



# Law of Property Act 1969

## 1969 CHAPTER 59

### PART I

#### AMENDMENT OF PART II OF LANDLORD AND TENANT ACT 1954

##### *Provisions as to rent*

#### **1 Improvements to be disregarded in fixing rent**

(1) In section 34 of the Act of 1954 (rent under new tenancy) the following paragraph shall be substituted for paragraph (c) (improvements to be disregarded):—

“(c) any effect on rent of an improvement to which this paragraph applies” and the following subsection shall be added (the present section, as amended by the foregoing provisions, becoming subsection (1)):—

“(2) Paragraph (c) of the foregoing subsection applies to any improvement carried out by a person who at the time it was carried out was the tenant, but only if it was carried out otherwise than in pursuance of an obligation to his immediate landlord, and either it was carried out during the current tenancy or the following conditions are satisfied, that is to say,—

- (a) that it was completed not more than twenty-one years before the application for the new tenancy was made; and
- (b) that the holding or any part of it affected by the improvement has at all times since the completion of the improvement been comprised in tenancies of the description specified in section 23(1) of this Act; and
- (c) that at the termination of each of those tenancies the tenant did not quit.”

(2) In section 41(1)(b) and section 42(2)(b) of the Act of 1954 the words " subsection (1) of " shall be inserted before the words " section 34 " .

## 2 Determination of variable rent

At the end of section 34 of the Act of 1954 (rent under new tenancy) there shall be added the following subsection:—

“(3) Where the rent is determined by the court the court may, if it thinks fit, further determine that the terms of the tenancy shall include such provision for varying the rent as may be specified in the determination.”

## 3 Rent while tenancy continues by virtue of s. 24 of Act of 1954

(1) After section 24 of the Act of 1954 there shall be inserted the following section:—

(1) The landlord of a tenancy to which this Part of this Act applies may.—

- (a) if he has given notice under section 25 of this Act to terminate the tenancy ; or
- (b) if the tenant has made a request for a new tenancy in accordance with section 26 of this Act;

apply to the court to determine a rent which it would be reasonable for the tenant to pay while the tenancy continues by virtue of section 24 of this Act, and the court may determine a rent accordingly.

(2) A rent determined in proceedings under this section shall be deemed to be the rent payable under the tenancy from the date on which the proceedings were commenced or the date specified in the landlord's notice or the tenant's request, whichever is the later.

(3) In determining a rent under this section the court shall have regard to the rent payable under the terms of the tenancy, but otherwise subsections (1) and (2) of section 34 of this Act shall apply to the determination as they would apply to the determination of a rent under that section if a new tenancy from year to year of the whole of the property comprised in the tenancy were granted to the tenant by order of the court.”

(2) In section 24(1)(a) of the Act of 1954 for the words " the next following section " there shall be substituted the words " section 25 of this Act " .