



# Landlord and Tenant Act 1954

1954 CHAPTER 56 2 and 3 Eliz 2

## PART II

SECURITY OF TENURE FOR BUSINESS, PROFESSIONAL AND OTHER TENANTS

### *Continuation and renewal of tenancies*

**[<sup>F1</sup> 24 Continuation of tenancies to which Part II applies and grant of new tenancies.**

(1) A tenancy to which this Part of this Act applies shall not come to an end unless terminated in accordance with the provisions of this Part of this Act; and, subject to the [<sup>F2</sup>following provisions of this Act either the tenant or the landlord under such a tenancy may apply to the court for an order for the grant of] a new tenancy—

- (a) if the landlord has given notice under section 25 of this Act to terminate the tenancy, or
- (b) if the tenant has made a request for a new tenancy in accordance with section 26 of this Act.

(2) The last foregoing subsection shall not prevent the coming to an end of a tenancy by notice to quit given by the tenant, by surrender or forfeiture, or by the forfeiture of a superior tenancy, unless—

- (a) in the case of a notice to quit, the notice was given before the tenant had been in occupation in right of the tenancy for one month; <sup>F3</sup>...

<sup>F3</sup>(b) .....

[ Neither the tenant nor the landlord may make an application under subsection (1) <sup>F4</sup>(2A) above if the other has made such an application and the application has been served.

(2B) Neither the tenant nor the landlord may make such an application if the landlord has made an application under section 29(2) of this Act and the application has been served.

(2C) The landlord may not withdraw an application under subsection (1) above unless the tenant consents to its withdrawal.]

*Changes to legislation: Landlord and Tenant Act 1954, Cross Heading: Continuation and renewal of tenancies is up to date with all changes known to be in force on or before 18 April 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) View outstanding changes*

- (3) Notwithstanding anything in subsection (1) of this section,—
- (a) where a tenancy to which this Part of this Act applies ceases to be such a tenancy, it shall not come to an end by reason only of the cesser, but if it was granted for a term of years certain and has been continued by subsection (1) of this section then (without prejudice to the termination thereof in accordance with any terms of the tenancy) it may be terminated by not less than three nor more than six months' notice in writing given by the landlord to the tenant;
  - (b) where, at a time when a tenancy is not one to which this Part of this Act applies, the landlord gives notice to quit, the operation of the notice shall not be affected by reason that the tenancy becomes one to which this Part of this Act applies after the giving of the notice.]

#### Textual Amendments

- F1** S. 24 substituted by virtue of [Law of Property Act 1969 \(c. 59\)](#) , s. 15 , [Sch. 1](#)
- F2** Words in s. 24(1) substituted (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), arts. 1(3), [3\(1\)](#)
- F3** S. 24(2)(b) and preceding word repealed (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), art. 1(3), [Sch. 6](#)
- F4** S. 24(2A)-(2C) inserted (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), arts. 1(3), [3\(2\)](#)

#### Modifications etc. (not altering text)

- C1** S. 24 restricted by [Leasehold Reform Act 1967 \(c. 88\)](#) , s. [35\(2\)](#)
- C2** S. 24(1) amended by [Opencast Coal Act 1958 \(c. 69\)](#) , s. 37 , [Sch. 7 para. 22](#)
- C3** S. 24(3)(b) excluded by [Landlord and Tenant \(Licensed Premises\) Act 1990 \(c. 39, SIF 75:1\)](#) , s. [1\(2\)](#)

### [<sup>F5</sup>24A Applications for determination of interim rent while tenancy continues

- (1) Subject to subsection (2) below, if—
- (a) the landlord of a tenancy to which this Part of this Act applies has given notice under section 25 of this Act to terminate the tenancy; or
  - (b) the tenant of such a tenancy has made a request for a new tenancy in accordance with section 26 of this Act,
- either of them may make an application to the court to determine a rent (an “interim rent”) which the tenant is to pay while the tenancy (“the relevant tenancy”) continues by virtue of section 24 of this Act and the court may order payment of an interim rent in accordance with section 24C or 24D of this Act.
- (2) Neither the tenant nor the landlord may make an application under subsection (1) above if the other has made such an application and has not withdrawn it.
- (3) No application shall be entertained under subsection (1) above if it is made more than six months after the termination of the relevant tenancy.

#### Textual Amendments

- F5** Ss. 24A-24D substituted for s. 24A (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), arts. 1(3), [18](#)

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## **24B Date from which interim rent is payable**

- (1) The interim rent determined on an application under section 24A(1) of this Act shall be payable from the appropriate date.
- (2) If an application under section 24A(1) of this Act is made in a case where the landlord has given a notice under section 25 of this Act, the appropriate date is the earliest date of termination that could have been specified in the landlord's notice.
- (3) If an application under section 24A(1) of this Act is made in a case where the tenant has made a request for a new tenancy under section 26 of this Act, the appropriate date is the earliest date that could have been specified in the tenant's request as the date from which the new tenancy is to begin.

### **Textual Amendments**

- F5** Ss. 24A-24D substituted for s. 24A (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), arts. 1(3), **18**

## **24C Amount of interim rent where new tenancy of whole premises granted and landlord not opposed**

- (1) This section applies where—
  - (a) the landlord gave a notice under section 25 of this Act at a time when the tenant was in occupation of the whole of the property comprised in the relevant tenancy for purposes such as are mentioned in section 23(1) of this Act and stated in the notice that he was not opposed to the grant of a new tenancy; or
  - (b) the tenant made a request for a new tenancy under section 26 of this Act at a time when he was in occupation of the whole of that property for such purposes and the landlord did not give notice under subsection (6) of that section,and the landlord grants a new tenancy of the whole of the property comprised in the relevant tenancy to the tenant (whether as a result of an order for the grant of a new tenancy or otherwise).
- (2) Subject to the following provisions of this section, the rent payable under and at the commencement of the new tenancy shall also be the interim rent.
- (3) Subsection (2) above does not apply where—
  - (a) the landlord or the tenant shows to the satisfaction of the court that the interim rent under that subsection differs substantially from the relevant rent; or
  - (b) the landlord or the tenant shows to the satisfaction of the court that the terms of the new tenancy differ from the terms of the relevant tenancy to such an extent that the interim rent under that subsection is substantially different from the rent which (in default of such agreement) the court would have determined under section 34 of this Act to be payable under a tenancy which commenced on the same day as the new tenancy and whose other terms were the same as the relevant tenancy.
- (4) In this section “the relevant rent” means the rent which (in default of agreement between the landlord and the tenant) the court would have determined under section 34 of this Act to be payable under the new tenancy if the new tenancy had commenced on the appropriate date (within the meaning of section 24B of this Act).

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- (5) The interim rent in a case where subsection (2) above does not apply by virtue only of subsection (3)(a) above is the relevant rent.
- (6) The interim rent in a case where subsection (2) above does not apply by virtue only of subsection (3)(b) above, or by virtue of subsection (3)(a) and (b) above, is the rent which it is reasonable for the tenant to pay while the relevant tenancy continues by virtue of section 24 of this Act.
- (7) In determining the interim rent under subsection (6) above the court shall have regard—
- (a) to the rent payable under the terms of the relevant tenancy; and
  - (b) to the rent payable under any sub-tenancy of part of the property comprised in the relevant tenancy,
- but otherwise subsections (1) and (2) of section 34 of this Act shall apply to the determination as they would apply to the determination of a rent under that section if a new tenancy of the whole of the property comprised in the relevant tenancy were granted to the tenant by order of the court and the duration of that new tenancy were the same as the duration of the new tenancy which is actually granted to the tenant.
- (8) In this section and section 24D of this Act “the relevant tenancy” has the same meaning as in section 24A of this Act.

#### Textual Amendments

- F5** Ss. 24A-24D substituted for s. 24A (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), arts. 1(3), 18

#### **24D Amount of interim rent in any other case**

- (1) The interim rent in a case where section 24C of this Act does not apply is the rent which it is reasonable for the tenant to pay while the relevant tenancy continues by virtue of section 24 of this Act.
- (2) In determining the interim rent under subsection (1) above the court shall have regard—
- (a) to the rent payable under the terms of the relevant tenancy; and
  - (b) to the rent payable under any sub-tenancy of part of the property comprised in the relevant tenancy,
- but otherwise subsections (1) and (2) of section 34 of this Act shall apply to the determination as they would apply to the determination of a rent under that section if a new tenancy from year to year of the whole of the property comprised in the relevant tenancy were granted to the tenant by order of the court.
- (3) If the court—
- (a) has made an order for the grant of a new tenancy and has ordered payment of interim rent in accordance with section 24C of this Act, but
  - (b) either—
    - (i) it subsequently revokes under section 36(2) of this Act the order for the grant of a new tenancy; or
    - (ii) the landlord and tenant agree not to act on the order,

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the court on the application of the landlord or the tenant shall determine a new interim rent in accordance with subsections (1) and (2) above without a further application under section 24A(1) of this Act.]

**Textual Amendments**

**F5** Ss. 24A-24D substituted for s. 24A (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), arts. 1(3), **18**

**25 Termination of tenancy by the landlord.**

(1) The landlord may terminate a tenancy to which this Part of this Act applies by a 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 ”):

Provided that this subsection has effect subject to [<sup>F6</sup>the provisions of section 29B(4) of this Act and] the provisions of Part IV of this Act as to the interim continuation of tenancies pending the disposal of applications to the court.

(2) Subject to the provisions of the next following subsection, a notice under this section shall not have effect unless it is given not more than twelve nor less than six months before the date of the termination specified therein.

(3) In the case of a tenancy which apart from this Act could have been brought to an end by notice to quit given by the landlord—

(a) the date of termination specified in a notice under this section shall not be earlier than the earliest date on which apart from this Part of this Act the tenancy could have been brought to an end by notice to quit given by the landlord on the date of the giving of the notice under this section; and

(b) where apart from this Part of this Act more than six months’ notice to quit would have been required to bring the tenancy to an end, the last foregoing subsection shall have effect with the substitution for twelve months of a period six months longer than the length of notice to quit which would have been required as aforesaid.

(4) In the case of any other tenancy, a notice under this section shall not specify a date of termination earlier than the date on which apart from this Part of this Act the tenancy would have come to an end by effluxion of time.

<sup>F7</sup>(5) .....

[<sup>F8</sup>(6) A notice under this section shall not have effect unless it states whether the landlord is opposed to the grant of a new tenancy to the tenant.

(7) A notice under this section which states that the landlord is opposed to the grant of a new tenancy to the tenant shall not have effect unless it also specifies one or more of the grounds specified in section 30(1) of this Act as the ground or grounds for his opposition.

(8) A notice under this section which states that the landlord is not opposed to the grant of a new tenancy to the tenant shall not have effect unless it sets out the landlord’s proposals as to—

(a) the property to be comprised in the new tenancy (being either the whole or part of the property comprised in the current tenancy);

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- (b) the rent to be payable under the new tenancy; and
- (c) the other terms of the new tenancy.]

#### Textual Amendments

- F6** Words in s. 25(1) inserted (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), arts. 1(3), **11**
- F7** S. 25(5) repealed (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), arts. 1(3), 4(1), **Sch. 6**
- F8** S. 25(6)-(8) substituted for s. 25(6) (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), arts. 1(3), **4(2)**

#### Modifications etc. (not altering text)

- C4** S. 25 restricted by [Leasehold Reform Act 1967 \(c. 88\)](#) , **s. 35(2)** ; excluded by [Leasehold Reform Act 1967 \(c. 88\)](#) , ss. 22(1) , 34 , **Sch. 3 para. 2(2)**

## 26 Tenant's request for a new tenancy.

- (1) A tenant's request for a new tenancy may be made where the [<sup>F9</sup>current tenancy] is a tenancy granted for a term of years certain exceeding one year, whether or not continued by section twenty-four of this Act, or granted for a term of years certain and thereafter from year to year.
- (2) A tenant's request for a new tenancy shall be for a tenancy beginning with such date, not more than twelve nor less than six months after the making of the request, as may be specified therein:  
 Provided that the said date shall not be earlier than the date on which apart from this Act the current tenancy would come to an end by effluxion of time or could be brought to an end by notice to quit given by the tenant.
- (3) A tenant's request for a new tenancy shall not have effect unless it is made by notice in the prescribed form given to the landlord and sets out the tenant's proposals as to the property to be comprised in the new tenancy (being either the whole or part of the property comprised in the current tenancy), as to the rent to be payable under the new tenancy and as to the other terms of the new tenancy.
- (4) A tenant's request for a new tenancy shall not be made if the landlord has already given notice under the last foregoing section to terminate the current tenancy, or if the tenant has already given notice to quit or notice under the next following section; and no such notice shall be given by the landlord or the tenant after the making by the tenant of a request for a new tenancy.
- (5) Where the tenant makes a request for a new tenancy in accordance with the foregoing provisions of this section, the current tenancy shall, subject to the provisions of [<sup>F10</sup>sections 29B(4) and 36(2)] of this Act and the provisions of Part IV of this Act as to the interim continuation of tenancies, terminate immediately before the date specified in the request for the beginning of the new tenancy.
- (6) Within two months of the making of a tenant's request for a new tenancy the landlord may give notice to the tenant that he will oppose an application to the court for the grant of a new tenancy, and any such notice shall state on which of the grounds mentioned in section thirty of this Act the landlord will oppose the application.

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#### Textual Amendments

- F9** Words in s. 26(1) substituted (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), art. 1(3), **Sch. 5 para. 3**
- F10** Words in s. 26(5) substituted (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), arts. 1(3), **12**

#### Modifications etc. (not altering text)

- C5** S. 26 excluded by [Leasehold Reform Act 1967 \(c. 88\)](#), ss. 17, 18, **Sch. 2 para. 6(1)**  
S. 26 restricted (1.11.1993) by [1993 c. 28](#), s. 61, **Sch. 14**, para. 6(1); [S.I. 1993/2134](#), **art. 5**

### [<sup>F11</sup>27] Termination by tenant of tenancy for fixed term.

- (1) Where the tenant under a tenancy to which this Part of this Act applies, being a tenancy granted for a term of years certain, gives to the immediate landlord, not later than three months before the date on which apart from this Act the tenancy would come to an end by effluxion of time, a notice in writing that the tenant does not desire the tenancy to be continued, section 24 of this Act shall not have effect in relation to the tenancy, unless the notice is given before the tenant has been in occupation in right of the tenancy for one month.

[ Section 24 of this Act shall not have effect in relation to a tenancy for a term of years <sup>F12</sup>(1A) certain where the tenant is not in occupation of the property comprised in the tenancy at the time when, apart from this Act, the tenancy would come to an end by effluxion of time.]

- (2) A tenancy granted for a term of years certain which is continuing by virtue of section 24 of this Act [<sup>F13</sup>shall not come to an end by reason only of the tenant ceasing to occupy the property comprised in the tenancy but ] may be brought to an end on any <sup>F14</sup>... day by not less than three months' notice in writing given by the tenant to the immediate landlord, whether the notice is given after the date on which apart from this Act the tenancy would have come to an end or before that date, but not before the tenant has been in occupation in right of the tenancy for one month. ]

[<sup>F15</sup>(3) Where a tenancy is terminated under subsection (2) above, any rent payable in respect of a period which begins before, and ends after, the tenancy is terminated shall be apportioned, and any rent paid by the tenant in excess of the amount apportioned to the period before termination shall be recoverable by him.]

#### Textual Amendments

- F11** S. 27 substituted by virtue of [Law of Property Act 1969 \(c. 59\)](#), s. 15, **Sch. 1**
- F12** S. 27(1A) inserted (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), arts. 1(3), **25(1)**
- F13** Words in s. 27(2) inserted (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), arts. 1(3), **25(2)(a)**
- F14** Word in s. 27(2) repealed (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), arts. 1(3), 25(2)(b), **Sch. 6**
- F15** S. 27(3) inserted (1.6.2004) by [Regulatory Reform \(Business Tenancies\) \(England and Wales\) Order 2003 \(S.I. 2003/3096\)](#), arts. 1(3), **25(3)**

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**Modifications etc. (not altering text)**

C6 S. 27(1) extended by [Leasehold Reform Act 1967 \(c. 88\)](#) , ss. 22(1) , 34 , [Sch. 3 para. 1\(3\)](#)

**28 Renewal of tenancies by agreement.**

Where the landlord and tenant agree for the grant to the tenant of a future tenancy of the holding, or of the holding with other land, on terms and from a date specified in the agreement, the current tenancy shall continue until that date but no longer, and shall not be a tenancy to which this Part of this Act applies.



**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 34(5) inserted by [2022 c. 46 s. 61\(5\)](#)
- s. 34A inserted by [2022 c. 46 s. 61\(2\)](#)
- s. 34B34C inserted by [2022 c. 46 s. 63](#)
- s. 63(2A)-(2C) inserted by [2022 c. 46 s. 65](#)