

SCHEDULES

SCHEDULE 2

SPECIAL CATEGORIES OF LANDLORDS

Mortgagee in possession of landlord's interest

- 2 (1) Where—
- (a) the interest of a Chapter I or Chapter II landlord is subject to a mortgage, and
 - (b) the mortgagee is in possession,
- all such proceedings arising out of the relevant notice as would apart from this sub-paragraph be taken by or in relation to that landlord (“the mortgagor”) shall, as regards his interest, be conducted by and through the mortgagee as if he were that landlord; but this sub-paragraph shall not, in its application to a Chapter I landlord, affect the operation in relation to the mortgagee of section 35 or Schedule 8.
- (2) Where sub-paragraph (1) above applies to a Chapter I landlord, then (without prejudice to the generality of that sub-paragraph) any application under section 23(1) that would otherwise be made by the mortgagor (whether alone or together with any other person or persons) shall be made by the mortgagee as if he were the mortgagor.
- (3) Where—
- (a) the interest of a Chapter I landlord is subject to a mortgage, and
 - (b) a receiver appointed by the mortgagee or by order of any court is in receipt of the rents and profits,
- the person referred to in paragraph (a) shall not make any application under section 23(1) without the consent of the mortgagee, and the mortgagee may by notice given to that person require that, as regards his interest, this paragraph shall apply, either generally or so far as it relates to section 23, as if the mortgagee were a mortgagee in possession.
- (4) Where—
- (a) the interest of a Chapter I or Chapter II landlord is subject to a mortgage, and
 - (b) the mortgagee is in possession or a receiver appointed by the mortgagee or by order of any court is in receipt of the rents and profits,
- the relevant notice or a copy of it shall be regarded as duly given to that landlord if it is given to the mortgagee or to any such receiver; but whichever of the landlord, the mortgagee and any such receiver are not the recipient of the notice shall be given a copy of it by the recipient.
- (5) Sub-paragraph (4) has effect in relation to a debenture holders' charge as if any reference to the mortgagee were a reference to the trustees for the debenture holders; but, where the relevant notice is given to a Chapter I or Chapter II landlord whose interest is subject to any such charge and there is no trustee for the debenture holders, the landlord shall forthwith send it or a copy of it to any receiver appointed by virtue of the charge.

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

(6) Where—

(a) a Chapter I or Chapter II landlord is given the relevant notice or a copy of it, and

(b) his interest is subject to a mortgage to secure the payment of money, then (subject to sub-paragraph (7)), the landlord shall forthwith inform the mortgagee (unless the notice was given to him or a receiver appointed by virtue of the mortgage) that the notice has been given, and shall give him such further information as may from time to time be reasonably required from the landlord by the mortgagee.

(7) Sub-paragraph (6) does not apply to a debenture holders' charge.