
STATUTORY INSTRUMENTS

2003 No. 3096

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

FINAL PROVISIONS

Consequential amendments, repeals and subordinate provisions

28.—(1) Schedule 5 to this Order, which contains amendments consequential on the provisions of this Order, shall have effect.

(2) The enactments specified in Schedule 6 to this Order are repealed to the extent mentioned in the third column of that Schedule.

(3) Schedules 1 to 4 to this Order are designated as subordinate provisions for the purposes of section 4 of the Regulatory Reform Act 2001.

(4) A subordinate provisions order relating to the subordinate provisions designated by paragraph (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) The power to make a subordinate provisions order relating to those provisions is to be exercisable in relation to Wales by the National Assembly for Wales concurrently with a Minister of the Crown.

(6) Paragraph (4) above does not apply to a subordinate provisions order made by the National Assembly for Wales.

(7) The notices and statutory declarations set out in Schedules 1 to 4 to this Order shall be treated for the purposes of section 26 of the Welsh Language Act 1993⁽¹⁾ (power to prescribe Welsh forms) as if they were specified by an Act of Parliament; and accordingly the power conferred by section 26(2) of that Act may be exercised in relation to those notices and declarations.

Transitional provisions

29.—(1) Where, before this Order came into force—

(a) the landlord gave the tenant notice under section 25 of the Act; or

(b) the tenant made a request for a new tenancy in accordance with section 26 of the Act,

nothing in this Order has effect in relation to the notice or request or anything done in consequence of it.

(2) Nothing in this Order has effect in relation—

(a) to an agreement—

(i) for the surrender of a tenancy which was made before this Order came into force and which fell within section 24(2)(b) of the Act; or

- (ii) which was authorised by the court under section 38(4) of the Act before this Order came into force; or
 - (b) to a notice under section 27(2) of the Act which was given by the tenant to the immediate landlord before this Order came into force.
- (3) Any provision in a tenancy which requires an order under section 38(4) of the Act to be obtained in respect of any subtenancy shall, so far as is necessary after the coming into force of this Order, be construed as if it required the procedure mentioned in section 38A of the Act to be followed, and any related requirement shall be construed accordingly.
- (4) If a person has, before the coming into force of this Order, entered into an agreement to take a tenancy, any provision in that agreement which requires an order under section 38(4) of the Act to be obtained in respect of the tenancy shall continue to be effective, notwithstanding the repeal of that provision by Article 21(2) of this Order, and the court shall retain jurisdiction to make such an order.
- (5) Article 20 above does not have effect where the tenant quit the holding before this Order came into force.
- (6) Nothing in Articles 23 and 24 above applies to a notice under section 40 of the Act served before this Order came into force.