



# Landlord and Tenant Act 1988

## 1988 CHAPTER 26

### 5 Interpretation.

(1) In this Act—

“covenant” includes condition and agreement,

“consent” includes licence,

“landlord” includes any superior landlord from whom the tenant’s immediate landlord directly or indirectly holds,

“tenancy”, subject to subsection (3) below, means any lease or other tenancy (whether made before or after the coming into force of this Act) and includes—

(a) a sub-tenancy, and

(b) an agreement for a tenancy

and references in this Act to the landlord and to the tenant are to be interpreted accordingly, and

“tenant”, where the tenancy is affected by a mortgage (within the meaning of the <sup>M1</sup>Law of Property Act 1925) and the mortgagee proposes to exercise his statutory or express power of sale, includes the mortgagee.

(2) An application or notice is to be treated as served for the purposes of this Act if—

(a) served in any manner provided in the tenancy, and

(b) in respect of any matter for which the tenancy makes no provision, served in any manner provided by section 23 of the <sup>M2</sup>Landlord and Tenant Act 1927.

(3) This Act does not apply to a secure tenancy (defined in section 79 of the <sup>M3</sup>Housing Act 1985) [<sup>F1</sup>or to an introductory tenancy (within the meaning of Chapter I of Part V of the Housing Act 1996)] [<sup>F2</sup>or to an occupation contract (within the meaning of section 7 of the Renting Homes (Wales) Act 2016 (anaw 1))].

(4) This Act applies only to applications for consent or approval served after its coming into force.

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**Changes to legislation:** There are currently no known outstanding effects for the Landlord and Tenant Act 1988, Section 5. (See end of Document for details)

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#### Textual Amendments

- F1** Words in s. 5(3) inserted (12.2.1997) by S.I. 1997/74, art. 2, **Sch. para. 5**
- F2** Words in s. 5(3) inserted (W.) (1.12.2022) by **The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022** (S.I. 2022/1166), regs. 1(1), **17(2)**
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#### Marginal Citations

- M1** 1925 c.20.
- M2** 1927 c.36.
- M3** 1985 c.68.

**Changes to legislation:**

There are currently no known outstanding effects for the Landlord and Tenant Act 1988, Section 5.