
STATUTORY INSTRUMENTS

2003 No. 3096

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

MISCELLANEOUS AMENDMENTS

Termination by tenant of tenancy

25.—(1) After section 27(1) (termination by tenant of fixed term tenancy at end of term)⁽¹⁾ insert—

“(1A) Section 24 of this Act shall not have effect in relation to a tenancy for a term of years 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) In section 27(2) (termination by tenant of fixed term tenancy continuing by virtue of section 24)—

- (a) after “of this Act” insert “shall not come to an end by reason only of the tenant ceasing to occupy the property comprised in the tenancy but”; and
- (b) omit the word “quarter”.

(3) After that subsection insert—

“(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.”.

Maximum duration of new tenancy

26. In section 33 (duration of new tenancy) for the word “fourteen” substitute the word “fifteen”.

Divided reversions

27.—(1) In section 44(1)(2) (meaning of “landlord”), for “the next following subsection,” substitute “subsections (1A) and (2) below,”.

(2) After section 44(1) insert—

“(1A) The reference in subsection (1) above to a person who is the owner of an interest such as is mentioned in that subsection is to be construed, where different persons own such interests in different parts of the property, as a reference to all those persons collectively.”.

(1) Section 27 was amended by section 4(2) of the Law of Property Act 1969 (c. 59).

(2) Section 44(1) was amended by section 14(1) of the Law of Property Act 1969 (c. 59).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) In section 35(1)(3) (other terms of new tenancy), after the word “thereunder)” insert “, including, where different persons own interests which fulfil the conditions specified in section 44(1) of this Act in different parts of it, terms as to the apportionment of the rent,”.