

SCHEDULE 5

Article 28(1)

CONSEQUENTIAL AMENDMENTS

Landlord and Tenant Act 1954

1. The Act shall be amended as follows.
2. After section 14 insert—

“Compensation for possession obtained by misrepresentation

14A. Where an order is made for possession of the property comprised in a tenancy to which section 1 of this Act applies and it is subsequently made to appear to the court that the order was obtained by misrepresentation or the concealment of material facts, the court may order the landlord to pay to the tenant such a sum as appears sufficient as compensation for damage or loss sustained by the tenant as the result of the order.”.
3. In section 26(1), for the words “tenancy under which he holds for the time being (hereinafter referred to as “the current tenancy”)” substitute “current tenancy”.
4. In section 38(2) and (3) for the words “the last foregoing section” substitute the words “section 37 of this Act”.
5. In section 41A(6) for the words from “section 29(1)” to “jointly” substitute “section 29 of this Act for the grant of a new tenancy it may order the grant to be made to the business tenants or to them jointly”.
6. In section 46—
 - (a) for the definition of “current tenancy” substitute—

““current tenancy” means the tenancy under which the tenant holds for the time being;”;

and
 - (b) after the definition of “the holding” insert—

““interim rent” has the meaning given by section 24A(1) of this Act;”;
7. In sections 57(3)(a) and 58(1)(a)—

for the words “subsection (5) and” substitute the word “subsection”; and

after the word “under”, in the second place where it occurs, insert the words “subsection (1) of”.
8. In section 59(1), after “(3)” insert the words “to (3B)”.
9. In section 64(1)(b), for the words “the said part II” substitute the words “under section 24(1) or 29(2) of this Act”.

Leasehold Reform Act 1967

10. Schedule 3 to the Leasehold Reform Act 1967 (1) shall be amended as follows.
11. For paragraph 2(1) substitute—

“(1) Sub-paragraphs (1A) to (1E) below apply where a landlord’s notice terminating the tenancy of any property has been given under section 4 or 25 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 that notice has effect to terminate the tenancy).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(1A) A claim to acquire the freehold or an extended lease of the property shall be of no effect if made after the relevant time, but this sub-paragraph is subject to sub-paragraphs (1D) and (1E) below.

(1B) In this paragraph (but subject to sub-paragraph (1C) below) “the relevant time” is the end of the period of two months beginning with the date on which the landlord’s notice terminating the tenancy has been given or served.

(1C) Where—

- (a) a landlord’s notice terminating the tenancy has been given under section 25 of the Landlord and Tenant Act 1954, and
- (b) the tenant applies to the court under section 24(1) of that Act for an order for the grant of a new tenancy before the end of the period of two months mentioned in sub-paragraph (1B) above,

“the relevant time” is the time when the application is made.

(1D) Sub-paragraph (1A) above shall not apply where the landlord gives his written consent to the claim being made after the relevant time.

(1E) Where a tenant, having given notice of a desire to have the freehold, gives after the relevant time a further notice under section 9(3) of this Act of his inability or unwillingness to acquire the house and premises at the price he must pay, he may with the notice under section 9(3) give a notice of his desire to have an extended lease (if he then has a right to such a lease).”

12. After paragraph 2 insert—

“**2A.**—(1) If—

- (a) the landlord commences proceedings under Part 2 of the Landlord and Tenant Act 1954; and
- (b) the tenant subsequently makes a claim to acquire the freehold or an extended lease of the property; and
- (c) paragraph 2 above does not render the claim of no effect,

no further steps shall be taken in the proceedings under Part 2 otherwise than for their dismissal and for the making of any consequential order.

(2) Section 64 of the Landlord and Tenant Act 1954 shall have no effect in a case to which sub-paragraph (1) above applies.”

13. After paragraph 10(2) insert—

“(2A) If the landlord’s notice is under section 25 of the Landlord and Tenant Act 1954, sub-paragraph (2) above shall effect in relation to it as if in paragraph (b), after the word “operate” there were inserted the words “and no further proceedings may be taken by him under Part 2 of the Landlord and Tenant Act 1954.””.