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STATUTORY INSTRUMENTS

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**2003 No. 3096**

**The Regulatory Reform (Business Tenancies) (England and Wales) Order 2003**

*APPLICATIONS TO COURT BY LANDLORD OR TENANT*

**Landlord's application to terminate tenancy**

5. For section 29 (order by court for grant of a new tenancy) and the cross-heading immediately preceding it substitute—

*“APPLICATIONS TO COURT*

*Order by court for grant of new tenancy or termination of current tenancy*

29.—(1) Subject to the provisions of this Act, on an application under section 24(1) of this Act, the court shall make an order for the grant of a new tenancy and accordingly for the termination of the current tenancy immediately before the commencement of the new tenancy.

(2) Subject to the following provisions of this Act, a landlord may apply to the court for an order for the termination of a tenancy to which this Part of this Act applies without the grant of a new tenancy—

- (a) if he has given notice under section 25 of this Act that he is opposed to the grant of a new tenancy to the tenant; or
- (b) if the tenant has made a request for a new tenancy in accordance with section 26 of this Act and the landlord has given notice under subsection (6) of that section.

(3) The landlord may not make an application under subsection (2) above if either the tenant or the landlord has made an application under section 24(1) of this Act.

(4) Subject to the provisions of this Act, where the landlord makes an application under subsection (2) above—

- (a) if he establishes, to the satisfaction of the court, any of the grounds on which he is entitled to make the application in accordance with section 30 of this Act, the court shall make an order for the termination of the current tenancy in accordance with section 64 of this Act without the grant of a new tenancy; and
- (b) if not, it shall make an order for the grant of a new tenancy and accordingly for the termination of the current tenancy immediately before the commencement of the new tenancy.

(5) The court shall dismiss an application by the landlord under section 24(1) of this Act if the tenant informs the court that he does not want a new tenancy.

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