are reasonable, alternative accommodation which, in the opinion of the court, is suitable for the purposes of the tenant's business ; or

(*c*) that the landlord reasonably requires possession in order that the premises, the subject of the expiring tenancy, or a substantial part of those premises, may be demolished or reconstructed ; or

(*d*) where there subsists in the premises an interest belonging to a public authority, that in the public interest a new tenancy ought not to be granted ; or

(*e*) that having regard to all the circumstances of the case greater hardship would be caused by ordering the grant of a new tenancy than by refusing to do so.

4. If your tenancy includes, in addition to your shop, living accommodation occupied by you (or by a person you employ for the purposes of the business carried on in the shop), a new tenancy, if granted by the Court, will include both the shop and the living accommodation. If your tenancy includes any other accommodation, any new tenancy granted by the Court may or may not include this other accommodation. This depends on the desire of the landlord, and in some cases on the discretion of the Court.

5. This notice has been served on you under section 11 (2) of the Act. This applies only to tenancies for a fixed term, and not to tenancies expiring by notice to quit. In the case of a tenancy for a fixed term, section 11 (2) enables the landlord, at any time within four months before the tenancy is due to expire, to require the tenant to elect whether or not to make an application to the Court for the grant of a new tenancy. If you wish to do so, you must make your application to the County Court for the district in which your premises are situated not later than ONE MONTH after this notice is served on you. If you do not do so by then, you will have no right to do so later. If you do not want a renewal of your tenancy, you need take no action on receiving this notice."

EXPLANATORY NOTE

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

These Regulations prescribe the form of notice which may be served by a landlord on his tenant under s. 11 (2) of the Leasehold Property (Temporary Provisions) Act, 1951, requiring the tenant to elect whether or not to apply for a new tenancy under Part II of the Act.