



Administration of Justice Act 1985

1985 CHAPTER 61

PART IV

THE SUPREME COURT AND COUNTY COURTS

Relief from forfeiture in county court

55 Power of county court to grant relief from forfeiture for non-payment of rent.

- (1) Section 138 of the County Courts Act 1984 (provisions as to forfeiture for non-payment of rent) shall be amended as provided in subsections (2) to (4) of this section.
- (2) In subsection (5), the words “Subject to subsection (6),” shall be omitted.
- (3) In subsection (7)—
 - (a) for “enforced” there shall be substituted “enforceable”; and
 - (b) after “the lessee shall” there shall be inserted “, subject to subsections (8) and (9A),”.
- (4) After subsection (9) there shall be inserted—
 - “(9A) Where the lessor recovers possession of the land at any time after the making of the order under subsection (3) (whether as a result of the enforcement of the order or otherwise) the lessee may, at any time within six months from the date on which the lessor recovers possession, apply to the court for relief; and on any such application the court may, if it thinks fit, grant to the lessee such relief, subject to such terms and conditions, as it thinks fit.
 - (9B) Where the lessee is granted relief on an application under subsection (9A) he shall hold the land according to the lease without any new lease.
 - (9C) An application under subsection (9A) may be made by a person with an interest under a lease of the land derived (whether immediately or otherwise) from the lessee’s interest therein in like manner as if he were the lessee; and on any such application the court may make an order which (subject to such

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terms and conditions as the court thinks fit) vests the land in such a person, as lessee of the lessor, for the remainder of the term of the lease under which he has any such interest as aforesaid, or for any lesser term.

In this subsection any reference to the land includes a reference to a part of the land.”.

(5) In section 139 of the ^{M1}County Courts Act 1984 (service of summons and re-entry), after subsection (2) there shall be inserted—

“(3) Subsections (9B) and (9C) of section 138 shall have effect in relation to an application under subsection (2) of this section as they have effect in relation to an application under subsection (9A) of that section.”.

Marginal Citations

M1 1984 c. 28.

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