

## SCHEDULES

### SCHEDULE 3

#### VALIDITY OF TENANTS’ NOTICES, EFFECT ON LANDLORD AND TENANT ACT 1954 ETC. AND PROCEDURE GENERALLY

##### PART I

*Restrictions on claims by tenant, and effect of claims on other notices, forfeitures, etc.*

- 2 [F<sup>1</sup>(1) Sub-paragraphs (1A) to (1E) below apply where a landlord’s notice terminating the tenancy of any property has been given under section 4 or 25 of the Landlord and Tenant Act 1954 or served under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 (whether or not that notice has effect to terminate the tenancy).
- (1A) A claim to acquire the freehold or an extended lease of the property shall be of no effect if made after the relevant time, but this sub-paragraph is subject to sub-paragraphs (1D) and (1E) below.
- (1B) In this paragraph (but subject to sub-paragraph (1C) below) “the relevant time” is the end of the period of two months beginning with the date on which the landlord’s notice terminating the tenancy has been given or served.
- (1C) Where—
- (a) a landlord’s notice terminating the tenancy has been given under section 25 of the Landlord and Tenant Act 1954, and
  - (b) the tenant applies to the court under section 24(1) of that Act for an order for the grant of a new tenancy before the end of the period of two months mentioned in sub-paragraph (1B) above,  
“the relevant time” is the time when the application is made.
- (1D) Sub-paragraph (1A) above shall not apply where the landlord gives his written consent to the claim being made after the relevant time.
- (1E) Where a tenant, having given notice of a desire to have the freehold, gives after the relevant time a further notice under section 9(3) of this Act of his inability or unwillingness to acquire the house and premises at the price he must pay, he may with the notice under section 9(3) give a notice of his desire to have an extended lease (if he then has a right to such a lease).]
- (2) A landlord’s notice terminating a tenancy of any property under section 4 or 25 of the M<sup>1</sup>Landlord and Tenant Act 1954 [F<sup>2</sup>or under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989] shall be of no effect if given [F<sup>2</sup>or served] during the currency of a claim made in respect of the tenancy to acquire the freehold or an extended lease of that property, and shall cease to have effect on the making of such a claim.

*Changes to legislation: There are currently no known outstanding effects for the Leasehold Reform Act 1967, Paragraph 2. (See end of Document for details)*

- (3) Where any such landlord’s notice ceases (by virtue of sub-paragraph (2) above <sup>F3</sup> . . .) to have effect on the making of a claim, but the claim is not effective, then if within one month after the period of currency of that claim (or any subsequent claim made by virtue of the proviso to sub-paragraph (1) above) a landlord’s notice terminating the tenancy is given under section 4 or 25 of the Landlord and Tenant Act 1954 [<sup>F4</sup>or served under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989], the earliest date which may be specified therein as the date of termination shall be [<sup>F5</sup>the date of termination specified in the previous notice or the expiration of three months from the giving of the new notice, whichever is the later.
- (i) in the case of a notice given under the said Act of 1954]the date of termination specified in the previous notice or the expiration of three months from the giving of the new notice, whichever is the later
- [<sup>F6</sup>(ii) in the case of a notice served under the said Schedule 10, the date of termination specified in the previous notice or the expiration of the period of four months beginning on the date of service of the new notice, whichever is the later].
- (4) Where by virtue of sub-paragraph (3) above a landlord’s notice specifies as the date of termination of a tenancy a date earlier than six months after the giving of the notice, then—
- (a) if it is a notice proposing a statutory tenancy, section 7(2) of the Landlord and Tenant Act 1954 shall apply in relation to the notice with the substitution, for references to the period of two months ending with the date of termination specified in the notice and the beginning of that period, of references to the period of three months beginning with the giving of the notice and the end of that period; <sup>F7</sup>...
- <sup>F7</sup>(b) . . . . .

#### Textual Amendments

- F1** Sch. 3 para. 2(1)-(1E) substituted for Sch. 3 para. 2(1) (1.6.2004) by The Regulatory Reform (Business Tenancies) (England and Wales) Order 2003 (S.I. 2003/3096), art. 1(3), **Sch. 5 para. 11**
- F2** Words inserted by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194(1), **Sch. 11 para. 13(2)(b)**
- F3** Words in Sch. 3, para. 2(3) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIII** Group 1
- F4** Words inserted by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194(1), **Sch. 11 para. 13(2)(c)(i)**
- F5** Words inserted by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194(1), **Sch. 11 para. 13(2)(c)(ii)**
- F6** Sch. 3 para. 2(3)(ii) added by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194(1), **Sch. 11 para. 13(2)(c)(iii)**
- F7** Sch. 3 para. 2(4)(b) and word repealed (1.6.2004) by The Regulatory Reform (Business Tenancies) (England and Wales) Order 2003 (S.I. 2003/3096), art. 1(3), **Sch. 6**

#### Marginal Citations

- M1** 1954 c. 56.

**Changes to legislation:**

There are currently no known outstanding effects for the Leasehold Reform Act 1967, Paragraph 2.