



Landlord and Tenant Act 1954

1954 CHAPTER 56

PART I

SECURITY OF TENURE FOR RESIDENTIAL TENANTS

Continuation and termination of tenancies to which s. 1 applies

3 Continuation of tenancies to which s. 1 applies.

- (1) A tenancy which is current immediately before the term date and is then a tenancy to which section one of this Act applies shall not come to an end on that date except by being terminated under the provisions of this Part of this Act, and if not then so terminated shall subject to those provisions continue until so terminated and shall, while continuing by virtue of this section, be deemed (notwithstanding any change in circumstances) to be a tenancy to which section one of this Act applies.
- (2) Where by virtue of the last foregoing subsection a tenancy is continued after the term date, then—
 - (a) if the premises qualifying for protection are the whole of the property comprised in the tenancy, the tenancy shall continue at the same rent and in other respects on the same terms as before the term date ;
 - (b) if the premises qualifying for protection are only part of the property comprised in the tenancy, the tenancy while continuing after the term date shall have effect as a tenancy of those premises to the exclusion of the remainder of the property, and at a rent to be ascertained by apportioning the rent payable before the term date as between those premises and the remainder of the property, and in other respects on the same terms (subject to any necessary modifications) as before the term date.
- (3) In this Part of this Act the expression " the premises qualifying for protection " means the aggregate of the premises of which, if the tenancy in question were not one at a low rent, the tenant would be entitled to retain possession by virtue of the Rent Acts after the coming to an end of the tenancy at the term date.

Status: This is the original version (as it was originally enacted).

- (4) Any question arising under paragraph (b) of subsection (2) of this section as to the premises comprised in a tenancy continuing as mentioned in that paragraph, as to the rent payable in respect of a tenancy so continuing, or as to any of the terms of such a tenancy, shall be determined by agreement between the landlord and the tenant or, on the application of either of them, by the court.

4 Termination of tenancy by the landlord.

- (1) The landlord may terminate a tenancy to which section one of this Act applies by notice given to the tenant in the prescribed form specifying the date at which the tenancy is to come to an end (hereinafter referred to as " the date of termination "), being either the term date of the tenancy or a later date:

Provided that this subsection has effect subject to the provisions of this Part of this Act as to the annulment of notices in certain cases and subject to the provisions of Part IV of this Act as to the interim continuation of tenancies pending the disposal of applications to the court.

- (2) A notice under the last foregoing subsection shall not have effect unless it is given not more than twelve nor less than six months before the date of termination specified therein.
- (3) A notice under subsection (1) of this section shall not have effect unless it specifies the premises which the landlord believes to be, or to be likely to be, the premises qualifying for protection and either—
- (a) it contains proposals for a statutory tenancy, as defined by subsection (3) of section seven of this Act, or
 - (b) it contains notice that, if the tenant is not willing to give up possession at the date of termination of the tenancy, of all the property then comprised in the tenancy, the landlord proposes to apply to the court, on one or more of the grounds mentioned in section twelve of this Act, for possession of the property comprised in the tenancy, and states the ground or grounds on which he proposes to apply.
- (4) A notice under subsection (1) of this section shall invite the tenant, within two months after the giving of the notice, to notify the landlord in writing whether he is willing to give up possession as mentioned in paragraph (b) of the last foregoing subsection.
- (5) A notice under subsection (1) of this section containing proposals such as are mentioned in paragraph (a) of subsection (3) of this section is hereinafter referred to as a " landlord's notice proposing a statutory tenancy ", and a notice under subsection (1) of this section not containing such proposals is hereinafter referred to as a " landlord's notice to resume possession ".
- (6) References in this Part of this Act to an election by the tenant to retain possession are references to his notifying the landlord, in accordance with subsection (4) of this section, that he will not be willing to give up possession.

5 Termination of tenancy by the tenant.

- (1) A tenancy to which section one of this Act applies may be brought to an end at the term date thereof by not less than one month's notice in writing given by the tenant to the immediate landlord.

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

- (2) A tenancy continuing after the term date thereof by virtue of section three of this Act may be brought to an end at any time by not less than one month's notice in writing given by the tenant to the immediate landlord, whether the notice is given after or before the term date of the tenancy.
- (3) The fact that the landlord has given a notice under subsection (1) of the last foregoing section, or that the tenant has elected to retain possession, shall not prevent the tenant from giving a notice terminating the tenancy at a date earlier than the date of termination specified in the landlord's notice.