



# Landlord and Tenant Act 1954

1954 CHAPTER 56 2 and 3 Eliz 2

## PART II

SECURITY OF TENURE FOR BUSINESS, PROFESSIONAL AND OTHER TENANTS

### *General and supplementary provisions*

#### 43 Tenancies excluded from Part II.

(1) This Part of this Act does not apply—

(a) to a tenancy of an agricultural holding [<sup>F1</sup>]<sup>F2</sup> which is a tenancy in relation to which the Agricultural Holdings Act 1986 applies or a tenancy which would be a tenancy of an agricultural holding in relation to which that Act applied if subsection (3) of section 2 of that Act [<sup>F3</sup>] did not have effect or, in a case where approval was given under subsection (1) of that section, if that approval had not been given];

[<sup>F4</sup>(aa) to a farm business tenancy;]

(b) to a tenancy created by a mining lease;

(c) .....<sup>F5</sup>

[<sup>F6</sup>]<sup>F7</sup>(d) to a tenancy of premises licensed for the sale of intoxicating liquor for consumption on the premises, other than—

(i) premises which are structurally adapted to be used, and are bona fide used, for a business which comprises one or both of the following, namely, the reception of guests and travellers desiring to sleep on the premises and the carrying on of a restaurant, being a business a substantial proportion of which consists of transactions other than the sale of intoxicating liquor;

(ii) premises adapted to be used, and bona fide used, only for one or more of the following purposes, namely, for judicial or public administrative purposes, or as a theatre or place of public or private entertainment, or as public gardens or picture galleries, or for

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*Changes to legislation: Landlord and Tenant Act 1954, Section 43 is up to date with all changes known to be in force on or before 17 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*

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exhibitions, or for any similar purpose to which the holding of the licence is merely ancillary;

(iii) premises adapted to be used, and bona fide used, as refreshment rooms at a railway station.]]

(2) This Part of this Act does not apply to a tenancy granted by reason that the tenant was the holder of an office, appointment or employment from the grantor thereof and continuing only so long as the tenant holds the office, appointment or employment, or terminable by the grantor on the tenant's ceasing to hold it, or coming to an end at a time fixed by reference to the time at which the tenant ceases to hold it:

Provided that this subsection shall not have effect in relation to a tenancy granted after the commencement of this Act unless the tenancy was granted by an instrument in writing which expressed the purpose for which the tenancy was granted.

[<sup>F8</sup>(3) This Part of this Act does not apply to a tenancy granted for a term certain not exceeding six months unless—

- (a) the tenancy contains provision for renewing the term or for extending it beyond six months from its beginning; or
- (b) the tenant has been in occupation for a period which, together with any period during which any predecessor in the carrying on of the business carried on by the tenant was in occupation, exceeds twelve months.]

[<sup>F9</sup>(4) This Part does not apply to a tenancy—

- (a) the primary purpose of which is to grant code rights within the meaning of Schedule 3A to the Communications Act 2003 (the electronic communications code), and
- (b) which is granted after that Schedule comes into force.]

#### **Textual Amendments**

- F1** Words added retrospectively by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 29**
- F2** Words in s. 43(1)(a) substituted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 10(a)** (with s. 37)
- F3** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 21**
- F4** S. 43(1)(aa) inserted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 10(b)** (with s. 37)
- F5** S. 43(1)(c) repealed by [Housing Act 1980 \(c. 51\)](#), **Sch. 26**
- F6** S. 43(1) (d) repealed (in relation to any tenancy entered into on or after 11th July 1989) by [Landlord and Tenant \(Licensed Premises\) Act 1990 \(c. 39, SIF 75:1\)](#), ss. **1(1)(2)**, 2(2)(a)
- F7** S. 43(1)(d) substituted by [Finance Act 1959 \(c. 58\)](#), **Sch. 2 para. 5**
- F8** S. 43(3) substituted by virtue of [Law of Property Act 1969 \(c. 59\)](#), s. 15, **Sch. 1** in relation to tenancies granted after 1.1.1970
- F9** S. 43(4) inserted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), **Sch. 3 para. 4**; S.I. 2017/1286, reg. 2(d)

**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](#)