



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 [^{F1}leasehold valuation tribunal] by virtue of section 13(1) or 31(1)).
- (2) This section applies to—
 - (a) any provision of [^{F2}Parts I [^{F3}and 3]];
 - (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.
- (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).

Status: Point in time view as at 01/04/2010.

Changes to legislation: Landlord and Tenant Act 1987, Part VII is up to date with all changes known to be in force on or before 13 May 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)

Textual Amendments

- F1** Words in s. 52(1) substituted (1.10.1996) by 1996 c. 52, s. 92(1), **Sch. 6 para. 6**; S.I. 1996/2212, **art. 2(2)** (with Sch.)
- F2** Words in s. 52(2)(a) substituted (1.9.1997) by 1996 c. 52, **s. 86(6)**; S.I. 1997/1851, **art. 2(b)** (subject to Sch. para. 2)
- F3** Words in s. 52(2)(a) substituted (30.9.2003 for E.) by **Commonhold and Leasehold Reform Act 2002** (c. 15), **ss. 163(8)**, 181(1); S.I. 2003/1986, art. 2(a); S.I. 2004/669, art. 2(a)

^{F4}**52A Jurisdiction of leasehold valuation tribunal under Part I or III.**

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Textual Amendments

- F4** S. 52A repealed (30.9.2003 for E., 30.3.2004 for W.) by **Commonhold and Leasehold Reform Act 2002** (c. 15), s. 181(1), **Sch. 14**; S.I. 2003/1986, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2)

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—
- an order made under section 1(5), 25(6)^{F5}... or 55, or
 - any regulations made ^{F5}... under section 20(4) [^{F6}or 35(2)(g)] [^{F7} [^{F8} or 42A]],
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[^{F9}(3) This section does not apply to any power to make regulations under section 42A.]

Textual Amendments

- F5** Words in s. 53(2) repealed (30.9.2003 for E., 30.3.2004 for W.) by **Commonhold and Leasehold Reform Act 2002** (c. 15), s. 181(1), **Sch. 14**; S.I. 2003/1986, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2)
- F6** Words in s. 53(2)(b) inserted (26.7.2002 for E. and 1.1.2003 for W.) by **Commonhold and Leasehold Reform Act 2002** (c. 15), **s. 162(5)**; S.I. 2002/1912, **art. 2(b)(i)** (subject to Sch. 2); S.I. 2002/3012, **art. 2(b)(i)**
- F7** Words in s. 53(2)(b) repealed (1.12.2008 for E. for specified purposes) by **Housing and Regeneration Act 2008** (c. 17), s. 325(1), **Sch. 12 para. 13(2)**, **Sch. 16**; S.I. 2008/3068, art. 4(7) (with arts. 6-13)
- F8** Words in s. 53(2)(b) inserted (26.7.2002 for E. for specified purposes, 1.1.2003 for W. for specified purposes and otherwise prosp.) by **Commonhold and Leasehold Reform Act 2002** (c. 15), **s. 156(2)**; S.I. 2002/1912, **art. 2(c)** (subject to Sch. 2); S.I. 2002/3012, **art. 2(c)** (subject to Sch. 2)
- F9** S. 53(3) inserted (1.12.2008 for E. for specified purposes) by **Housing and Regeneration Act 2008** (c. 17), s. 325(1), **Sch. 12 para. 13(3)**; S.I. 2008/3068, art. 4(7) (with arts. 6-13)

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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 [^{F10}any of the periods specified in section 5A(4) or (5), 5B(5) or (6), 5C(4) or (5), 5D(4) or (5) or 5E(3)] (which accordingly can only be varied by regulations under section 20(4)).

Textual Amendments

F10 Words in s. 54(4) substituted (1.10.1996) by 1996 c. 52, s. 92(1), **Sch. 6 para. 9**; S.I. 1996/2212, **art. 2(2)** (with Sch.)

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) [^{F11}Parts 1 and 3 and sections 42 to 42B (and so much of this Part as relates to those provisions)] shall apply to a tenancy from the Crown if there has ceased to be a Crown interest in the land subject to it.
- ^{F12}(2)
- (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, [^{F13}the provisions mentioned in subsection (1)] 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;

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- (d) any other interest belonging to a government department or held on behalf of Her Majesty for the purposes of a government department.

Textual Amendments

- F11** Words in s. 56(1) substituted (30.9.2003 for E. for specified purposes, 30.3.2004 for W. for specified purposes) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), **ss. 172(6)(a)**, 181(1); S.I. 2003/1986, art. 2(c)(iii) (with Sch. 2); S.I. 2004/669, art. 2(c)(iii) (with Sch. 2)
- F12** S. 56(2) repealed (30.9.2003 for E., 30.3.2004 for W.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. 181(1), **Sch. 14**; S.I. 2003/1986, art. 2(c)(iv), Sch. 1 Pt. 2 (with Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 Pt. 2 (with Sch. 2)
- F13** Words in s. 56(3) substituted (30.9.2003 for E. for specified purposes, 30.3.2004 for W. for specified purposes) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), **ss. 172(6)(b)**, 181(1); S.I. 2003/1986, art. 2(c)(iii) (with Sch. 2); S.I. 2004/669, art. 2(c)(iii) (with Sch. 2)

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 ^{F14}, county borough] or London borough council, the Common Council of the City of London, ^{F15}the London Fire and Emergency Planning Authority,] the Council of the Isles of Scilly, ^{F16}a police authority established under ^{F17}section 3 of the Police Act 1996]]^{F18} . . . ^{F19} . . . , ^{F20}a joint authority established by Part 4 of the Local Government Act 1985, an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009 or a combined authority established under section 103 of that Act;]
- (b) ^{F21}... a development corporation established by an order made (or having effect as if made) under the ^{M1}New Towns Act 1981;
- (c) an urban development corporation within the meaning of Part XVI of the ^{M2}Local Government, Planning and Land Act 1980;
- ^{F22}(ca) a housing action trust established under Part III of the Housing Act 1988.]
- ^{F23}(d)
- ^{F24}(dd) the Broads Authority;]
- ^{F25}(de) a National Park authority;]
- ^{F26}(df) the Homes and Communities Agency;]
- (e) the ^{F27}Regulator of Social Housing;]
- ^{F28}(ea)
- (f) a housing trust (as defined in section 6 of the ^{M3}Housing Act 1985) which is a charity;
- ^{F29}(g) a non-profit private registered provider of social housing;
- (ga) a registered social landlord;
- (gb) a fully mutual housing association which is neither a private registered provider of social housing nor a registered social landlord;]

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(h) an authority established under section 10 of the ^{M4}Local Government Act 1985 (joint arrangements for waste disposal functions).

[^{F30}(1ZA) In this Act “exempt landlord”, in relation to social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), includes a landlord which is a profit-making private registered provider of social housing.]

[^{F31}(1A) In subsection (1)(ga) “registered social landlord” has the same meaning as in the Housing Act 1985 (see section 5(4) and (5) of that Act).

(1B) In subsection (1)(gb) “fully mutual housing association” has the same meaning as in the Housing Associations Act 1985 (see section 1(1) and (2) of that Act).]

(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

- F14** Words in s. 58(1)(a) inserted (1.4.1996) by 1994 c. 19, s. 22(2), **Sch. 8 para. 8** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, art. 3, **Sch.**
- F15** Words in s. 58(1)(a) inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 48** (with **Sch. 12 para. 9(1)**); S.I. 2000/1094, **art. 4(h)**
- F16** Words in s. 58(1) inserted (1.10.1994 for specified purposes and otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 61**; S.I. 1994/2025, **art. 6(1)(2)(e)** (subject to art. 6(3)-(6)); S.I. 1994/3262, art. 4(1), **Sch.** (subject to arts. 4(2)-(8), 5)
- F17** Words in s. 58(1)(a) substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1), **Sch. 7 Pt. I para. 1(2)(z)**
- F18** Words in s. 58(1) repealed (1.4.2002) by 2001 c. 16, ss. 128(1), 137, 138(2), **Sch. 6 para. 70**, **Sch. 7 Pt. 5(1)**; S.I. 2002/344, **art. 3(j)(k)(m)**
- F19** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F20** Words in s. 58(1)(a) substituted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 72**; S.I. 2009/3318, art. 2(c)
- F21** Words in s. 58(1)(b) repealed (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 8 para. 40(a)**, **Sch. 16**; S.I. 2008/3068, art. 2(1)(w)(3)5, **Sch.** (with arts. 6-13)
- F22** S. 58(1)(ca) inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 119, **Sch. 13 para. 7**
- F23** S. 58(1)(d) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**
- F24** 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**
- F25** S. 58(1)(de) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 26** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1995/2950, **art. 2(1)**
- F26** S. 58(1)(df) inserted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 8 para. 40(b)**; S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)
- F27** Words in s. 58(1)(e) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 62(2)(a)** (with art. 6, **Sch. 3**)

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- F28** S. 58(1)(ea) repealed (1.11.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F29** S. 58(1)(g)(ga)(gb) substituted for s. 58(1)(g) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 62(2)(b)** (with art. 6, Sch. 3)
- F30** S. 58(1ZA) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 62(3)** (with art. 6, Sch. 3)
- F31** S. 58(1A)(1B) substituted for s. 58(1A) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 62(4)** (with art. 6, Sch. 3)

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))
S. 58(1) extended (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 11**
- C2** S. 58(1)(e) modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 1** (with art. 6)

Marginal Citations

- M1** 1981 c. 64.
M2 1980 c. 65.
M3 1985 c. 68.
M4 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) [^{F32}, including a lease granted in pursuance of that Part as it has effect by virtue of section 17 of the Housing Act 1996 (the right to acquire)].

Textual Amendments

- F32** Words in s. 59(3)(c) added (1.4.1997) by S.I. 1997/627, art. 2, **Sch. para. 5**

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60 General interpretation.

(1) In this Act—

“the 1985 Act” means the ^{M5}Landlord and Tenant Act 1985;

“charity” means a charity within the meaning of [^{F33}the Charities Act 1993], 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—

(a) forms part of a building, and

(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;

^{F34}
.....

“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 ^{M6}Rent (Agriculture) Act 1976;

“tenancy” includes a statutory tenancy.

[^{F35}(1A) In this Act a reference to the Welsh Ministers in their new towns residuary capacity means the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) to (iii) of the New Towns Act 1981.]

^{F36}(2)

Textual Amendments

F33 Words in s. 60(1) substituted (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), Sch. 6 para. 30

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- F34** S. 60(1): definition of “rent assessment committee” repealed (1.10.1996) by 1996 c. 52, ss. 92(1), 227, **Sch. 6 Pt. Iv** para. 10, Sch. 19 Pt. III; S.I. 1996/2212, **art. 2(2)** (with Sch.)
- F35** S. 60(1A) inserted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 8 para. 41**; S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)
- F36** S. 60(2) repealed by Housing Act 1988 (c. 50, SIF 61, 75:1), s. 140(2), **Sch. 18**

Marginal Citations

- M5** 1985 c. 70.
- M6** 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)

- C3** S. 61(1)(2) excluded by S.I. 1988/1283, art. 2, **Sch. para. 8**

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.

Subordinate Legislation Made

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

Status:

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