



# Landlord and Tenant Act 1987

## 1987 CHAPTER 31

### PART VII

#### GENERAL

#### 52 Jurisdiction of county courts.

- (1) A county court shall have jurisdiction to hear and determine any question arising under any provision to which this section applies (other than a question falling within the jurisdiction of a rent assessment committee by virtue of section 13(1) or 31(1)).
- (2) This section applies to—
  - (a) any provision of Parts I to IV;
  - (b) any provision of section 42; and
  - (c) any provision of sections 46 to 48.
- (3) Where any proceedings under any provision to which this section applies are being taken in a county court, the county court shall have jurisdiction to hear and determine any other proceedings joined with those proceedings, notwithstanding that the other proceedings would, apart from this subsection, be outside the court's jurisdiction.
- [<sup>F1</sup>(4) If a person takes any proceedings under any such provision in the High Court he shall not be entitled to recover any more costs of those proceedings than those to which he would have been entitled if the proceedings had been taken in a county court; and in any such case the taxing master shall have the same power of directing on what county court scale costs are to be allowed, and of allowing any item of costs, as the judge would have had if the proceedings had been taken in a county court.
- (5) Subsection (4) shall not apply where the purpose of taking the proceedings in the High Court was to enable them to be joined with any proceedings already pending before that court (not being proceedings taken under any provision to which this section applies).]

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#### Textual Amendments

- F1** S. 52(4)(5) repealed (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 124(3), 125(7), **Sch. 20**

VALID FROM 23/08/1996

#### [<sup>F2</sup>52A Jurisdiction of leasehold valuation tribunal under Part I or III.

- (1) Any jurisdiction conferred by Part I or III of this Act on a leasehold valuation tribunal is exercisable by a rent assessment committee constituted in accordance with Schedule 10 to the <sup>M1</sup>Rent Act 1977 which when so constituted for the purposes of exercising any such jurisdiction shall be known as a leasehold valuation tribunal.
- (2) The power to make regulations under section 74(1)(b) of the Rent Act 1977 (procedure of rent assessment committees) extends to prescribing the procedure to be followed in connection with any proceedings before a leasehold valuation tribunal under this Act.
- (3) Any application under this Act to a leasehold valuation tribunal must be in such form, and contain such particulars, as the Secretary of State may by regulations prescribe.
- (4) Any costs incurred by a party to any such application in connection with the application shall be borne by that party.
- (5) Paragraphs 1, 2, 3 and 7 of Schedule 22 to the <sup>M2</sup>Housing Act 1980 (supplementary provisions relating to leasehold valuation tribunals: constitution, appeals and provision of information) apply to a leasehold valuation tribunal constituted for the purposes of this section.]

#### Textual Amendments

- F2** S. 52A inserted (23.8.1996) by 1996 c. 52, s. 92(1), **Sch. 6 Pt. IV para. 7**; S.I. 1996/2212, **art. 2(1)** (with **Sch.**)

#### Marginal Citations

- M1** 1977 c. 42.  
**M2** 1980 c. 51.

### 53 Regulations and orders.

- (1) Any power of the Secretary of State to make an order or regulations under this Act shall be exercisable by statutory instrument and may be exercised so as to make different provision for different cases, including different provision for different areas.
- (2) A statutory instrument containing—
  - (a) an order made under section 1(5), 25(6), 42(5) or 55, or
  - (b) any regulations made under section 13(2) (including any made under that provision as it applies for the purposes of section 31) or under section 20(4),

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shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **54 Notices.**

- (1) Any notice required or authorised to be served under this Act—
  - (a) shall be in writing; and
  - (b) may be sent by post.
- (2) Any notice purporting to be a notice served under any provision of Part I or III by the requisite majority of any qualifying tenants (as defined for the purposes of that provision) shall specify the names of all of the persons by whom it is served and the addresses of the flats of which they are qualifying tenants.
- (3) The Secretary of State may by regulations prescribe—
  - (a) the form of any notices required or authorised to be served under or in pursuance of any provision of Parts I to III, and
  - (b) the particulars which any such notices must contain (whether in addition to, or in substitution for, any particulars required by virtue of the provision in question).
- (4) Subsection (3)(b) shall not be construed as authorising the Secretary of State to make regulations under subsection (3) varying either of the periods specified in section 5(2) (which accordingly can only be varied by regulations under section 20(4)).

#### **55 Application to Isles of Scilly.**

This Act shall apply to the Isles of Scilly subject to such exceptions, adaptations and modifications as the Secretary of State may by order direct.

#### **56 Crown land.**

- (1) This Act shall apply to a tenancy from the Crown if there has ceased to be a Crown interest in the land subject to it.
- (2) A variation of any such tenancy effected by or in pursuance of an order under section 38 shall not, however, be treated as binding on the Crown, as a predecessor in title under the tenancy, by virtue of section 39(1).
- (3) Where there exists a Crown interest in any land subject to a tenancy from the Crown and the person holding that tenancy is himself the landlord under any other tenancy whose subject-matter comprises the whole or part of that land, this Act shall apply to that other tenancy, and to any derivative sub-tenancy, notwithstanding the existence of that interest.
- (4) For the purposes of this section “tenancy from the Crown” means a tenancy of land in which there is, or has during the subsistence of the tenancy been, a Crown interest superior to the tenancy, and “Crown interest” means—
  - (a) an interest comprised in the Crown Estate;
  - (b) an interest belonging to Her Majesty in right of the Duchy of Lancaster;
  - (c) an interest belonging to the Duchy of Cornwall;
  - (d) any other interest belonging to a government department or held on behalf of Her Majesty for the purposes of a government department.

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## 57 Financial provision.

There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable out of money so provided under any other Act.

## 58 Exempt landlords and resident landlords.

(1) In this Act “exempt landlord” means a landlord who is one of the following bodies, namely—

- (a) a district, county or London borough council, the Common Council of the City of London, the Council of the Isles of Scilly, . . . <sup>F3</sup>, or a joint authority established by Part IV of the <sup>M3</sup>Local Government Act 1985;
- (b) the Commission for the New Towns or a development corporation established by an order made (or having effect as if made) under the <sup>M4</sup>New Towns Act 1981;
- (c) an urban development corporation within the meaning of Part XVI of the <sup>M5</sup>Local Government, Planning and Land Act 1980;
- [<sup>F4</sup>(ca) a housing action trust established under Part III of the Housing Act 1988.]
- (d) the Development Board for Rural Wales;
- [<sup>F5</sup>(dd) the Broads Authority;]
- (e) the Housing Corporation;
- [<sup>F6</sup>(ea) Housing for Wales]
- (f) a housing trust (as defined in section 6 of the <sup>M6</sup>Housing Act 1985) which is a charity;
- (g) a registered housing association, or an unregistered housing association which is a fully mutual housing association, within the meaning of the <sup>M7</sup>Housing Associations Act 1985; or
- (h) an authority established under section 10 of the <sup>M8</sup>Local Government Act 1985 (joint arrangements for waste disposal functions).

(2) For the purposes of this Act the landlord of any premises consisting of the whole or part of a building is a resident landlord of those premises at any time if—

- (a) the premises are not, and do not form part of, a purpose-built block of flats; and
- (b) at that time the landlord occupies a flat contained in the premises as his only or principal residence; and
- (c) he has so occupied such a flat throughout a period of not less than 12 months ending with that time.

(3) In subsection (2) “purpose-built block of flats” means a building which contained as constructed, and contains, two or more flats.

### Textual Amendments

- F3** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt. 1](#)
- F4** [S. 58\(1\)\(ca\)](#) inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 119, [Sch. 13 para. 7](#)
- F5** [S. 58\(1\)\(dd\)](#) inserted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), [Sch. 6 para. 28](#)
- F6** [S. 58\(1\)\(ea\)](#) inserted by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140, [Sch. 17 para. 114](#)

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#### Modifications etc. (not altering text)

- C1** S. 58(1) extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 25(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

#### Marginal Citations

- M3** 1985 c. 51.  
**M4** 1981 c. 64.  
**M5** 1980 c. 65.  
**M6** 1985 c. 68.  
**M7** 1985 c. 69.  
**M8** 1985 c. 51.

### 59 Meaning of “lease”, “long lease” and related expressions.

- (1) In this Act “lease” and “tenancy” have the same meaning; and both expressions include—
- a sub-lease or sub-tenancy, and
  - an agreement for a lease or tenancy (or for a sub-lease or sub-tenancy).
- (2) The expressions “landlord” and “tenant”, and references to letting, to the grant of a lease or to covenants or the terms of a lease shall be construed accordingly.
- (3) In this Act “long lease” means—
- a lease granted for a term certain exceeding 21 years, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture;
  - a lease for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, other than a lease by sub-demise from one which is not a long lease; or
  - a lease granted in pursuance of Part V of the Housing Act 1985 (the right to buy).

### 60 General interpretation.

- (1) In this Act—
- “the 1985 Act” means the <sup>M9</sup>Landlord and Tenant Act 1985;
- “charity” means a charity within the meaning of the <sup>M10</sup>Charities Act 1960, and “charitable purposes”, in relation to a charity, means charitable purposes whether of that charity or of that charity and other charities;
- “common parts”, in relation to any building or part of a building, includes the structure and exterior of that building or part and any common facilities within it;
- “the court” means the High Court or a county court;
- “dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;
- “exempt landlord” has the meaning given by section 58(1);
- “flat” means a separate set of premises, whether or not on the same floor, which—
- forms part of a building, and

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- (b) is divided horizontally from some other part of that building, and
- (c) is constructed or adapted for use for the purposes of a dwelling;

“functional land”, in relation to a charity, means land occupied by the charity or by trustees for it, and wholly or mainly used for charitable purposes;

“landlord” (except for the purposes of Part 1) means the immediate landlord or, in relation to a statutory tenant, the person who, apart from the statutory tenancy, would be entitled to possession of the premises subject to the tenancy;

“lease” and related expressions shall be construed in accordance with section 59(1) and (2);

“long lease” has the meaning given by section 59(3);

“mortgage” includes any charge or lien, and references to a mortgagee shall be construed accordingly;

“notices in proceedings” means notices or other documents served in, or in connection with, any legal proceedings;

“rent assessment committee” means a rent assessment committee constituted under Schedule 10 to the <sup>M11</sup>Rent Act 1977;

“resident landlord” shall be construed in accordance with section 58(2);

“statutory tenancy” and “statutory tenant” mean a statutory tenancy or statutory tenant within the meaning of the Rent Act 1977 or the <sup>M12</sup>Rent (Agriculture) Act 1976;

“tenancy” includes a statutory tenancy.

(2) ..... F7

**Textual Amendments**

F7 S. 60(2) repealed by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(2), [Sch. 18](#)

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**Marginal Citations**

M9 1985 c. 70.  
M10 1960 e. 58.  
M11 1977 c. 42.  
M12 1976 c. 80.

**61 Consequential amendments and repeals.**

- (1) The enactments mentioned in Schedule 4 shall have effect subject to the amendments there specified (being amendments consequential on the preceding provisions of this Act).
- (2) The enactments mentioned in Schedule 5 are hereby repealed to the extent specified in the third column of that Schedule.

**Modifications etc. (not altering text)**

C2 S. 61(1)(2) excluded by [S.I. 1988/1283](#), art. 2, [Sch. para. 8](#)

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## **62 Short title, commencement and extent.**

- (1) This Act may be cited as the Landlord and Tenant Act 1987.
- (2) This Act shall come into force on such day as the Secretary of State may by order appoint.
- (3) An order under subsection (2)—
  - (a) may appoint different days for different provisions or for different purposes; and
  - (b) may make such transitional, incidental, supplemental or consequential provision or saving as the Secretary of State considers necessary or expedient in connection with the coming into force of any provision of this Act or the operation of any enactment which is repealed or amended by a provision of this Act during any period when the repeal or amendment is not wholly in force.
- (4) This Act extends to England and Wales only.

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### **Subordinate Legislation Made**

**P1** Power of appointment conferred by s. 62(2) fully exercised: [S.I. 1987/2177](#), 1988/480, 1283

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