

SCHEDULES

SCHEDULE 12

THE TENANT'S NOTICE: SUPPLEMENTARY PROVISIONS

PART I

EFFECT OF TENANT'S NOTICE ON OTHER NOTICES, FORFEITURES ETC.

Prior notice by landlord terminating lease

- 2 (1) Subject to sub-paragraph (2), a notice given by a qualifying tenant of a flat under section 42 shall be of no effect if it is given more than two months after a landlord's notice terminating the tenant's lease of the flat has been given under section 4 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 the notice has effect to terminate the lease).
- (2) Sub-paragraph (1) does not apply where the landlord gives his written consent to a notice being given under section 42 after the end of those two months.
- (3) Where in the case of a qualifying tenant of a flat who gives a notice under section 42—
- (a) any such landlord's notice is given or served as mentioned in sub-paragraph (1), but
 - (b) that notice was not given or served more than two months before the date on which the notice under section 42 is given to the landlord,
- the landlord's notice shall cease to have effect on that date.
- (4) If—
- (a) any such landlord's notice ceases to have effect by virtue of sub-paragraph (3), but
 - (b) the claim made by the tenant by the giving of his notice under section 42 is not effective,
- then sub-paragraph (5) shall apply to any landlord's notice terminating the tenant's lease of the flat which—
- (i) is given under section 4 of the Landlord and Tenant Act 1954 or served under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989, and
 - (ii) is so given or served within one month after the expiry of the period of currency of that claim.
- (5) Where this sub-paragraph applies to a landlord's notice, the earliest date which may be specified in the notice as the date of termination shall be—
- (a) in the case of a notice given under section 4 of that Act of 1954—

Status: This is the original version (as it was originally enacted).

- (i) the date of termination specified in the previous notice, or
 - (ii) the date of expiry of the period of three months beginning with the date of the giving of the new notice,whichever is the later; or
 - (b) in the case of a notice served under paragraph 4(1) of Schedule 10 to that Act of 1989—
 - (i) the date of termination specified in the previous notice, or
 - (ii) the date of expiry of the period of four months beginning with the date of service of the new notice,whichever is the later.
- (6) Where—
- (a) by virtue of sub-paragraph (5) a landlord's notice specifies as the date of termination of a lease a date earlier than six months after the date of the giving of the notice, and
 - (b) the notice proposes a statutory tenancy,
- section 7(2) of the Landlord and Tenant Act 1954 shall apply in relation to the notice with the substitution, for references to the period of two months ending with the date of termination specified in the notice and the beginning of that period, of references to the period of three months beginning with the date of the giving of the notice and the end of that period.