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SCHEDULE 2

PRESCRIBED FORMS

Form 4

LANDLORD'S REQUEST FOR INFORMATION ABOUT OCCUPATION AND SUB-TENANCIES

Form 4

**LANDLORD'S REQUEST FOR INFORMATION ABOUT OCCUPATION
AND SUB-TENANCIES**

Section 40(1) of the Landlord and Tenant Act 1954

To: *(insert name and address of tenant)*

From: *(insert name and address of landlord)*

1. This notice relates to the following premises: *(insert address or description of premises)*

2. I give you notice under section 40(1) of the Landlord and Tenant Act 1954 that I require you to provide information—

- (a) by answering questions (1) to (3) in the Table below;
- (b) if you answer "yes" to question (2), by giving me the name and address of the person or persons concerned;
- (c) if you answer "yes" to question (3), by also answering questions (4) to (10) in the Table below;
- (d) if you answer "no" to question (8), by giving me the name and address of the sub-tenant; and
- (e) if you answer "yes" to question (10), by giving me details of the notice or request.

TABLE

(1) Do you occupy the premises or any part of them wholly or partly for the purposes of a business that is carried on by you?
(2) To the best of your knowledge and belief, does any other person own an interest in reversion in any part of the premises?
(3) Does your tenancy have effect subject to any sub-tenancy on which your tenancy is immediately expectant?
(4) What premises are comprised in the sub-tenancy?
(5) For what term does it have effect or, if it is terminable by notice, by what notice can it be terminated?
(6) What is the rent payable under it?
(7) Who is the sub-tenant?
(8) To the best of your knowledge and belief, is the sub-tenant in occupation of the premises or of part of the premises comprised in the sub-tenancy?

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(9) Is an agreement in force excluding, in relation to the sub-tenancy, the provisions of sections 24 to 28 of the Landlord and Tenant Act 1954?
(10) Has a notice been given under section 25 or 26(6) of that Act, or has a request been made under section 26 of that Act, in relation to the sub-tenancy?

3. You must give the information concerned in writing and within the period of one month beginning with the date of service of this notice.

4. Please send all correspondence about this notice to:

Name:

Address:

Signed:

Date:

*[Landlord] *[on behalf of the landlord] **delete whichever is inapplicable*

IMPORTANT NOTE FOR THE TENANT

This notice contains some words and phrases that you may not understand. The Notes below should help you, but it would be wise to seek professional advice, for example, from a solicitor or surveyor, before responding to this notice.

Once you have provided the information required by this notice, you must correct it if you realise that it is not, or is no longer, correct. This obligation lasts for six months from the date of service of this notice, but an exception is explained in the next paragraph. If you need to correct information already given, you must do so within one month of becoming aware that the information is incorrect.

The obligation will cease if, after transferring your tenancy, you notify the landlord of the transfer and of the name and address of the person to whom your tenancy has been transferred.

If you fail to comply with the requirements of this notice, or the obligation mentioned above, you may face civil proceedings for breach of the statutory duty that arises under section 40 of the Landlord and Tenant Act 1954. In any such proceedings a court may order you to comply with that duty and may make an award of damages.

NOTES

The sections mentioned below are sections of the Landlord and Tenant Act 1954, as amended, (most recently by the Regulatory Reform (Business Tenancies) (England and Wales) Order 2003)

Purpose of this notice

Your landlord (or, if he or she is a tenant, possibly your landlord's landlord) has sent you this notice in order to obtain information about your occupation and that of any sub-tenants. This information may be relevant to the taking of steps to end or renew your business tenancy.

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Time limit for replying

You must provide the relevant information within one month of the date of service of this notice (section 40(1), (2) and (5)).

Information required

You do not have to give your answers on this form; you may use a separate sheet for this purpose. The notice requires you to provide, in writing, information in the form of answers to questions (1) to (3) in the Table above and, if you answer "yes" to question (3), also to provide information in the form of answers to questions (4) to (10) in that Table. Depending on your answer to question (2) and, if applicable in your case, questions (8) and (10), you must also provide the information referred to in paragraph 2(b), (d) and (e) of this notice. Question (2) refers to a person who owns an interest in reversion. You should answer "yes" to this question if you know or believe that there is a person who receives, or is entitled to receive, rent in respect of any part of the premises (other than the landlord who served this notice).

When you answer questions about sub-tenants, please bear in mind that, for these purposes, a sub-tenant includes a person retaining possession of premises by virtue of the Rent (Agriculture) Act 1976 or the Rent Act 1977 after the coming to an end of a sub-tenancy, and "sub-tenancy" includes a right so to retain possession (section 40(8)).

You should keep a copy of your answers and of any other information provided in response to questions (2), (8) or (10) above.

If, once you have given this information, you realise that it is not, or is no longer, correct, you must give the correct information within one month of becoming aware that the previous information is incorrect. Subject to the next paragraph, your duty to correct any information that you have already given continues for six months after you receive this notice (section 40(5)). You should give the correct information to the landlord who gave you this notice unless you receive notice of the transfer of his or her interest, and of the name and address of the person to whom that interest has been transferred. In that case, the correct information must be given to that person.

If you transfer your tenancy within the period of six months referred to above, your duty to correct information already given will cease if you notify the landlord of the transfer and of the name and address of the person to whom your tenancy has been transferred.

If you do not provide the information requested, or fail to correct information that you have provided earlier, after realising that it is not, or is no longer, correct, proceedings may be taken against you and you may have to pay damages (section 40B).

If you are in any doubt about the information that you should give, get immediate advice from a solicitor or a surveyor.

Validity of this notice

The landlord who has given you this notice may not be the landlord to whom you pay your rent (sections 44 and 67). This does not necessarily mean that the notice is invalid.

If you have any doubts about whether this notice is valid, get advice immediately from a solicitor or a surveyor.

Further information

An explanation of the main points to consider when renewing or ending a business tenancy, "Renewing and Ending Business Leases: a Guide for Tenants and Landlords", can be found at www.odpm.gov.uk. Printed copies of the explanation, but not of this form, are available from 1st June 2004 from Free Literature, PO Box 236, Wetherby, West Yorkshire, LS23 7NB (0870 1226 236).