



Landlord and Tenant Act 1954

1954 CHAPTER 56

PART I

SECURITY OF TENURE FOR RESIDENTIAL TENANTS

Provisions as to possession on termination of long tenancy

12 Grounds for resumption of possession by landlord.

- (1) The grounds on which a landlord may apply to the court for possession of the property comprised in a tenancy to which section one of this Act applies are the following:—
- (a) that for purposes of redevelopment after the termination of the tenancy the landlord proposes to demolish or reconstruct the whole or a substantial part of the relevant premises ;
 - (b) the grounds specified in the Third Schedule to this Act (which correspond, subject to the necessary modifications, to the grounds on which a court may make an order for possession under the Rent Acts).
- (2) In this section the expression "the relevant premises" means—
- (a) as respects any time after the term date, the premises of which, if the tenancy were not one at a low rent, the tenant would have been entitled to retain possession by virtue of the Rent Acts after the coming to an end of the tenancy at the term date ;
 - (b) as respects any time before the term date, the premises agreed between the landlord and the tenant or determined by the court to be likely to be the premises of which, if the tenancy were not one at a low rent, the tenant would be entitled to retain possession as aforesaid.

13 Landlord's application for possession.

- (1) Where a landlord's notice to resume possession has been served and either—
- (a) the tenant elects to retain possession, or

Status: This is the original version (as it was originally enacted).

(b) at the end of the period of two months after the service of the landlord's notice the qualifying condition is fulfilled as respects the tenancy,

the landlord may apply to the court for an order under this section on such of the grounds mentioned in the last foregoing section as may be specified in the notice :

Provided that the application shall not be made later than two months after the tenant elects to retain possession, or, if he has not elected to retain possession, later than four months after the service of the notice.

(2) Where the ground or one of the grounds for claiming possession specified in the landlord's notice was that mentioned in paragraph (a) of subsection (1) of the last foregoing section, then if on such an application the court is satisfied that the landlord has established that ground as respects premises specified in the application, and is further satisfied.—

(a) that on the said ground possession of the specified premises will be required by the landlord on the termination of the tenancy; and

(b) that the landlord has made such preparations (including the obtaining, or, if that is not reasonably practicable in the circumstances, preparations relating to the obtaining, of any requisite permission or consent, whether from any authority whose permission or consent is required under any enactment or from the owner of any interest in any property) for proceeding with the redevelopment as are reasonable in the circumstances,

the court shall order that the tenant shall, on the termination of the tenancy, give up possession of all the property then comprised in the tenancy.

(3) Where in a case falling within the last foregoing subsection the court is not satisfied as therein mentioned, but would be satisfied if the date of termination of the tenancy had been such date (in this subsection referred to as " the postponed date ") as the court may determine, being a date later, but not more than one year later, than the date of termination specified in the landlord's notice, the court shall, if the landlord so requires, make an order specifying the postponed date and otherwise to the following effect, that is to say:—

(a) that the tenancy shall not come to an end on the date of termination specified in the landlord's notice but shall continue thereafter, as respects the whole of the property comprised therein, at the same rent and in other respects on the same terms as before that date ;

(b) that unless the tenancy comes to an end before the postponed date, the tenant shall on that date give up possession of all the property then comprised in the tenancy.

(4) Where the ground or one of the grounds for claiming possession specified in the landlord's notice was one mentioned in the Third Schedule to this Act, then if on an application made in accordance with subsection (1) of this section the court is satisfied that the landlord has established that ground and that it is reasonable that the landlord should be granted possession, the court shall order that the tenant shall, on the termination of the tenancy, give up possession of all the property then comprised in the tenancy.

(5) Nothing in the foregoing provisions of this section shall prejudice any power of the tenant under section five of this Act to terminate the tenancy ; and subsection (2) of that section shall apply where the tenancy is continued by an order under subsection (3) of this section as it applies where the tenancy is continued by virtue of section three of this Act.

14 Provisions where tenant not ordered to give up possession.

- (1) The provisions of this section shall have effect where in a case falling within paragraph (a) or (b) of subsection (1) of the last foregoing section the landlord does not obtain an order under the last foregoing section.
- (2) If at the expiration of the period within which an application under the last foregoing section may be made the landlord has not made such an application, the landlord's notice, and anything done in pursuance thereof, shall thereupon cease to have effect.
- (3) If before the expiration of the said period the landlord has made an application under the last foregoing section, but the result of the application, at the time when it is finally disposed of, is that no order is made, the landlord's notice shall cease to have effect; but if within one month after the application to the court is finally disposed of the landlord gives a landlord's notice proposing a statutory tenancy, the earliest date which may be specified therein as the date of termination shall, notwithstanding anything in subsection (2) of section four of this Act, be the expiration of three months from the giving of the subsequent notice.
- (4) The reference in the last foregoing subsection to the time at which an application is finally disposed of shall be construed as a reference to the earliest time at which the proceedings on the application (including any proceedings on or in consequence of an appeal) have been determined and any time for appealing or further appealing has expired, except that if the application is withdrawn or any appeal is abandoned the reference shall be construed as a reference to the time of withdrawal or abandonment.
- (5) A landlord's notice to resume possession may be withdrawn at any time by notice in writing served on the tenant (without prejudice, however, to the power of the court to make an order as to costs if the notice is withdrawn after the landlord has made an application under the last foregoing section); and if within one month of the withdrawal of a landlord's notice to resume possession the landlord gives a landlord's notice proposing a statutory tenancy, the earliest date which may be specified therein as the date of termination shall, notwithstanding anything in subsection (2) of section four of this Act, be the expiration of three months from the giving of the subsequent notice or six months from the giving of the withdrawn notice, whichever is the later.
- (6) Where by virtue of subsection (3) or (5) of this section the landlord gives a landlord's notice proposing a statutory tenancy which specifies as the date of termination a date earlier than six months after the giving of the notice, subsection (2) of section seven of this Act 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 giving of the notice and the end of that period.