

SCHEDULES

NINTH SCHEDULE

Sections 41, 42, 56, 68.

TRANSITIONAL PROVISIONS

- 1 The power under section sixty-six of this Act to make regulations prescribing forms of notices for the purposes of this Act may be exercised at any time after the passing and before the commencement of this Act so as to bring the regulations into operation at any time after they are made; and where the date, or the end of a period, specified by a notice which is given in a form so prescribed falls after the time at which this Act comes into operation the notice shall not be invalid by reason only that it was served before that time.
- 2
 - (1) Nothing in this Act shall prevent the recovery from a tenant who retains possession of a dwelling-house by virtue of section six of this Act of any amount due under section six of the Leasehold Property (Temporary Provisions) Act, 1951, in respect of work executed on the dwelling-house; but where any such amount is recoverable by the landlord (as defined by subsection (1), and the proviso to subsection (4), of section twenty-one of this Act) it shall be recoverable in accordance with the following provisions of this paragraph but in no other manner.
 - (2) The amount shall be treated for the purposes of this Act as a payment for accrued tenant's repairs, and accordingly the question whether any and if so what amount is due as aforesaid shall be deemed to be included in the matters specified in paragraphs (b) to (e) of subsection (2) of section seven of this Act.
 - (3) Sub-paragraph (6) of paragraph 4 and paragraph 12 of the First Schedule to this Act shall apply in relation to the amount as they apply in relation to expenses incurred by the landlord in ascertaining what initial repairs are required in consequence of failure by the tenant to fulfil his obligation under the former tenancy.
- 3 Where immediately before the commencement of this Act a person was protected by section seven of the Leasehold Property (Temporary Provisions) Act, 1951, against the making of an order or giving of a judgment for possession or ejection, the Rent Acts shall apply in relation to the dwelling-house to which that person's protection extended immediately before the commencement of this Act as if section fifteen of this Act had always had effect.
- 4 For the purposes of section twenty-six and subsection (2) of section forty of this Act a tenancy which is not such a tenancy as is mentioned in subsection (1) of the said section twenty-six but is a tenancy to which Part II of this Act applies and in respect of which the following conditions are satisfied, that is to say—
 - (a) that it took effect before the commencement of this Act at the coming to an end by effluxion of time or notice to quit of a tenancy which is such a tenancy as is mentioned in subsection (1) of the said section twenty-six or is by virtue of this paragraph deemed to be such a tenancy; and
 - (b) that if this Act had then been in force the tenancy at the coming to an end of which it took effect would have been one to which Part II of this Act applies; and

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- (c) that the tenant is either the tenant under the tenancy at the coming to an end of which it took effect or a successor to his business,
shall be deemed to be such a tenancy as is mentioned in subsection (1) of the said section twenty-six.
- 5 (1) A tenant under a tenancy which was current at the commencement of this Act shall not in any case be entitled to compensation under section thirty-seven or fifty-nine of this Act unless at the date on which he is to quit the holding the holding or part thereof has continuously been occupied for the purposes of the carrying on of the tenant's business (whether by him or by any other person) for at least five years.
- (2) Where a tenant under a tenancy which was current at the commencement of this Act would but for this sub-paragraph be entitled both to—
- (a) compensation under section thirty-seven or section fifty-nine of this Act; and
(b) compensation payable, under the provisions creating the tenancy, on the termination of the tenancy,
- he shall be entitled, at his option, to the one or the other, but not to both.
- 6 (1) Where the landlord's interest in the property comprised in a tenancy which, immediately before the commencement of this Act, was terminable by less than six months' notice to quit given by the landlord belongs to or is held for the purposes of a Government Department or is held by statutory undertakers, the tenancy shall have effect as if that shorter length of notice were specified in such an agreement as is mentioned in subsection (2) or (3) of section fifty-eight of this Act, as the case may be, and the agreement were embodied in the tenancy.
- (2) The last foregoing sub-paragraph shall apply in relation to a tenancy where the landlord's interest belongs or is held as aforesaid and which, immediately before the commencement of this Act, was terminable by the landlord without notice as if the tenancy had then been terminable by one month's notice to quit given by the landlord.
- 7 Nothing in this Act shall invalidate any claim under Part I of the Landlord and Tenant Act, 1927, for compensation for an improvement where the claim was made before the commencement of this Act; and any proceedings arising out of such a claim which were pending at the commencement of this Act may be continued as if this Act had not been passed.
- 8 Where at the commencement of this Act any proceedings are pending on an application made before the commencement of this Act to the tribunal under section five of the Landlord and Tenant Act, 1927, no further step shall be taken in the proceedings except for the purposes of an order as to costs; and where the tribunal has made an interim order in the proceedings under subsection (13) of section five of that Act authorising the tenant to remain in possession of the property comprised in his tenancy for any period, the tenancy shall be deemed not to have come to an end before the expiration of that period, and section twenty-four of this Act shall have effect in relation to it accordingly.
- 9 Where in the case of a tenancy which came to an end before the time at which this Act came into operation a claim under section four of the Landlord and Tenant Act, 1927, was duly made before that time, nothing in this Act shall affect the operation of the said Act of 1927 in relation to that claim:
- Provided that if at the commencement of this Act proceedings on the claim have not been begun before the tribunal for the purposes of the said Act of 1927, any such proceedings shall be brought in accordance with section sixty-three of this Act.

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- 10 (1) Where a tenancy of a shop (within the meaning of Part II of the Leasehold Property (Temporary Provisions) Act, 1951) is current at the commencement of this Act, and before the commencement of this Act—
- (a) the tenant has made application under the said Part II for the grant of a new tenancy but the application has been finally disposed of without the grant of a new tenancy being ordered, or
 - (b) the landlord has served notice under subsection (2) of section eleven of the said Act of 1951, calling on the tenant to elect whether to make an application and the time for making the application has expired without its having been made,
- the tenancy shall not be one to which part II of this Act applies.
- (2) For the purposes of this paragraph an application shall be treated as having been finally disposed of when the proceedings on the application (including any proceedings on or in consequence of an appeal) have been determined and any time for appealing or further appealing has expired, except that if the application is withdrawn or any appeal is abandoned, the application shall be treated as having been finally disposed of at the time of withdrawal or abandonment.
- 11 Notwithstanding the repeal of Part II of the Leasehold Property (Temporary Provisions) Act, 1951, where immediately before the commencement of this Act a tenancy was being continued by subsection (3) of section eleven of that Act it shall not come to an end at the commencement of this Act, and section twenty-four of this Act shall have effect in relation to it accordingly.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Lands Clauses Consolidation Act, 1845	8 & 9 Vict. c. 18.
Duchy of Cornwall Management Act, 1863	26 & 27 Vict. c. 49.
Re-election of Ministers Act, 1919	9 & 10 Geo. 5. c. 2.
Increase of Rent and Mortgage Interest (Restrictions) Act, 1920	10 & 11 Geo. 5. c. 17.
Settled Land Act, 1925	15 & 16 Geo. 5. c. 18.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Universities and College Estates Act, 1925	15 & 16 Geo. 5. c. 24.
Crown Lands Act, 1927	17 & 18 Geo. 5. c. 23.
Landlord and Tenant Act, 1927	17 & 18 Geo. 5. c. 36.
Rent and Mortgage Interest Restrictions (Amendment) Act, 1933	23 & 24 Geo. 5. c. 32.
County Courts Act, 1934	24 & 25 Geo. 5. c. 53.
House of Commons Disqualification (Declaration of Law) Act, 1935	25 & 26 Geo. 5. c. 38.
Increase of Rent and Mortgage Interest (Restrictions) Act, 1938	1 & 2 Geo. 6. c. 26.
Leasehold Property (Repairs) Act, 1938	1 & 2 Geo. 6. c. 34.

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Short Title	Session and Chapter
Rent and Mortgage Interest Restrictions Act, 1939	2 & 3 Geo. 6. c. 71.
Distribution of Industry Act, 1945	8 & 9 Geo. 6. c. 36.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Agricultural Holdings Act, 1948	11 & 12 Geo. 6. c. 63.
Landlord and Tenant (Rent Control) Act, 1949	12,13 & 14 Geo. 6. c. 40.
Leasehold Property (Temporary Provisions) Act, 1951	14 & 15 Geo. 6. c. 38.
Customs and Excise Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.
Housing Repairs and Rents Act. 1954	2 & 3 Eliz. 2. c. 53.