
STATUTORY INSTRUMENTS

2003 No. 3096

The Regulatory Reform (Business Tenancies) (England and Wales) Order 2003

COMPENSATION

Compensation for misrepresentation

20. After section 37 insert—

“Compensation for possession obtained by misrepresentation

37A.—(1) Where the court—

- (a) makes an order for the termination of the current tenancy but does not make an order for the grant of a new tenancy, or
- (b) refuses an order for the grant of a new tenancy,

and it subsequently made to appear to the court that the order was obtained, or the court was induced to refuse the grant, by misrepresentation or the concealment of material facts, the court may order the landlord to pay to the tenant such sum as appears sufficient as compensation for damage or loss sustained by the tenant as the result of the order or refusal.

(2) Where—

- (a) the tenant has quit the holding—
 - (i) after making but withdrawing an application under section 24(1) of this Act; or
 - (ii) without making such an application; and
- (b) it is made to appear to the court that he did so by reason of misrepresentation or the concealment of material facts,

the court may order the landlord to pay to the tenant such sum as appears sufficient as compensation for damage or loss sustained by the tenant as the result of quitting the holding.”.