

SCHEDULES

SCHEDULE 3

THE INITIAL NOTICE: SUPPLEMENTARY PROVISIONS

PART I

RESTRICTIONS ON PARTICIPATION BY INDIVIDUAL TENANTS, EFFECT OF CLAIMS ON OTHER NOTICES, FORFEITURES ETC.

Prior notice by landlord terminating lease

- 2 (1) A qualifying tenant of a flat shall not participate in the giving of a relevant notice of claim if the notice is given more than four months after a landlord's notice terminating the tenant's lease of the flat has been given under section 4 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 the notice has effect to terminate the lease).
- (2) Where in the case of any qualifying tenant of a flat—
- (a) any such landlord's notice is given or served as mentioned in sub-paragraph (1), but
 - (b) that notice was not given or served more than four months before the date when a relevant notice of claim is given,
- the landlord's notice shall cease to have effect on that date.
- (3) If—
- (a) any such landlord's notice ceases to have effect by virtue of sub-paragraph (2), but
 - (b) the claim made in pursuance of the relevant notice of claim is not effective,
- then sub-paragraph (4) shall apply to any landlord's notice terminating the tenant's lease of the flat which—
- (i) is given under section 4 of the Landlord and Tenant Act 1954 or served under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989, and
 - (ii) is so given or served within one month after the expiry of the period of currency of that claim.
- (4) Where this sub-paragraph applies to a landlord's notice, the earliest date which may be specified in the notice as the date of termination shall be—
- (a) in the case of a notice given under section 4 of that Act of 1954—
 - (i) the date of termination specified in the previous notice, or
 - (ii) the date of expiry of the period of three months beginning with the date of the giving of the new notice,
- whichever is the later; or

Status: This is the original version (as it was originally enacted).

(b) in the case of a notice served under paragraph 4(1) of Schedule 10 to that Act of 1989—

- (i) the date of termination specified in the previous notice, or
- (ii) the date of expiry of the period of four months beginning with the date of service of the new notice,

whichever is the later.

(5) Where—

- (a) by virtue of sub-paragraph (4) a landlord's notice specifies as the date of termination of a lease a date earlier than six months after the date of the giving of the notice, and
- (b) the notice proposes 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 date of the giving of the notice and the end of that period.