



Landlord and Tenant Act 1987

1987 CHAPTER 31

PART III

COMPULSORY ACQUISITION BY TENANTS OF THEIR LANDLORD'S INTEREST

34 Discharge of acquisition order and withdrawal by tenants.

- (1) If, on an application by a landlord in respect of whose interest an acquisition order has been made, the court is satisfied—
- (a) that the nominated person has had a reasonable time within which to effect the acquisition of that interest in pursuance of the order but has not done so, or
 - (b) that the number of qualifying tenants of flats contained in the premises in question who desire to proceed with the acquisition of the landlord's interest is less than the requisite majority of qualifying tenants of the flats contained in those premises, or
 - (c) that the premises in question have ceased to be premises to which this Part applies,
- the court may discharge the order.

- (2) Where—
- (a) a notice is served on the landlord by the qualifying tenants by whom a notice has been served under section 27 or (as the case may be) by whom an application has been made for an acquisition order, or by the person nominated for the purposes of this Part by any such tenants, and
 - (b) the notice indicates an intention no longer to proceed with the acquisition of the landlord's interest in the premises in question,

the landlord may (except in a case where subsection (4) applies) recover under this subsection any costs reasonably incurred by him in connection with the disposal by him of that interest down to the time when the notice is served ; and, if the notice is served after the making of an acquisition order, that order shall cease to have effect.

- (3) If (whether before or after the making of an acquisition order) the nominated person becomes aware—

Status: Point in time view as at 01/07/2013.

Changes to legislation: Landlord and Tenant Act 1987, Section 34 is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) that the number of qualifying tenants of flats contained in the premises in question who desire to proceed with the acquisition of the landlord's interest is less than the requisite majority of qualifying tenants of the flats contained in those premises, or
- (b) that those premises have ceased to be premises to which this Part applies,
- he shall forthwith serve on the landlord a notice indicating an intention no longer to proceed with the acquisition of that interest, and subsection (2) shall apply accordingly.
- (4) If, at any time when any proceedings taken under or by virtue of this Part are pending before the court or the [^{F1}Upper Tribunal]—
- (a) such a notice as is mentioned in subsection (2) or (3) is served on the landlord, or
- (b) the nominated person indicates that he is no longer willing to act in the matter and nobody is nominated for the purposes of this Part in his place, or
- (c) the number of qualifying tenants of flats contained in the premises in question who desire to proceed with the acquisition of the landlord's interest falls below the requisite majority of qualifying tenants of the flats contained in those premises, or
- (d) those premises cease to be premises to which this Part applies,
- or if the court discharges an acquisition order under subsection (1), the landlord may recover such costs incurred by him in connection with the disposal by him of his interest in those premises as the court or (as the case may be) the Tribunal may determine.
- (5) The costs that may be recovered by the landlord under subsection (2) or (4) include costs incurred by him in connection with any proceedings under this Part (other than proceedings before [^{F2}the appropriate tribunal]).
- (6) Any liability for costs arising under this section shall be the joint and several liability of the following persons, namely—
- (a) where the liability arises before the making of an application for an acquisition order, the tenants by whom a notice was served under section 27, or
- (b) where the liability arises after the making of such an application, the tenants by whom the application was made,
- together with (in either case) any person nominated by those tenants for the purposes of this Part.
- (7) In relation to any time when a tenant falling within paragraph (a) or (b) of subsection (6) has ceased to have vested in him the interest under his lease, that paragraph shall be construed as applying instead to the person who is for the time being the successor in title to that interest.
- (8) Nothing in this section shall be construed as authorising the court to discharge an acquisition order where the landlord's interest has already been acquired in pursuance of the order.
- (9) If—
- (a) an acquisition order is discharged, or ceases to have effect, by virtue of any provision of this Part, and
- (b) the order has been protected by an entry registered under the ^{M1}Land Charges Act 1972 or the [^{F3}Land Registration Act 2002],
- the court may by order direct that that entry shall be cancelled.

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Textual Amendments

- F1** Words in s. 34(4) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 184** (with Sch. 5)
- F2** Words in s. 34(5) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 74** (with Sch. 3)
- F3** Words in s. 34(9) substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), **Sch. 11 para. 20** (with s. 129); [S.I. 2003/1725](#), art. 2(1)

Marginal Citations

- M1** 1972 c. 61.

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