
STATUTORY INSTRUMENTS

2003 No. 3096

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

AGREEMENTS TO EXCLUDE SECURITY OF TENURE

Amendments to section 38

- 21.**—(1) In section 38(1) (restrictions on agreements excluding provisions of Part 2)(1) for “subsection (4) of this section” substitute “section 38A of this Act”.
- (2) Omit section 38(4).

Agreements to exclude sections 24 to 28

- 22.**—(1) After section 38 insert—

“Agreements to exclude provisions of Part 2

38A.—(1) The persons who will be the landlord and the tenant in relation to a tenancy to be granted for a term of years certain which will be a tenancy to which this Part of this Act applies may agree that the provisions of sections 24 to 28 of this Act shall be excluded in relation to that tenancy.

(2) The persons who are the landlord and the tenant in relation to a tenancy to which this Part of this Act applies may agree that the tenancy shall be surrendered on such date or in such circumstances as may be specified in the agreement and on such terms (if any) as may be so specified.

(3) An agreement under subsection (1) above shall be void unless—

- (a) the landlord has served on the tenant a notice in the form, or substantially in the form, set out in Schedule 1 to the Regulatory Reform (Business Tenancies) (England and Wales) Order 2003 (“the 2003 Order”); and
- (b) the requirements specified in Schedule 2 to that Order are met.

(4) An agreement under subsection (2) above shall be void unless—

- (a) the landlord has served on the tenant a notice in the form, or substantially in the form, set out in Schedule 3 to the 2003 Order; and
- (b) the requirements specified in Schedule 4 to that Order are met.”

(2) Schedules 1 to 4 to this Order shall have effect.

(1) The words in section 38(1) which are being substituted by this Order, together with section 38(4), were themselves added by section 5 of the Law of Property Act 1969.