

SCHEDULES

SCHEDULE 1

Section 28.

PROVISIONS FOR PURPOSES OF PART I WHERE SEVERAL PERSONS STAND IN THE RELATION OF LANDLORD AND TENANT

DEFINITIONS

- 1 In this Schedule the following expressions have the meanings hereby assigned to them in relation to a tenancy (in this Schedule referred to as “the relevant tenancy”), that is to say:—
- “the competent landlord” means the person who in relation to the tenancy is for the time being the landlord (as defined by section 28) for the purposes of Part I;
 - “mesne landlord” means a tenant whose interest is intermediate between the relevant tenancy and the interest of the competent landlord; and
 - “superior landlord” means a person whose interest is superior to the interest of the competent landlord.

ACTS OF COMPETENT LANDLORDS BINDING ON OTHER LANDLORDS

- 2 (1) Any notice to determine served by the competent landlord under Part I to terminate the relevant tenancy, and any agreement made between that landlord and the tenant as to the granting, duration, or terms of a future tenancy, being an agreement made for the purpose of the said Part I, shall bind the interest of any mesne landlord notwithstanding that he has not consented to the service of the notice or was not a party to the agreement.
- (2) The competent landlord shall have power for the purposes of Part I to give effect to any agreement with the tenant for the grant of a new tenancy beginning with the coming to an end of the relevant tenancy, notwithstanding that the competent landlord will not be the immediate landlord at the commencement of the new tenancy, and any instrument made in the exercise of the power conferred by this sub-paragraph shall have effect as if the mesne landlord had been a party thereto.
- (3) Nothing in sub-paragraphs (1) and (2) shall prejudice the provisions of paragraphs 3 or 4.

PROVISIONS AS TO CONSENT OF MESNE LANDLORD TO ACTS OF COMPETENT LANDLORD

- 3 (1) If the competent landlord, not being the immediate landlord, serves any such notice or makes any such agreement as is mentioned in paragraph 2(1) without the consent of

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every mesne landlord, any mesne landlord whose consent has not been given thereto shall be entitled to compensation from the competent landlord for any loss arising in consequence of the service of the notice or the making of the agreement.

- (2) If the competent landlord applies to any mesne landlord for his consent to such a notice or agreement, that consent shall not be unreasonably withheld, but may be given subject to any conditions which may be reasonable (including conditions as to the modification of the proposed notice or agreement or as to the payment of compensation by the competent landlord).
- (3) Any dispute as to the amount of compensation payable under this paragraph and any question arising under this paragraph as to whether consent has been unreasonably withheld or as to whether any conditions imposed on the giving of consent are unreasonable shall be referred to and determined by the Lands Tribunal.

CONSENT OF SUPERIOR LANDLORD REQUIRED FOR AGREEMENTS AFFECTING HIS INTEREST

- 4 An agreement between the competent landlord and the tenant made for the purposes of Part I in a case where—
 - (a) the competent landlord is himself a tenant; and
 - (b) the agreement would apart from this paragraph operate as respects any period after the coming to an end of the estate of the competent landlord;
 shall not have effect unless every superior landlord who will be the immediate landlord of the tenant during any part of that period is a party to the agreement.

SCHEDULE 2

Section 56.

TRANSITIONAL PROVISIONS

Para. 1 rep. by SLR 1976

- 2 Where before the commencement of this Act a tenancy was terminated by the fall of a life or the occurrence of any other uncertain event and at the commencement of this Act the tenant thereof was entitled to make but had not made an application under the Business Tenancies Acts to the county court for the renewal of the said tenancy, notwithstanding such termination that tenancy shall be deemed to continue by virtue of section 3 and the provisions of Part I shall apply accordingly.
- 3 Where a tenancy terminated before the commencement of this Act would otherwise be a tenancy to which Part I applies, and the tenant thereof, whether a decree in ejectment or order for possession had been made against him or not, is at the commencement of this Act in occupation of the premises or part of the premises comprised in the tenancy, then for the purposes of this Act, notwithstanding such termination, the tenancy shall be deemed to continue by virtue of section 3 and the provisions of Part I shall apply accordingly.
- 4 For the purposes of section 5 and section 23(2) a tenancy which is not such a tenancy as is mentioned in subsection (1) of the said section 5 but is a tenancy to which Part I applies and in respect of which the following conditions are satisfied, that is to say—

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- (a) that it took effect before the commencement of this Act at the coming to an end by effluxion of time or notice to quit or the fall of a life or the happening of any other uncertain event of a tenancy which is such a tenancy as is mentioned in subsection (1) of section 5 or is by virtue of this paragraph deemed to be such a tenancy; and
- (b) that if this Act had then been in force the tenancy at the coming to an end of which it took effect would have been one to which Part I applies; and
- (c) that the tenant is either the tenant under the tenancy at the coming to an end of which it took effect or a successor to his business;

shall be deemed to be such a tenancy as is mentioned in the said subsection (1).

- 5 (1) A tenant under a tenancy which was current at the commencement of this Act shall not in any case be entitled to compensation under section 19 unless at the date on which he is to quit the holding, the holding or part thereof has continuously been occupied for the purposes of the carrying on of the tenant's business (whether by him or by any other person) for at least five years.
- (2) Where a tenant under a tenancy which was current at the commencement of this Act would but for this sub-paragraph be entitled both to—
- (a) compensation under section 19; and
 - (b) compensation payable, under the provisions creating the tenancy, on the termination of the tenancy;
- he shall be entitled, at his option, to the one or the other, but not to both.

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