



# Landlord and Tenant Act 1954

1954 CHAPTER 56 2 and 3 Eliz 2

## PART II

SECURITY OF TENURE FOR BUSINESS, PROFESSIONAL AND OTHER TENANTS

### *General and supplementary provisions*

#### 41 Trusts.

- (1) Where a tenancy is held on trust, occupation by all or any of the beneficiaries under the trust, and the carrying on of a business by all or any of the beneficiaries, shall be treated for the purposes of section twenty-three of this Act as equivalent to occupation or the carrying on of a business by the tenant; and in relation to a tenancy to which this Part of this Act applies by virtue of the foregoing provisions of this subsection—
    - (a) references (however expressed) in this Part of this Act and in the Ninth Schedule to this Act to the business of, or to carrying on of business, use, occupation or enjoyment by, the tenant shall be construed as including references to the business of, or to carrying on of business, use, occupation or enjoyment by, the beneficiaries or beneficiary;
    - (b) the reference in paragraph (d) of [<sup>F1</sup>subsection (1) of] section thirty-four of this Act to the tenant shall be construed as including the beneficiaries or beneficiary; and
    - (c) a change in the persons of the trustees shall not be treated as a change in the person of the tenant.
  - (2) Where the landlord's interest is held on trust the references in paragraph (g) of subsection (1) of section thirty of this Act to the landlord shall be construed as including references to the beneficiaries under the trust or any of them; but, except in the case of a trust arising under a will or on the intestacy of any person, the reference in subsection (2) of that section to the creation of the interest therein mentioned shall be construed as including the creation of the trust.
- [<sup>F2</sup>(3) Where a tenancy is held on trust, section 43ZA(2) has effect as if—
- (a) paragraph (b) were omitted, and

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**Changes to legislation:** Landlord and Tenant Act 1954, Section 41 is up to date with all changes known to be in force on or before 12 June 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) View outstanding changes

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- (b) the condition in paragraph (c)(i) were a condition that the terms of the tenancy require at least one individual who is a trustee or a beneficiary under the trust to occupy the dwelling-house as a home (whether or not as that individual's only or principal home).]

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**Textual Amendments**

- F1** Words inserted by [Law of Property Act 1969 \(c. 59\), s. 1\(2\)](#)  
**F2** [S. 41\(3\)](#) inserted (1.10.2015 for E., 1.10.2015 for W.) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 36\(1\), 164\(1\)](#) (with s. 36(3)); S.I. 2015/1689, reg. 2(b); S.I. 2015/1710, reg. 2(b)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 34(5) inserted by [2022 c. 46 s. 61\(5\)](#)
- s. 34A inserted by [2022 c. 46 s. 61\(2\)](#)
- s. 34B34C inserted by [2022 c. 46 s. 63](#)
- s. 63(2A)-(2C) inserted by [2022 c. 46 s. 65](#)